

## Summary of Relevant Authorities

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Statute	Description	Effect on the Division of Realty
<b>Agricultural Credit Act of 1987, 12 U.S.C. 2001-2279aa-14 (1988), P.L. 100-233, as amended</b>	<ul style="list-style-type: none"> <li>Provides credit assistance to farmers, strengthens the Farm Credit System, and facilitates the establishment of secondary markets for agricultural loans.</li> </ul>	<ul style="list-style-type: none"> <li>Authorizes the Farm Service Agency (formerly Farmer's Home Administration) to transfer fee title or assign interests in real estate to the Service for the protection of floodplains, wetlands, and surrounding uplands.</li> </ul>
<b>Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3101-3233 (1980)</b>	<ul style="list-style-type: none"> <li>Designates certain public lands in Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Wilderness Preservation, and National Forest Systems, resulting in the expansion of these systems.</li> </ul>	<ul style="list-style-type: none"> <li>Expanded existing and established new refuges in the National Wildlife Refuge System.</li> <li>Provides comprehensive management guidance for all public lands in Alaska, including land acquisition, wilderness, subsistence, transportation and utility corridors, oil and gas leasing, mining, public access, hunting, trapping and fishing, and implementation of the Alaska Native Claims Settlement Act.</li> <li>Makes many technical amendments to the Native Claims Settlement Act and requires several studies and reports to Congress.</li> </ul>
<b>Alaska Native Claims Settlement Act, 43 U.S.C. 1601-1624 (1971)</b>	<ul style="list-style-type: none"> <li>A land claims settlement authorizing Alaska Natives to select and receive title to 44 million acres of public land in Alaska, and \$962,000,000 in cash as settlement of their aboriginal claim to land in Alaska.</li> <li>Creates some complex ownership patterns and management problems.</li> </ul>	<ul style="list-style-type: none"> <li>Sections 1611(a)(1) and 1621(e) give the Service ownership of 809,389 hectares (2 million acres) of surface-only in pre-1971 refuges and 607,050 hectares (1.5 million acres) of surface-only in post-1971 refuges.</li> <li>These "22(g) lands" are managed as "easement interest" lands. (See 50 CFR 29.21-1(b).)</li> <li>Section 1621(g) reserves to the United States the right of first refusal if the patentee ever sells these lands.</li> <li>Section 1621(f) expands the Secretary's exchange authority in Alaska to include exchanges for other than equal value if it is in the public interest.</li> </ul>
<b>Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1000-1013 (1937)</b>	<ul style="list-style-type: none"> <li>Authorizes the Secretary of Agriculture to protect property for fish, wildlife, and natural resources, and to</li> </ul>	<ul style="list-style-type: none"> <li>Directs the Secretary of Agriculture to develop a program for land conservation and use it to correct problems with land use, as well as to help in soil erosion control, reforestation, natural resources</li> </ul>

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	<p>sell, exchange, lease, or dispose of acquired property.</p> <ul style="list-style-type: none"> <li>Led to the establishment of some of the earliest National Wildlife Refuges and hatcheries.</li> </ul>	<p>preservation, and fish and wildlife protection efforts.</p> <ul style="list-style-type: none"> <li>Under the authority of this Act, the Resettlement Administration acquired land. Executive Orders then designated some of these lands as National Wildlife Refuges, leading to the establishment of National Wildlife Refuges across the country.</li> </ul>
<p><b>Colorado River Storage Project Act, 43 U.S.C. 620-620o (1956) (except certain sections classified to the Colorado River Basin Project Act)</b></p>	<ul style="list-style-type: none"> <li>One of many laws addressing water projects in the Colorado River Basin.</li> <li>Some sections of this Act are classified as the Colorado River Basin Project Act (43 U.S.C. 1501-1556), which provided a program for the comprehensive development of the water resources of the Colorado River Basin and directed the Secretary of the Interior (Secretary) to develop a regional water plan to serve as a framework under which projects in the Basin may be coordinated and constructed.</li> </ul>	<ul style="list-style-type: none"> <li>Authorizes and directs us to investigate, plan, construct, and operate facilities to mitigate losses of, and improve conditions for, fish and wildlife, in connection with the Colorado River Storage Project and participating projects, which include dams, power plants, reservoirs, and related works.</li> <li>Authorizes the Secretary to acquire lands and to lease or convey lands and facilities to a State or other agencies.</li> <li>Led to the establishment of several National Wildlife Refuges.</li> </ul>
<p><b>Emergency Wetlands Resources Act of 1986, 16 U.S.C. 3901-3932</b></p>	<ul style="list-style-type: none"> <li>Promotes the conservation of U.S. wetlands to maintain the public benefits that wetlands provide.</li> <li>Helps fulfill international obligations contained in various migratory bird treaties and conventions by intensifying the management, conservation, and acquisition efforts for wetlands.</li> <li>Raised the price of duck stamps.</li> </ul>	<ul style="list-style-type: none"> <li>Section 3912 requires the amount of import duties collected on arms and ammunition to be paid into the Migratory Bird Conservation Fund.</li> <li>Section 3921 requires that we establish, and periodically review and revise, the National Wetlands Priority Conservation Plan. This plan must specify, on a Region-by-Region basis, the types of wetlands and interests in wetlands that Federal agencies and States should give priority to when acquiring wetlands.</li> <li>Authorizes us to purchase wetlands using Land and Water Conservation Fund money, which removes a prior restriction on using those funds.</li> <li>Authorizes us to purchase wetlands or interests in wetlands not acquired under the authority of the Migratory Bird Conservation Act of 1929 in compliance with the National Wetlands Priority Conservation Plan established under Section 3921.</li> <li>Section 3923 prohibits us from using condemnation or eminent</li> </ul>

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<p><b>Endangered Species Act (ESA), 16 U.S.C. 1531-1543 (1973)</b></p>	<ul style="list-style-type: none"> <li>• Established the framework for protecting species at risk for extinction.</li> <li>• Under the ESA, more than 25 National Wildlife Refuges have been added to the National Wildlife Refuge System.</li> </ul>	<p>domain to acquire wetlands under this Act when the wetlands were constructed for farming or ranching, or are the result of conservation activities associated with farming or ranching.</p> <ul style="list-style-type: none"> <li>• Section 1534 addresses land acquisition under the ESA.</li> <li>• Section 1534(a)(1) directs us to acquire lands, waters, or interests in land or waters under the Fish and Wildlife Act of 1956, the Fish and Wildlife Coordination Act, and the Migratory Bird Conservation Act, to establish and implement a conservation program for fish, wildlife, and plants, including species listed under the ESA as threatened or endangered.</li> <li>• Section 1534(a)(2) authorizes us to acquire lands, waters, or interests in land or waters by purchase, donation, or other means.</li> <li>• Section 1534(b) allows us to use the Land and Water Conservation Fund to purchase lands, waters, or interests in lands or waters under the ESA.</li> <li>• In addition, Section 7 of the ESA requires Federal agencies to ensure that when the agency authorizes, funds, or carries out an action, the action is not likely to jeopardize the continued existence of a listed species or modify the listed species' critical habitat.</li> </ul>
<p><b>Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701-1785 (1976)</b></p>	<ul style="list-style-type: none"> <li>• Called the organic act for the Bureau of Land Management (BLM) because FLPMA consolidated and set out their management responsibilities.</li> <li>• Section 1712 establishes guidelines for public land use planning.</li> <li>• The Act's main policies are to:               <ol style="list-style-type: none"> <li>(1) Retain Federal ownership of public lands, unless we determine that disposal of a particular parcel will serve the national interest; and</li> <li>(2) Periodically and systematically inventory the present and future use of public lands.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Section 1711 directs the Secretary to:               <ol style="list-style-type: none"> <li>(1) Prepare and maintain an inventory of all public lands and their resource and other values, giving priority to areas of critical environmental concern;</li> <li>(2) Ascertain the boundaries of the public lands;</li> <li>(3) Provide means of public identification, including signs and maps; and</li> <li>(4) Provide inventory data to State and local governments.</li> </ol> </li> <li>• Section 1713 provides guidelines for the sale of public land tracts, including guidelines addressing the:               <ol style="list-style-type: none"> <li>(1) Criteria for disposal,</li> <li>(2) Conveyance of agricultural and desert land,</li> <li>(3) Congressional approval procedures for tracts greater than 2,500 acres,</li> <li>(4) Price,</li> <li>(5) Maximum size of tracts,</li> <li>(6) Competitive bidding requirements, and</li> </ol> </li> </ul>

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		<p>(7) Acceptance or rejection of offers to purchase.</p> <ul style="list-style-type: none"> <li>Sections 1714-1718 and Section 1721 provide specific guidelines for the Secretary and the Department of Agriculture for the withdrawal, acquisition, exchange, and conveyance of public lands.</li> <li>Authorizes the withdrawal (from operation of public land laws), reservation (for specific purposes, such as a refuge or hatchery), and revocation (when no longer needed for a specified purpose) of public lands (owned by the United States and administered by BLM).</li> <li>Authorizes the exchange of public land for non-Federal lands or interests in them.</li> <li>Section 1716 requires that when we exchange land to acquire land within the approved acquisition boundaries of any refuge in the National Wildlife Refuge System, the latter becomes part of the refuge and is managed in connection with that refuge.</li> </ul>
<p><b>Federal Land Transaction Facilitation Act, 43 U.S.C. 2301-2306 (2000)</b></p>	<ul style="list-style-type: none"> <li>Establishes guidelines and procedures for acquiring, exchanging, and disposing of land within the boundaries of Federal land management units.</li> <li>The Act defines a “federally-designated area” as lands located in Alaska and the eleven contiguous Western States that on July 25, 2000, were within the boundaries of certain land management units, including, but not limited to, the National Wildlife Refuge System. See 43 U.S.C. 2302 for all lands defined as federally-designated areas.</li> </ul>	<ul style="list-style-type: none"> <li>Requires that the Secretary and the Secretary of Agriculture establish a procedure to identify and prioritize the acquisition of inholdings (any right, title, or interest in or to land within a federally-designated area held by a non-Federal entity) for which the landowner has indicated a desire to sell the land or interest in the land to the United States.</li> <li>Establishes the Federal Land Disposal Account and requires that the proceeds from the sale or exchange of public lands under this Act fund that account.</li> <li>Makes funds from the Federal Land Disposal Account available to us and the Secretary of Agriculture, and establishes the procedures for expending funds from the account.</li> <li>Directs the Secretary to establish a program, using the funds in the Federal Land Disposal Account, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal by us or the Secretary of Agriculture under Section 2303 of the Act.</li> </ul>
<p><b>Federal Property and Administrative Services Act</b></p>	<ul style="list-style-type: none"> <li>Established the General Services Administration (GSA).</li> </ul>	<ul style="list-style-type: none"> <li>Governs the management and disposal of Government excess and surplus property and provides the basic authority for the</li> </ul>

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<p><b>of 1949, 40 U.S.C. 101 et seq. (formerly 40 U.S.C. 471)</b></p>	<ul style="list-style-type: none"> <li>Lays out the instructions and procedures for the use and disposal of excess and surplus real and related personal property.</li> <li>A “disposal agency” is the executive agency designated by the GSA Administrator to dispose of surplus real property (see 41 CFR 102-71.20).</li> <li>Excess property is property under a Federal agency’s control that the head of the agency determines is not required to meet that agency’s needs or responsibilities (see 41 U.S.C. 102(3)).</li> <li>Surplus property is excess property that the GSA Administrator determines is not required to meet the needs or responsibilities of all Federal agencies (see 41 U.S.C. 102(10)).</li> </ul>	<p>transfer of excess Federal land to other Federal agencies.</p> <ul style="list-style-type: none"> <li>Sections 521-529 (formerly Section 483) address the use of Federal property. Section 521 authorizes GSA to dispose of or transfer excess property to another Federal agency. The Service can request transfer of these lands to carry out its mission (see 41 CFR 102-75 Subpart B).</li> <li>Sections 541-559 (Sections 541-555 were formerly Section 484) address property disposal.</li> <li>A disposal agency may dispose of surplus property by exchanging it for privately owned property if: <ul style="list-style-type: none"> <li>The disposal agency receives the approval of the Office of Management and Budget (OMB) and the appropriate congressional oversight committees, and</li> <li>The exchange has substantial economic or unique program advantages that are unobtainable by other acquisition methods (see 41 CFR 102-75.260).</li> </ul> </li> </ul>
<p><b>Federal-Aid Highway Act of 1968, 23 U.S.C. 101 et seq., and other U.S.C. titles, as amended by the Department of Transportation Act of 1966, 49 U.S.C. 303</b></p>	<ul style="list-style-type: none"> <li>Authorizes appropriations for the construction of certain highways in accordance with 23 U.S.C. 101 et seq., and for other purposes.</li> <li>The Department of Transportation Act of 1966 ensures that highway projects will not violate statutory protections for those displaced and the environment.</li> </ul>	<ul style="list-style-type: none"> <li>23 U.S.C. 138 of the Federal-Aid Highway Act and 49 U.S.C. 303 of the Department of Transportation Act both have similar language regarding the preservation of areas such as National Wildlife Refuges when developing transportation systems. For more information, see The Department of Transportation’s (<a href="#">DOT Web site</a>).</li> <li>Section 138(a) provides for a special effort to preserve the natural beauty of such areas as public parks, recreation areas, refuges, and historic sites in developing transportation systems.</li> <li>Section 138(a) also directs the Secretary of Transportation to cooperate and consult with us and other Federal agencies before approving any program or project that requires the use of publicly-owned lands from certain specified areas, including parks and refuges.</li> <li>Sections 138(a) and 138(b) establish the requirements for the approval of a Federal highway project in the National Wildlife</li> </ul>

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		<p>Refuge System (or other areas).</p> <ul style="list-style-type: none"> <li>• The Secretary of Transportation must not approve a program or project in the National Wildlife Refuge System (or other areas) unless: <ul style="list-style-type: none"> <li>○ There are no feasible or prudent alternatives to using the land (Section 138(a)(1)), and</li> <li>○ The program includes all possible planning to minimize the harm to the National Wildlife Refuge (see Section 138(a)(2)).</li> </ul> </li> <li>• Section 138(b) allows the Secretary of Transportation to determine that the project will have a <i>de minimis</i> effect on a National Wildlife Refuge if, after public notice and comment and with the concurrence of officials in the National Wildlife Refuge's jurisdiction, the transportation project will not adversely affect the activities, features, and attributes of the refuge. A <i>de minimis</i> effects finding can fulfill the requirements of Section 138(a)(1).</li> </ul>
<p><b>Fish and Wildlife Act of 1956, 16 U.S.C. 742a-754d, not including 742d-1</b></p>	<ul style="list-style-type: none"> <li>• Establishes a comprehensive national fish, shellfish, and wildlife resources policy with emphasis on the commercial fishing industry.</li> <li>• Also emphasizes the inherent right of every citizen and resident to fish for pleasure, and to maintain and increase public opportunities for recreational use of fish and wildlife resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 742f(a)(4) requires us to take steps to develop, advance, manage, conserve, and protect fishery and fish and wildlife resources through research, acquiring land and water or interests in land or water, and developing facilities.</li> <li>• Section 742f(b)(1) allows us to accept gifts, devises, or bequests of real or personal property for the benefit of the Service.</li> <li>• Section 742f(a)(4) authorizes us to acquire lands or interests in lands, for fish and wildlife programs for the development, advancement, management, conservation, and protection of fish and wildlife resources by purchase or exchange. This Act is the basic authority for making exchanges for fish hatcheries and any other areas not included in the National Wildlife Refuge System.</li> <li>• Section 460f-9(a)(1) of the Land and Water Conservation Fund Act allows the use of the Land and Water Conservation Fund to acquire areas for the National Wildlife Refuge System under this Act.</li> </ul>
<p><b>Fish and Wildlife Conservation Act (Nongame Act), 16 U.S.C. 2901-2912 (1980), P.L. 96-366, as</b></p>	<ul style="list-style-type: none"> <li>• Authorizes financial and technical assistance to the States for the development, revision, and implementation of conservation plans</li> </ul>	<ul style="list-style-type: none"> <li>• Section 2912 requires us to monitor and assess migratory nongame birds, determine the effects of environmental changes and human activities, identify those species likely to be candidates for endangered species listing, and identify appropriate actions.</li> </ul>

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<p><b>amended</b></p>	<p>and programs for nongame fish and wildlife.</p>	<p>The section also requires us to report at 5-year intervals on actions taken.</p> <ul style="list-style-type: none"> <li>Section 2912 also requires us to identify the lands and waters in the United States and in other nations throughout the Western Hemisphere that we could protect, manage, or acquire for the conservation of migratory nongame birds.</li> </ul>
<p><b>Fish and Wildlife Coordination Act, 16 U.S.C. 661-667e (1934)</b></p>	<ul style="list-style-type: none"> <li>Protects fish and wildlife when a Federal action affects water bodies.</li> <li>Provides the basic authority for our involvement in evaluating the impacts of proposed water resource development projects on fish and wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>Section 662(a) requires any Federal department or agency, or a private or public agency with a Federal permit or license, that is planning to modify a body of water to first consult with the Service and the officials from the State where the project is located to plan for the conservation of wildlife resources.</li> <li>Section 662(b) requires the Service and State agency to investigate any potential damage to wildlife from the project and determine how to prevent the potential damage, including what land should be used or acquired to prevent damage.</li> <li>Section 662(c) addresses the land acquisition process and authorizes the Federal agency constructing or operating a water-control project to acquire lands under the plan they have created.</li> <li>Prior to acquiring land under Section 662(c), Section 663(c) requires Federal agencies to prepare and submit a report to Congress with the information necessary for Congress to authorize the project.</li> <li>Section 665 authorizes us to assist Federal, State, and other agencies in the development, protection, rearing, and stocking of fish and wildlife on Federal lands and to study the effects of pollution on fish and wildlife.</li> <li>Authorizes Federal water resource agencies to acquire lands or interests in land connected with water use projects specifically for the mitigation and enhancement of fish and wildlife, and provides for the management of such lands by the Service or State wildlife agencies.</li> <li>Section 662(h) excludes projects involving impoundments of less than 4.05 hectares (10 acres) from Sections 661-666(c).</li> <li>Section 661(3) authorizes us to accept donations of land and contributions of funds. See 212 FW 8 for the Service's policy on accepting donations.</li> </ul>

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<b>Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742I, P.L. 95-616</b>	<ul style="list-style-type: none"> <li>• Authorizes the Secretary and the Secretary of Commerce to establish, conduct, and assist with national training programs for State fish and wildlife law enforcement personnel.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 742I(c) addresses the disposal of abandoned or forfeited fish, wildlife, plants, or other items, and states that we can dispose of the abandoned or forfeited property in an appropriate manner, including by loan, gift, sale, or destruction.</li> </ul>
<b>Food Security Act of 1985 (Farm Bill), as amended (1990, 1996), P.L. 99-198</b>	<ul style="list-style-type: none"> <li>• Promotes the conservation of wetlands on agricultural lands.</li> </ul>	<ul style="list-style-type: none"> <li>• Addresses acquiring easements on agricultural lands and sets a priority for the Secretary to acquire easements for the protection and enhancement of migratory bird and other wildlife habitat.</li> </ul>
<b>Game Range Act (amendment to the National Wildlife Refuge System Administration Act of 1966), P.L. 94-223 (1976)</b>	<ul style="list-style-type: none"> <li>• Amends the National Wildlife Refuge System Administration Act of 1966.</li> <li>• Provisions are now in Section 668dd(a)(6) of the National Wildlife Refuge System Administration Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Directs that: <ul style="list-style-type: none"> <li>○ Any area that was in the National Wildlife Refuge System on or after January 1, 1975, that was or is either: <ul style="list-style-type: none"> <li>(1) Designated as an area within the Refuge System by law or an Executive or Secretarial Order, or</li> <li>(2) Included in the Refuge System by a public land withdrawal, donation, purchase, exchange, or by a cooperative agreement with any State or local government, Federal department or agency, or other governmental entity,</li> </ul> </li> </ul> <p>Is part of the National Wildlife Refuge System unless otherwise directed by an Act of Congress.</p> <li>• These areas can still be: <ul style="list-style-type: none"> <li>○ Transferred or disposed of (see Section 668dd(a)(5)),</li> <li>○ Exchanged (see Section 668dd(b)(3)), or</li> <li>○ Disposed of using a cooperative agreement (see Section 668dd(a)(6)(B)).</li> </ul> </li> </li></ul>
<b>Land and Water Conservation Fund Act of 1965, 16 U.S.C. 460I-4-460I-11</b>	<ul style="list-style-type: none"> <li>• Assists in preserving, developing, and ensuring accessibility to outdoor recreation resources by providing adequate funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 460I-5 establishes the Land and Water Conservation Fund (LWCF) and states what sources will fund the LWCF.</li> <li>• Section 460I-6 says Congress must appropriate the funds in the LCWF. Section 460I-7 says that Congress must estimate the requirements for appropriations from the LWCF during the next fiscal year.</li> <li>• The LWCF provides funds for the Federal acquisition and development of certain lands and other areas (460I-9) and</li> </ul>

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		<p>provides funds and authorizes Federal assistance to the States to plan, acquire, and develop land and water areas and facilities (460/8).</p> <ul style="list-style-type: none"> <li>Section 460/9(a)(1) authorizes funds for, among other things, the National Wildlife Refuge System for the acquisition of:               <ol style="list-style-type: none"> <li>Habitat of endangered and threatened species of fish, wildlife, and plants under section 5(a) of the ESA;</li> <li>Areas authorized by section 2 of the Refuge Recreation Act;</li> <li>Areas under section 7(a)(5) of the Fish and Wildlife Act of 1956, except migratory waterfowl areas that are authorized by the Migratory Bird Conservation Act (Note: Section 7(a)(5) has been merged with 7(a)(4)); and</li> <li>Any areas authorized by specific Acts of Congress (P.L. 94-422, (1976)).</li> </ol> </li> <li>The LWCF has been reauthorized through 2015.</li> </ul>
<b>Lea Act, 16 U.S.C. 695-695(c) (1948)</b>	<ul style="list-style-type: none"> <li>Sets up the procedures for a cooperative effort between the United States and California to purchase management areas for migratory birds and other wildlife in the State.</li> </ul>	<ul style="list-style-type: none"> <li>Authorizes us to purchase or rent parcels of land 20,000 acres or less, as well as interests in these lands, to establish management areas for migratory birds and other wildlife in California.</li> <li>For us to acquire land, California must buy an equivalent amount of land.</li> </ul>
<b>Migratory Bird Conservation Act, 16 U.S.C. 715-715r (1929)</b>	<ul style="list-style-type: none"> <li>Authorizes the acquisition and preservation of wetlands as waterfowl habitat.</li> <li>Led to the enactment of the Migratory Bird Hunting and Conservation Stamp Act of 1934 ("Duck Stamp Act").</li> </ul>	<ul style="list-style-type: none"> <li>Establishes the Migratory Bird Conservation Commission, which approves areas we recommend for migratory bird refuges.</li> <li>Authorizes us to cooperate with local authorities in wildlife conservation, as well as conduct investigations, publish documents related to North American birds, and maintain and develop refuges.</li> <li>Authorizes us to cooperate with the States on enforcement issues.</li> <li>Establishes the procedures for the acquisition (by purchase, lease, or gift) of areas approved by the Migratory Bird Conservation Commission as migratory bird sanctuaries, including the purchase or rental of any interest in land or water, including partial interests.</li> <li>Section 715c requires us to consult with the appropriate local government and with the Governor of the State concerned or the appropriate State agency before recommending an area for purchase or rental.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Section 715k-5 states that the Governor or appropriate State agency must approve each proposed acquisition that uses the Migratory Bird Conservation Fund.</li> <li>• Section 715f states that the Secretary must not accept a conveyance in fee unless the State where the land is being acquired consents by law to the acquisition. A fee interest is a full interest in the land and not a less-than-fee interest, such as a lease or easement.</li> <li>• Section 715d authorizes the acquisition of areas for inviolate sanctuaries, and for any other management purpose, for migratory birds.</li> </ul>
<p><b>Migratory Bird Hunting and Conservation Stamp Act (Duck Stamp Act), 16 U.S.C. 718a-718k (1934)</b></p>	<ul style="list-style-type: none"> <li>• Requires every waterfowl hunter 16 years old or older to have a valid Federal hunting stamp (“duck stamp”).</li> <li>• The money from the sale of duck stamps is deposited in a special Treasury account known as the Migratory Bird Conservation Fund (MBCF), which is not subject to congressional appropriations. It provides a continuing source of funds for acquiring migratory bird habitat.</li> </ul>	<ul style="list-style-type: none"> <li>• The sale of duck stamps produces revenue that provides part of the funding for the MBCF, which the Department of the Interior and the Service use to acquire migratory bird habitat.</li> <li>• The money from the duck stamps is merged with other sources of money for the fund, such as funds appropriated under the Wetlands Loan Act and import duties collected on arms and ammunition. We use the money to acquire migratory bird refuges under provisions of the Migratory Bird Conservation Act.</li> <li>• Since 1958, the Act has allowed us to use the MBCF to acquire Waterfowl Production Areas (WPA), including interests in and rights-of-way to these areas. WPAs are small, natural wetlands and their associated uplands, primarily located in the upper Midwest’s Prairie Pothole Region. We can also acquire WPAs by gift, devise, lease, purchase, or exchange (Section 718d(b)(3)).          When acquiring WPAs:           <ol style="list-style-type: none"> <li>(1) The limitations and requirements of the Migratory Bird Conservation Act that are related to acquisitions do not apply;</li> <li>(2) The provisions of the Migratory Bird Conservation Act that govern the protection and administration of these lands do apply, except for the inviolate sanctuary provisions; and</li> <li>(3) We need the consent of the Governor or appropriate State agency of the State where the land is located to acquire WPAs using funds from the MBCF, under the Wetlands Loan Act.</li> </ol> </li> </ul>

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<b>Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-711</b>	<ul style="list-style-type: none"> <li>Implemented the 1916 Convention between the United States and Great Britain (for Canada), and subsequent treaties between the United States and Canada, Mexico, Japan, and Russia, to protect migratory birds.</li> </ul>	<ul style="list-style-type: none"> <li>Establishes a Federal responsibility to protect the international migratory bird resource. The Act makes it unlawful for a person to pursue, hunt, take, capture, kill, or sell listed birds ("migratory birds"). It applies to live or dead birds, as well as to any bird parts, nests, or eggs.</li> <li>Authorizes us to close areas of public or private land to the hunting of migratory birds. See 50 CFR 32.8 for a list of areas closed.</li> </ul>
<b>Mineral Leasing Act for Acquired Lands of 1947, 30 U.S.C. 351-360</b>	<ul style="list-style-type: none"> <li>Facilitates and encourages the production of oil from tar sands and other hydrocarbon deposits on Federal lands.</li> </ul>	<ul style="list-style-type: none"> <li>Allows us to lease minerals on acquired lands.</li> <li>Implementing regulations restrict oil, gas, and coal leasing within the National Wildlife Refuge System (See 43 CFR 3400.2 and 43 CFR 3101.5-1). For more information on Minerals and Mining, see Service Manual chapters 612 FW 1 and 612 FW 2.</li> <li>Section 355 requires that the money from the leases go into the revenue sharing fund created by the Refuge Revenue Sharing Act of 1935.</li> </ul>
<b>Mineral Leasing Act of 1920, 30 U.S.C. 181 et seq.</b>	<ul style="list-style-type: none"> <li>Allows us to lease minerals on public domain lands withdrawn for Service use (but not withdrawn from the mineral leasing laws).</li> </ul>	<ul style="list-style-type: none"> <li>Implementing regulations restrict oil, gas, and coal leasing within the National Wildlife Refuge System (See 43 CFR 3400.2 and 43 CFR 3101.5-1). For more information on Minerals and Mining, see Service Manual chapters 612 FW 1 and 612 FW 2.</li> <li>According to Section 191, for all States other than Alaska, the Secretary of the Treasury must deposit 50% of the money from the leases in the U.S. Treasury and pay the other 50% to the State where the leases are located. For leases in Alaska, the Secretary of the Treasury must pay 90% of the money to Alaska and deposit the remaining 10% in the Treasury.</li> <li>Section 191(c) states that when the Federal Government receives rental income from leases, the Secretary of the Treasury must deposit the U.S. Treasury's share of the money in the "Bureau of Land Management Permit Processing Improvement Fund," a special fund in the Treasury.</li> <li>Section 185 allows the Secretary to grant rights-of-way through Federal lands to transport oil, natural gas, synthetic liquid, or gaseous fuels, or any refined product produced from these fuels.</li> <li>The Act does not apply to national parks, national monuments, or</li> </ul>

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		<p>other lands where mineral leasing is prohibited by law (see P.L. 97-78 (1981)).</p>
<p><b>National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd-668ee (1966)</b></p>	<ul style="list-style-type: none"> <li>• Created the National Wildlife Refuge System and provides guidelines and directives for managing it.</li> <li>• Established overall policy; placed restrictions on the transfer, exchange, or other disposal of refuge lands; and authorized the Secretary to accept donations of land.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 668dd(a)(5) discusses the transfer or disposal of refuge lands. This section states that the Service cannot transfer or dispose of any land in the National Wildlife Refuge System (except by an exchange under Section 668dd(b)(3) of the Act) unless:             <ul style="list-style-type: none"> <li>(1) We determine, and gain the Migratory Bird Conservation Commission’s approval, that the land no longer serves the purposes of the Refuge System; and</li> <li>(2) We receive either the acquisition cost for the land (in the case of land purchased with funds from the MBCF) or the fair market value of the property.</li> </ul> </li> <li>• For land that was donated to the National Wildlife Refuge System, we need to determine the fair market value of the property as of the date of the transfer or disposal.</li> <li>• Section 668dd(b)(3) allows us to acquire either land or an interest in land by exchange for:             <ul style="list-style-type: none"> <li>(1) Acquired or public lands, or for interests in these lands, if the lands are within the Secretary’s jurisdiction and we determine that the lands are suitable for disposition; or</li> <li>(2) The right to remove products from acquired or public lands. However, the value of the property must be approximately equal. If the value is not equal, the party (either the grantor or the Service) with the lower value must pay cash to the other party to make up for the difference.</li> </ul> </li> <li>• We must place the money from transfers or sales of refuge land into the MBCF.</li> <li>• Section 668dd(b)(2) allows us to accept donations and use the funds to acquire or manage land or interests in land. See 212 FW 8 for the Service’s policy on accepting donations.</li> <li>• Section 668(d)(1)(B) allows us to grant or permit the use of an easement on an area in the National Wildlife Refuge System if the easement is compatible with the purpose of the refuge. This section gives examples of types of easements that we could grant or permit, including, but not limited to, power lines, pipelines, and roads.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Section 668(d)(2) states the requirements for rights-of-way, easements, or reservations in, over, across, through, or under any area in the National Wildlife Refuge System.</li> <li>• If we grant a right-of-way, easement, or reservation on any area within the National Wildlife Refuge System, the easement holder must pay either:               <ol style="list-style-type: none"> <li>(1) The fair market value of the right-of-way, easement, or reservation in a lump sum; or</li> <li>(2) The fair market rental value of the easement, right-of-way, or reservation in annual payments. The Secretary determines the fair market rental value.</li> </ol> </li> <li>• We may require either type of payment or no payment for the right-of-way, easement, or reservation if compensation is impractical or unnecessary.</li> <li>• We must deposit money received for rights-of-way, easements, and reservations into the MBCF for the acquisition of land under the Migratory Bird Conservation Act and the Migratory Bird Hunting Stamp Act.</li> <li>• Section 668dd(a)(6) incorporates the provisions of the Game Range Act (P.L. 94-223). See the description of the Game Range Act for more information on these provisions.</li> </ul>
<p><b>National Wildlife Refuge System Improvement Act of 1997, P.L. 105-57</b></p>	<ul style="list-style-type: none"> <li>• Amends the National Wildlife Refuge System Administration Act of 1966.</li> <li>• Improves the management of the National Wildlife Refuge System.</li> </ul>	<ul style="list-style-type: none"> <li>• Discusses the National Wildlife Refuge System’s mission statement.</li> <li>• Gives additional guidance on the process for establishing the uses of a refuge and the compatibility standard.</li> <li>• Declares that some wildlife-dependent recreation can be appropriate refuge activities.</li> <li>• Requires that we develop a Comprehensive Conservation Plan (CCP) for each refuge.</li> </ul>
<p><b>North American Wetlands Conservation Act (NAWCA), 16 U.S.C. 4401-4412 (1989)</b></p>	<ul style="list-style-type: none"> <li>• Provides funding and administrative direction for the implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands signed by Canada, the United States, and</li> </ul>	<ul style="list-style-type: none"> <li>• Created the North American Wetlands Conservation Council to recommend wetlands projects to the Migratory Bird Conservation Commission.</li> <li>• Allows the North American Wetlands Conservation Council to spend money for cost sharing for wetlands conservation projects in the United States, Canada, and Mexico.</li> </ul>

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	Mexico.	<ul style="list-style-type: none"> <li>• Projects are funded by appropriations and migratory bird fines, penalties, and forfeitures (Section 4406).</li> <li>• Section 4407 establishes procedures for allocating funds for the projects.</li> <li>• The North American Waterfowl Management Plan, signed in 1986 by Canada and the United States and in 1994 by Mexico, provides a framework for maintaining and restoring an adequate amount of habitat to support populations of North American waterfowl and other migratory bird species.</li> <li>• The Tripartite Agreement, signed in March 1988 by Mexico, Canada, and the United States, expands the cooperative effort among these countries to conserve wetlands in Mexico as habitat for migratory birds that spend the winter in those wetlands.</li> </ul>
<b>Omnibus Public Land Management Act of 2009, P.L. 111-11</b>	<ul style="list-style-type: none"> <li>• Designates certain land as components of the National Wilderness Preservation System.</li> <li>• Authorizes certain programs and activities in the Department of the Interior, including a watershed management program (Sec. 6001-6003), a program to prevent livestock losses from wolf predation and to compensate livestock owners for these losses (Sec. 6201-6203), and a program for paleontological resources preservation (Sec. 6301-6312).</li> </ul>	<ul style="list-style-type: none"> <li>• Designates 2 million acres of wilderness for protection in nine States through additions to the National Wilderness Preservation System.</li> <li>• Designates, when the land exchange under section 6402(a) is complete, approximately 43,093 acres of land to be added to the Izembek National Wildlife Refuge Wilderness or the Alaska Peninsula National Wildlife Refuge Wilderness. The Secretary administers this new land.</li> </ul>
<b>Refuge Recreation Act, 16 U.S.C. 460k-460k-4 (1962), P.L. 87-714, as amended</b>	<ul style="list-style-type: none"> <li>• Allows for the recreational use of areas within the National Wildlife Refuge System, National Fish Hatchery System, and other conservation areas that the Secretary administers for conserving fish and wildlife.</li> <li>• Encourages efforts to provide wildlife-oriented recreation, interpretation,</li> </ul>	<ul style="list-style-type: none"> <li>• To use an area for recreational purposes:             <ol style="list-style-type: none"> <li>(1) The recreational use must not interfere with the refuge's primary purpose, and</li> <li>(2) Funds must be available to develop, operate, and maintain the recreational use.</li> </ol> </li> <li>• Section 460k-1 allows us to acquire lands adjacent to or within conservation areas, or interests in those areas, that are suitable for:             <ol style="list-style-type: none"> <li>(1) Fish and wildlife-oriented recreational development,</li> </ol> </li> </ul>

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	and environmental education activities for the public on refuges.	<p>(2) Protection of natural resources, (3) Conservation of listed endangered or threatened species, or (4) Carrying out two or more of the above.</p> <ul style="list-style-type: none"> <li>• Section 460k-1 states that when we acquire land for recreational purposes, the land acquired becomes part of the adjacent conservation area.</li> <li>• Section 460k-1 also states that we cannot use MBCF money to acquire these lands. We can use funds appropriated by Congress or funds donated for this purpose.</li> <li>• Section 460k-2 allows us to accept donations of funds and real and personal property for recreational purposes. If the property has a restrictive covenant, we can accept the property if the covenants are compatible with the purpose of the refuge or other conservation area. See 212 FW 8 for the Service's policy on accepting donations.</li> <li>• Section 460k-4 authorizes the appropriation of funds to carry out the purposes of the Act, including the construction and maintenance of public recreational facilities.</li> </ul>
<b>Refuge Revenue Sharing Act, 16 U.S.C. 715s (1935)</b>	<ul style="list-style-type: none"> <li>• Establishes the procedure for us to make payments to counties based on the revenue produced by the sale of products, leases, or other privileges from refuges located in the county.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires us to deposit the money we receive from the sale of products (e.g., animals, timber, and minerals) from areas of the National Wildlife Refuge System, National Fish Hatchery System, and other areas we administer from leases or from other privileges in a special Treasury account, and to distribute a portion of the revenues to the county or counties where the refuge or hatchery is located.</li> <li>• We must then transfer any money remaining in the fund to the MBCF for land acquisition under the provisions of the Migratory Bird Conservation Act.</li> </ul>
<b>Transfer of Certain Real Property for Wildlife Conservation Purposes Act, 16 U.S.C. 667b-667d (1948)</b>	<ul style="list-style-type: none"> <li>• Designates the type of real property that can be used for wildlife conservation purposes.</li> </ul>	<ul style="list-style-type: none"> <li>• If the GSA Administrator approves it, allows a no-cost transfer of real property that a Federal agency no longer needs: <ul style="list-style-type: none"> <li>○ To the Department of the Interior if the land has particular value for migratory birds, or</li> <li>○ To a State agency for wildlife conservation purposes other than migratory bird conservation.</li> </ul> </li> <li>• If the transfer is to an entity other than the Federal Government:</li> </ul>

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		<ul style="list-style-type: none"> <li>○ The transfer is still subject to the Government’s reservation of oil, gas, and mineral rights on the land.</li> <li>○ The property must be used for wildlife purposes, and if it stops being used for wildlife purposes, or if the property is needed for national defense purposes, the property reverts back to the United States.</li> </ul>
<p><b>Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601-4655, as amended; 49 CFR Part 24</b></p>	<ul style="list-style-type: none"> <li>• Establishes a uniform policy for the fair and equitable treatment of people displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.</li> <li>• Ensures that displaced people do not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole, and minimizes the hardship these people endure.</li> </ul>	<p><b>Uniform Relocation Assistance (42 U.S.C. 4621-4638)</b></p> <ul style="list-style-type: none"> <li>• For projects that result in the displacement of people, the head of the displacing agency must provide for, among other things, moving and related expenses, replacement housing for homeowners and tenants, and relocation planning.</li> <li>• Allows us to develop regulations and procedures we find necessary to assure fairness, reasonableness, and promptness when executing the Act.</li> </ul> <p><b>Real Property Acquisition Policies (42 U.S.C. 4651-4655)</b></p> <ul style="list-style-type: none"> <li>• Section 4651 establishes the following guidelines when we are acquiring real property:             <ol style="list-style-type: none"> <li>(1) We must make every reasonable effort to acquire the property by negotiation.</li> <li>(2) We must appraise the real property before beginning negotiations, and we must give the owner an opportunity to accompany the appraiser during the inspection. We may develop a procedure to waive an appraisal if we are acquiring a property with a low fair market value by sale or donation.</li> <li>(3) We must establish an amount of just compensation for the property and make a prompt offer to acquire the property for the full just compensation amount. The offered amount must never be less than our approved appraisal of the fair market value of the property.</li> <li>(4) An owner does not need to surrender his or her possession of the property until we either pay the purchase price of the property, or deposit with the court either the appraised fair market value of the property or the amount awarded to the owner in a condemnation proceeding.</li> <li>(5) We must give 90 days written notice to the owner of the property when the acquisition will lead to a displacement from</li> </ol> </li> </ul>

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		<p>a dwelling.</p> <p>(6) If we allow an owner or tenant to rent and occupy the acquired real property, the owner or tenant's negotiated rent must not exceed the property's fair rental value.</p> <p>(7) We must not use coercive actions to force an owner to agree to a sale price for the property.</p> <p>(8) When we acquire a property with the power of eminent domain, then we must institute formal condemnation proceedings (see 342 FW 6, Condemnation).</p> <p>(9) If we are acquiring only a portion of a property and the acquisition will leave the owner with an uneconomic remnant (i.e., property that the owner retains after a partial acquisition by the agency that the head of the agency determines has little or no value or utility to the owner), the head of the agency must offer to acquire that remnant as well.</p> <p>(10) After we have fully informed a person of his/her right to receive just compensation for property being acquired, he/she may donate the entire property, a portion of the property, any interest in the property, or any compensation paid for the property to us.</p>
<p><b>Wetlands Loan Act, 16 U.S.C. 715k-3-715k-5 (1961)</b></p>	<ul style="list-style-type: none"> <li>• Authorizes the appropriation of funds for the MBCF established under the Migratory Bird Hunting and Conservation Stamp Act of 1934 ("Duck Stamp Act").</li> </ul>	<ul style="list-style-type: none"> <li>• Authorizes an advance of funds against future revenues from the sale of duck stamps as a way to accelerate the acquisition of migratory bird habitat.</li> <li>• Section 715k-5 states that the Governor of the State or appropriate State agency where the land is located must approve the acquisition of land under this Act.</li> </ul>
<p><b>Wilderness Act of 1964, 16 U.S.C. 1131-1136</b></p>	<ul style="list-style-type: none"> <li>• Section 1131(c) creates the legal definition of what constitutes "wilderness" in the United States.</li> <li>• Creates the National Wilderness Preservation System and establishes more than 9 million acres of protected Federal land.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 1135(b) authorizes us to accept private contributions and gifts to use to fulfill the purpose of this Act.</li> </ul>