



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

KOIN Center, Suite 600
222 S.W. Columbia Street
Portland, Oregon 97201

Subject: Delegations of Federal Land Transfers

Date: July 30, 1998

From: Regional Counsel

Reply to
Attn. of: HRC-010
File: ldfld01.wpd

To: **DIVISION ADMINISTRATORS**
Mr. Steve A. Moreno, Juneau, Alaska, HDA-AK
Mr. Jack T. Coe, Boise, Idaho, HDA-ID
Mr. Hank D. Honeywell, Salem, Oregon, HDA-OR
Mr. Gene K. Fong, Olympia, Washington, HDA-WA

As you know from the Administrator's delegation of authority dated May 13, 1998, Division Administrators now have the authority to sign Federal Land Transfers "subject to prior legal concurrence by this Office." This memorandum deals with how this is to be accomplished.

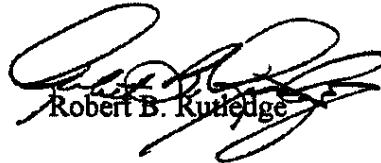
Following the delegation, Regional Right-of-Way Officer, Bridger and I met to discuss how this process could truly be streamlined. We agreed that since those deeds dealing with lands of the Forest Service and BLM are standardized and have been for many years that it would not be necessary for those deeds to come to the Regional Counsel's Office for prior concurrence. On May 22, 1998, I e-mailed each Division Right-of-Way Officer our recommendations and asked for comments. To date I have not received any and will assume that our recommendations are satisfactory. Therefore, I recommend that Federal Land Transfers, as they relate to those standard deeds of the Forest Service and BLM, be processed in the following manner.

That the Division Right-of-Way Officer upon receipt of a proposed Easement Deed for signature assure themselves of the following:

1. That the conditions contained in the deed are consistent with the consent letter.
2. That the map is attached and made "Exhibit A", and that the Township, Range, etc. are correct.
3. That the civil rights assurances are in the deed.
4. That the reversionary clause is in the deed.

While this Office has not kept copies of the deed, we do keep a copy of the consent letter (for a few years) with a notation on when the deed was signed. Also we keep a log of the project (how much land is involved), when the deed came in, when it was signed, and when it was sent out. See attachment.

As to all other deeds it will be necessary to obtain prior approval from this Office. Also, it will be necessary to advise the State to substitute the Division Administrator's name in the deed. The primary guidance to our office on the processing of Federal Land Transfers, beyond the instructions contained in 23 CFR 712, Subpart E, is Part 1 of the "Attorney's Manual for Public Land Transfer and Federal Condemnation", a copy of which is attached. Also, I have attached the Chief Counsel's guidance memorandum dated December 1, 1982, on the transfer of BLM Lands. Should there be any questions regarding any Easement Deeds, please do not hesitate to contact this Office.



Robert B. Kutledge

RBR/mfb
Attachments (3)

cc: Virginia Cherwek
Glenn Bridger