

PART 17—CONVEYANCE OF FREEHOLD AND LEASEHOLD INTERESTS ON LANDS OF THE NATIONAL PARK SYSTEM

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AUTHORITY: Sec. 5(a), of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 4601-22(a).

SOURCE: 42 FR 46302, Sept. 15, 1977, unless otherwise noted.

§ 17.1 Authority.

Section 5(a) of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 4601-22(a), authorizes the Secretary of the Interior, under specified conditions, to convey a leasehold or freehold interest on federally owned real property acquired by the Secretary from non-Federal sources within any unit of the National Park System except national parks and those national monuments of scientific significance. This legislation is referred to as "the act" in regulations in this part.

§ 17.2 Definitions.

As used in the regulations in this part:

(a) *Authorized officer* shall mean an officer or employee of the National Park Service designated to conduct the sale or lease and delegated authority to execute all necessary documents, including deeds and leases.

(b) The term *unit* of the National Park System means any area of land or water administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(c) The term *national park* means any unit of the National Park System the organic act of which declares it to be a "national park."

(d) The term *national monument of scientific significance* means a unit of the National Park System designated as a national monument by statute or proclamation for the purpose of preserving

landmarks, structures, or objects of scientific interest.

(e) The term *person* includes but is not necessarily limited to an individual partnership, corporation, or association.

(f) The term *freehold interest* means an estate in real property of permanent or of indefinite duration.

(g) The term *leasehold interest* means an estate in real property for a fixed term of years or an estate from month-to-month or from year-to-year.

(h) The term *fair market value* means the appraised value as set forth in an approved appraisal made for the Secretary for the interest to be sold or leased.

[42 FR 46302, Sept. 15, 1977, as amended at 62 FR 30234, June 3, 1997]

§ 17.3 Lands subject to disposition.

The Act is applicable to any Federally owned real property acquired by the Secretary from non-Federal sources within any unit of the National Park System other than national parks and those national monuments of scientific significance. No leasehold or freehold conveyance shall be made except as to lands which the General Management Plan for the particular unit of the National Park System has designated as a Special Use Zone for the uses that are permitted by the freehold or leasehold conveyance. No leasehold or freehold conveyance shall be made unless the lands have been surveyed for natural, historical, and cultural values and a determination made by the Secretary that such leasehold or freehold conveyance will not be inconsistent with any natural, historical, or cultural values found on the land. Any conveyances affecting properties listed or eligible for listing on the National Register of Historic Places must be reviewed by the Advisory Council on Historic Preservation. Procedures for obtaining the Council's comments appear at 36 CFR part 800, "Procedures for the Protection of Historic and Cultural Resources."

[42 FR 46302, Sept. 15, 1977, as amended at 43 FR 3360, Jan. 25, 1978]