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**PUBLIC LAND LAW
REVIEW COMMISSION**

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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Appendix A. - Compilation of the Major Public Land Laws administered by the Bureau of Land Management which would be reviewed by the Proposed Public Land Law Review Commission.

I. Lands and Recreation

(a) Color of Title Act, December 22, 1928 (45 Stat. 1069) as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068, 1068a).

Authorizes the issuance of patent for not to exceed 160 acres of public lands held under claim or color of title of either of two classes: (a) the land must have been held under claim or color of title for more than 20 years and valuable improvements must have been placed thereon or some part thereof must have been reduced to cultivation; or (b) the land must have been held under claim or color of title for the period commencing not later than January 1, 1901, to the date of application, during which time the taxes levied on the land by State and local governmental units must have been paid.

(b) Recreation and Public Purposes Act, June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869; 869:1-4)

Authorizes the lease or sale of public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or public purpose consistent with its articles of incorporation or other creating authority. Before lands may be leased or sold under this Act it must be shown that the land is to be used for an established or definitely proposed project. The Act also prescribes limitations on the acreage which may be conveyed in any one calendar year to the above-named beneficiaries of the legislation.

(c) Small Tract Act, June 1, 1938 (52 Stat. 609) as amended by the Act of June 8, 1954 (68 Stat. 239; 43 U.S.C. 682a)

Authorizes the lease or sale of tracts of public lands, not exceeding five acres, which are classified as chiefly valuable for residence, recreation, business or community sites. Under this Act lands may be classified for direct sale, for lease and sale, or for lease only. Lands may be leased or sold to (a) an individual who is a citizen of the United States or who has filed his declaration of intention to become a citizen as required by the naturalization laws; (b) a partnership or an association, each of the members of which is a citizen of the United States or has filed a declaration of intention to become a citizen; (c) a corporation, including nonprofit corporations, organized under the laws of the United States, or of any State or Territory thereof, and authorized to do business in the State or Territory in which the land is located; and (d) a State, Territory, Municipality, or other governmental subdivision.

(d) Public Sale Act, Section 2455 of the Revised Statutes (43 U.S.C. 1171) as amended.

Authorizes the sale at public auction at the land office of the district in which the land is situated, for not less than the appraised value, any isolated or disconnected tract or parcel of public land, not exceeding 1,520 acres, or any legal subdivisions of the public lands, not exceeding 760 acres, the greater part of which is mountainous or too rough for cultivation. For a period of not less than 30 days after the highest bid has been received, any owner or owners of contiguous land have a preference right to buy the offered lands at the highest bid price, but in no case are the contiguous owners required to pay more than three times the appraised price of the land. Purchasers under this Act may be individuals, partnerships, associations, or corporations.

(e) Homestead Laws (43 U.S.C. 161 et seq.).

There are various homestead laws codified in Chapter 7 of Title 43 of the United States Code which authorize the entry of public lands for agricultural purposes and generally require residence and cultivation of the land for specified periods and for the construction of a habitable house as conditions precedent to the acquisition of title to the land from the United States.

(f) Desert Land Laws (43 U.S.C. 321 et seq.).

These laws provide for the entry of the arid and semi-arid public lands of the Western United States which are susceptible of irrigation by practical means. The law requires the artificial irrigation of any lands entered thereunder. It is the purpose of these statutes to encourage and promote the reclamation, by irrigation, the lands of the Western States through individual effort and private capital, it being assumed that settlement and occupation will naturally follow when the lands have been rendered more productive and habitable. The law requires the filing of yearly or annual proof of expenditures in the necessary irrigation, reclamation and cultivation of the land, in permanent improvements thereon, and in the purchase of water rights for the irrigation thereof. The entryman is allowed four years from the date of entry to submit final proof of reclamation and cultivation of the land as a condition precedent to acquiring title thereto.

(g) Rights-of-Way Laws (Chapter 22 of Title 43 of the United States Code).

There are various Acts which are codified in Chapter 22 of Title 43 of the United States Code and which authorize the use of the public lands for railroad and station ground purposes, canals, ditches, reservoirs, telephone and telegraph lines, transmission lines, radio and television sites, tramroads, highways, etc. These various Acts authorize the use of the public lands for these purposes under licenses, permits, or easements in accordance with the provisions of the particular Act.

(h) School Indemnity Selection Act (43 U.S.C. 851, 852), Section 2275, 2276 of the Revised Statutes, as amended.

These Sections authorize the public lands States except Alaska to select lands (or the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals, or any specified mineral or minerals) of equal acreage within their boundaries as indemnity for grant lands in place lost to the States because of appropriation prior to survey or because of natural deficiencies resulting from such causes as fractional sections and fractional townships.

(i) Exchanges of land under Taylor Grazing Act (43 U.S.C. 315g).

Section 8 of the Taylor Grazing Act authorizes the Secretary of the Interior when the public interests will be benefited thereby to accept on behalf of the United States title to any privately owned land with-in or without the boundaries of a grazing district and in exchange there-for to issue a patent for not to exceed an equal value of surveyed graz-ing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoin-ing State nearest the privately owned land. It also authorizes the exchange of lands between the United States and a State, upon the ap-plication of a State, and provides for the issuance of patent for the selected lands upon acceptance of title to the lands conveyed to the United States in exchange therefor.

(j) Townsite Laws (Chapter 17 of Title 43 of the United States Code) (48 U.S.C. 255).

Provide for the reservation of public lands as townsites and authorize the platting of townsites by or for the occupants and the disposal of such townsites where townsite settlement has been or may be made upon unreserved public lands subject to such settlement.

(k) Mining Claims Occupancy Act (30 U.S.C. 701 et seq.).

Authorizes the conveyance under certain conditions to any qualified applicant who is an owner-occupant of valuable improvements or an un-patented mining claim which is determined by the Secretary to be in-valid, an interest, up to and including a fee simple, in and to an area within the claim of not more than (1) 5 acres or (2) the area actually occupied by the applicant, whichever is less. The Act also authorizes a like conveyance under certain conditions to the occupant of an unpatented claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes all interest therein to the United States.

(l) Mineral Reservation Laws (30 U.S.C. 81-90, 121-124) (48 U.S.C. 376, 377).

These Acts allow for the entry and patent of public lands which are withdrawn, classified, or reported as being valuable for specified min-erals with a reservation of those minerals to the United States.

(m) Public Land Administration Act of July 14, 1960 (74 Stat. 506).

This law authorizes the Secretary of the Interior to conduct investigations, studies, and experiments on his own initiative or in cooperation with others, involving the improvement, management, use, and protection of the public lands and their resources under his jurisdiction. The Act also authorizes the Secretary of the Interior to accept gifts of land or interests in land.

II. Minerals

(a) General Mining Laws (30 U.S.C. 21 et seq.).

These laws declared the public lands valuable for minerals to be open to exploration and upon discovery of a valuable mineral deposit to be open to location and purchase. These laws prescribe for lode and placer mining claims and outline the procedure for locating, maintaining, and proceeding to patent for each type of claim. These laws also provide for millsite locations in connection with mining claims and for the patenting of nonmineral lands as millsites.

(b) Materials Act (30 U.S.C. 601 et seq.).

This law authorizes the disposal of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) on the public lands of the United States. The Act authorizes the disposal of the materials by negotiation of a contract under certain circumstances and by sale to the highest responsible qualified bidder after formal advertising and such other public notice as the Secretary of the Interior may deem appropriate.

(c) Multiple Mineral Development Acts (30 U.S.C. 501 et seq.) (30 U.S.C. 521 et seq.).

These Acts provided for the contemporaneous operation of the mining and the mineral leasing laws. In general the Acts recognized the compatibility of the existence of mining locations and mineral leases on the same tract of land and set up a procedure for determining the rights between the lessees and the mining claimants.

(d) Mineral Development of Lands Withdrawn for Power Development (30 U.S.C. 621 et seq.).

This Act authorizes mining developments on lands withdrawn for power development or power sites. The Act substantially reiterates Section 24 of the Federal Power Act (16 U.S.C. 818) providing that locations shall be subject to the paramount use of the United States for power purposes. It provides for the recording of claims and determinations concerning whether placer mining operations would materially interfere with other uses of the land included within the placer claim; if material inter-

ference would result from the placer mining operations such operations may be enjoined.

(e) Multiple-Use Act of July 23, 1955 (30 U.S.C. 611 et seq.).

This Act provided that any mining claim thereafter located under the mining laws of the United States would be used, prior to the issuance of patent therefor, for no purpose other than prospecting, mining or processing operations and uses reasonably incident thereto. It also provided that rights under any mining claim thereafter located would be subject, prior to the issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative resources thereof and to manage other surface resources thereof. An elaborate procedure was set up by the Act for determining surface rights on the claims. This Act also withdrew from location under the mining laws "common varieties" of minerals and said minerals are now disposed of under the Materials Act.

(f) Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181 et seq.).

This Act provides generally for the leasing of deposits of coal, phosphate, sodium, oil, potassium, oil shale, native asphalt, solid and semi-solid bitumin, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried) or gas and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico.

(g) Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.).

This Act for the first time opened lands, other than public domain lands, to the leasing of the same minerals as are covered by the Mineral Leasing Act of February 25, 1920. Coupled with Section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099) these laws provide the basic tool for the leasing of any type of mineral on the acquired lands of the United States.

(h) Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. 1331 et seq.).

This Act in general authorizes the issuance on a competitive basis of leases for deposits of oil, gas, sulphur, and other minerals in the submerged lands of the Outer Continental Shelf.

III. Range Management

(a) Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 et seq.) as amended and supplemented.

This Act is the basic authority for the protection, administration, regulation, and improvement of the public range lands. The Act authorized the establishment of grazing districts or additions thereto and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska) which were not in national forests, national parks and monuments, Indian Reservations, or revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands. The Act further authorized the Secretary of the Interior to do any and all things necessary to regulate the occupancy and use of these grazing districts, to preserve the land and its resources from destruction or unnecessary injury, and to provide for the orderly use, improvement, and development of the range lands.

(b) Alaska Grazing Act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471 et seq.).

This Act instructs the Secretary of the Interior to promulgate necessary rules and regulations and execute programs for the protection and development of forage plants and for the beneficial utilization thereof for grazing by livestock. The Act specifies that grazing shall be subordinated (a) to the development of their mineral resources, (b) to the protection, development, and utilization of their forests, (c) to the protection, development, and utilization of their water resources, (d) to their use for agriculture, and (e) to the protection, development, and utilization of such other resources as may be of greater benefit to the public.

(c) Alaska Reindeer Act of September 1, 1937 (50 Stat. 900; 48 U.S.C. 250 et seq.).

This Act authorizes the Secretary of the Interior to establish and maintain on behalf of the natives of Alaska, a self-sustaining reindeer industry. The Act authorizes the Secretary of the Interior to regulate the grazing of reindeer on public lands in Alaska by designating reindeer ranges, issuing grazing permits, etc. These responsibilities are carried out through the Bureau of Land Management. Other provisions of the Act are carried out through the Bureau of Indian Affairs.

(d) Bankhead - Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522; 7 U.S.C. 1000 et seq.).

This Act authorizes the Secretary of Agriculture to protect, improve, develop, and administer lands acquired under the Act, to make such rules and regulations as he deems necessary to prevent trespass and otherwise regulate their use, and to recommend to the President other Federal, State, or Territorial agencies to administer such property. Various executive orders, notably order 10787, transferred certain "Bankhead - Jones" lands to the Secretary of the Interior for administration under provisions of the Taylor Grazing Act, the Coordination

Act, the Migratory Bird Conservation Act, or the general land-management authority of the Secretary of the Interior with certain revenue disposition restrictions.

(e) Soil Conservation and Domestic Allotment Act of April 27, 1935 (49 Stat. 163; 16 U.S.C. 590a et seq.).

Authorizes the Secretary of Agriculture to provide for the control and prevention of soil erosion by means including but not limited to studies, demonstrational projects, engineering operations, growing vegetation, and regulating land use. Such functions of the Secretary of Agriculture were transferred to the Secretary of the Interior with respect to lands under jurisdiction of the Department of the Interior by the 1939 Reorganization Plan No. IV (54 Stat. 1234).

(f) Halogeton Glomeratus Control Act of July 14, 1952 (66 Stat. 597; 7 U.S.C. 1651 et seq.).

This Act specifically authorizes the Secretary of the Interior to control, suppress, and eradicate the weed Halogeton glomeratus on lands under his jurisdiction. It provides for (1) conducting surveys to detect the presence and effect of Halogeton glomeratus; (2) to determine those measures and operations which are necessary to control, suppress, and eradicate such weed; and (3) to plan, organize, direct, and carry out such measures and operations deemed necessary to carry out the purposes of the Act.

IV. Forest Management

(a) O. and C. Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a et seq.).

This Act provides for the sale of timber from the Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior. The Act provides for the management of these lands in conformity with the principle of sustained yield and the blocking up of these lands for more effective management. The Act also provides for 75% of the receipts from the O. and C. lands to be granted to the O. and C. counties.

(b) Materials Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601 et seq.) as amended.

This Act authorizes the disposal of timber on the public lands of the United States, if the disposal of such timber (1) is not otherwise expressly authorized by law, (2) is not expressly prohibited by the laws of the United States and (3) would not be detrimental to the public interest. The Act also provides for the disposition of the receipts from the sale of timber from the public lands.

(c) Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315a) as amended.

This Act provides, inter alia, for the management and protection of the public lands, and provides for the forestland exchanges of public lands.

(d) Act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956).

This Act authorizes the Secretary of the Interior to issue permits for rights-of-way through the public lands. This Act is the basis for the reciprocal logging road right-of-way program.

(e) Federal Aid Highway Act of October 23, 1962 (76 Stat. 1145).

This Act provides authorization for the appropriation of \$2,000,000 in fiscal year 1964; \$4,000,000 in fiscal year 1965 for "Public Land development roads and trails" for resource development.

(f) Act of February 18, 1875 (18 Stat. 371; 43 U.S.C. 2).

This Act authorizes the Secretary of the Interior and those he designates to perform all executive duties respecting the public lands. This Act is used as authority for the protection of the public lands.

(g) Act of July 26, 1955 (69 Stat. 374).

This Act provides for the acquisition of rights-of-way and existing and connecting roads for timber access roads on both the O. & C. and public lands.

(h) Acts Permitting Disposition of Timber by Free-Use (Act of June 3, 1878 (20 Stat. 88; 16 U.S.C. 604-606); Act of March 3, 1891 (26 Stat. 1093; 16 U.S.C. 607) as supplemented by the Act of January 11, 1921 (41 Stat. 1088; 16 U.S.C. 604,612).

These Acts permit settlers on the Public lands, citizens and residents of the State and corporations doing business in the State to obtain free-use permits for felling and removing timber on the public lands.

(i) Protection Act of September 20, 1922 (42 Stat. 857; 16 U.S.C. 594).

Authorizes the Secretary of the Interior to protect and preserve timber owned by the United States on the public lands from fire, disease, or the ravages of beetles or other insects.

(j) Alaska Timber Sales Act of May 14, 1898 (30 Stat. 414; 48 U.S.C. 421 et seq.).

This Act provides for the use of timber on the public lands in Alaska.

V. Withdrawals

(a) Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141).

This Act, commonly called the Pickett Act, as amended, authorizes the President to temporarily withdraw public lands for public purposes, without, however, precluding locations for metalliferous minerals under the mining laws.

(b) Section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471).

Authorizes the President to reserve as national forests, lands which are wholly or in part covered with timber or undergrowth. An Act of June 25, 1910 (36 Stat. 847; 16 U.S.C. 471 (a) prohibits additions to forests in California, Oregon, Washington, Idaho, Montana, Colorado, and Wyoming where the forest was created prior to June 25, 1910, and prohibits the creation of new forests in those states.

(c) Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

This provides that upon the filing with the Federal Power Commission of an application for a proposed project, any lands of the United States which are included therein shall, from the date of filing, be withdrawn. The Section also provides for a restoration of the lands by the Secretary of the Interior, where the Commission determines that such action will not materially injure or destroy power values.

(d) The Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431-433).

Authorizes the President to set aside as National Monuments lands containing objects of historic interest, and to do so by Proclamation.

(e) The Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416).

Authorizes the Secretary of the Interior to reserve lands needed for project works in connection with reclamation projects, and for irrigation.

VI. Other Public Land Management Authority

A. Reclamation (Bureau of Reclamation)

(1) Leases, licenses, and permits involving Reclamation withdrawn public lands are issued under the authority contained in Section 10 of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 387). This Act also authorizes the issuance of permits for the removal of sand, gravel, and other minerals and building materials from Reclamation withdrawn public domain. Leases, licenses, and permits issued pursuant to this authority may be with or without competitive bidding. Leases

and licenses must be limited to a period of not more than 50 years. Right-of-way easements may be granted in perpetuity. Section 10 of the 1939 Act was amended on August 18, 1950 (64 Stat. 463), to require that any easement or right-of-way for periods in excess of 25 years shall be granted only upon the prior written approval of the governing board of any water users organization which is under contractual obligation for repayment of the Reclamation project upon which the lands are located. Section 10 of the 1939 Act also provides for the removal of building materials from the public domain without charge by public agencies constructing roads or streets within the area of any Reclamation project or its immediate vicinity.

(2) The Act of March 31, 1950 (64 Stat. 39; 43 U.S.C. 375f).

Provides authority for the sale of tracts of public land on Federal Reclamation projects. These tracts must be too small to be opened to homestead entry and classed as a farm unit under the Reclamation Act. The sale of such small tracts is restricted by the statute to resident farm-owners or resident entrymen on the project upon which the land is located. The sale price must not be less than that fixed by an independent appraisal approved by the Secretary. Each purchaser is limited by the statute to an area of not more than 160 acres of such land, or an area which, together with land already owned or entered on the project, shall not exceed 160 irrigible acres.

B. Parks (National Park Service)

(1) Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431-433)

Authorized the President of the United States to set aside as national monuments, by proclamation, lands owned or controlled by the United States containing historic landmarks, historic or prehistoric structures, and other objects of historic or scientific interest. Sixty-five national monuments have been created under this authority.

(2) Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

Established the National Park Service to correlate the administration of the National Parks and monuments then under the jurisdiction of the Department of the Interior. The act directs the Service to "promote and regulate" the public use of those areas and to "conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The thirty National Parks were created by special acts of Congress, which made the 1916 Act applicable to the management of each park. Succeeding proclamations creating national monuments under the authority of the 1906 Act made the 1916 Act applicable to them also.

VI.

C. Wildlife (Bureau of Sports Fisheries and Wildlife)

(1) The Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715 et seq.).

Authorizes the acquisition, maintenance, and development of migratory waterfowl refuges to meet treaty obligations more effectively with Great Britain and Mexico in the protection of migratory birds. To implement this authority and Section 1 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703), over 500,000 acres of public domain have been withdrawn and are under administration for migratory waterfowl refuges in the National Wildlife Refuge System. However, the bulk of public land administered by this Bureau in the National Wildlife Refuge System and the national fish hatcheries, amounting to an additional 24.5 million acres, was withdrawn for programs authorized by numerous special acts for individual areas or under executive or public land orders.

(2) Section 303 of the Act of June 15, 1935 (49 Stat. 382; 16 U.S.C. 715d-2).

Authorizes the exchange of public lands for other lands for wildlife refuge purposes.

(3) The Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Authorizes acquired and public land administered by Federal construction agencies for reservoir projects to be made available to the Department of the Interior or to the States for wildlife management purposes. The amount of public land made available for these purposes is unknown. The Act also authorizes the cooperation with States or other agencies in providing public shooting and fishing areas. About 195,000 acres of public lands are administered for public shooting and fishing areas by the States under cooperative agreements with the Fish and Wildlife Service.

(4) Section 8 of the Colorado River Storage Project Act (70 Stat. 110; 43 U.S.C. 620g).

Authorizes the withdrawal of public lands necessary for construction and maintenance of facilities to mitigate losses of and improve conditions for fish and wildlife in connection with the project and to dispose of such lands to Federal, State and local governmental agencies for these purposes.

APPENDIX B

PUBLIC LANDS AND AMERICAN DEVELOPMENT

PUBLIC LANDS AND AMERICAN DEVELOPMENT

Public land administration is rooted in an amalgam of Congressional enactments some of which provide for disposition; others of which provide for retention; others of which authorize suspension of the disposition laws by authorizing withdrawals. An inseparable constituent of the amalgam are Departmental and judicial interpretations. Many of these laws can be traced to the very beginning of the Republic.

The formation of public lands was a direct product of the Revolutionary War. Maryland and other colonies without extensive land claims in the West made their active participation in the Revolution contingent upon the understanding that the Crown Lands of Great Britain would be transferred to the central government. The Confederation Government 1777 -- 1789 thus became the proprietor, subject to certain private claims, to the lands between the Appalachian Mountains and the Mississippi River ceded by the Treaty of Paris of 1783. The Confederation Government made the first step in public land management by adopting the rectilinear land survey which has lasted to this day and establishing a precedent for reserving public lands for the support of schools.

1. DISPOSITION TO INDIVIDUALS

In furtherance of his plans for public finance Alexander Hamilton prevailed upon the Congress to adopt a policy of selling public lands for their revenue only. This thrust of policy was embodied in the public sale law of 1796 which set the sale price at \$2.00 per acre with one half the tracts to be offered in minimum units of 640 acres and the other tracts to be offered in minimum units of 5,760 acres per unit. Agitation for a change more responsive to aspirations of frontier people began immediately. Shortly after he arrived in the Congress as the territorial delegate from Ohio, William Henry Harrison carried through the Sale Act of 1800 which reduced the minimum unit to 320 acres although retaining the two dollar per acre sale price by providing credit arrangements for payment. The breakdown of the credit arrangements fostered the Public Sale Act of 1820 which reduced the minimum acreage to 80 acres and the minimum price to \$1.25 per acre. In 1841 having passed numerous special acts Congress enacted a general pre-emption law which protected those who had moved onto the public lands in advance of the survey by permitting them to purchase their claims up to 160 acres at \$1.25 an acre in advance of the general auctions.

The Harrison Act, the 1820 Sale Law and pre-emption were all pointed toward one climax, the Homestead Act of 1862 which established the public policy permitting citizens (or those who had declared their intention to become citizens) to acquire public lands upon proof of residence and cultivation and the payment of certain fees.

By the time of its passage the tide of settlement was moving into the semi-arid vastness west of the 100 meridian where the 160 acres was not a viable economic unit. The Congress enacted in quick succession the Timber Culture Act of 1877 which provided that the planting of trees on 40 acres would earn title to 160 acres and the Desert Land Act of 1877 which provided for the sale at twenty-five cents per acre of lands up to 640 acres after irrigation.

With respect to California, Oregon, and Nevada Congress provided for the sale of surveyed lands valuable for timber and stone at \$2.50 per acre in units not to exceed 160 acres.

A generation of mining practice in the West was enacted into Federal statute in 1872 in the Mining Act, still in existence under which the fee simple title is transferred at \$2.50 per acre to the discoverer (or his successor) of a valuable mineral deposit on the public lands.

In a general revision of the public land laws in 1891 the Timber Culture Act was repealed along with the Pre-emption Act, the General Sale authority of 1820.

By 1890 it was abundantly clear that millions of acres in the semi-arid West would be habitable only if they were irrigated. The Desert Land Act of 1877 was a small beginning to promote that irrigation. The Carey Act of 1894 extended the responsibility from individuals to the States by offering one million acres to each arid state which could provide for the reclamation and occupation of the lands by individuals. The Carey Act was a forerunner of the National Reclamation Act of 1902 under which the National Government took on the responsibility of constructing irrigation works to reclaim public and other lands cost of which was to be borne by the landowners. With respect to the public lands settlers still applied for their lands under the Homestead Act.

A leasing system for certain minerals, most notably oil and gas, was created by the Mineral Leasing Act of 1920. Authorization for the disposition of minerals not otherwise provided for under the Mining Act or the Minerals Leasing Act was provided by the Materials Act in 1947 which included provision for the sale of timber.

2. DISPOSITION TO STATES AND CORPORATIONS

The Northwest Ordinance of the Confederation Government by reserving two sections per township for the support of schools heralded the practice of conferring upon States at their admission tracts of public land to support public purposes, principally schools. While the individual statehood acts vary in detail, a body of law has grown up dealing with the selection and patenting of these grants. The latest such grant is 100,000,000 plus acres to the State of Alaska granted not section by section but in an aggregate to be selected. Certain states have also been granted swamp and overflow lands.

Public lands have also been called upon to support great projects of a public nature although sponsored by private enterprise. Beginning in 1850 with the grant to the predecessor of the Illinois Central and reaching a climax, at least in terms of acreage, in the grant to the Northern Pacific, the public used its public lands as one of the means to secure the construction of vital links in our railroad network.

3. RESERVATION AND ADMINISTRATION

The Congress has also set a public policy of reserving certain public lands for public purpose and use. The first of these Acts was that in 1872 reserving the fabulous terrain that is now Yellowstone National Park. Other laws ultimately reserved lands not only for their scenic and primeval values but for minerals, power sites, reclamation, and wildlife protection.

The general revision of 1891 provided authority for the withdrawal of forest lands. Affirmative administration was authorized in 1897 whereby the President was authorized to proclaim the reservation of public lands for the improvement and protection of forests, securing favorable conditions of water-flow and furnishing a continuous supply of timber.

In 1910 general authority to withdraw lands temporarily was conferred upon the President. As amended in 1912 this authority was defined so as not to preclude locations for metalliferous minerals. In 1915 the Supreme Court ruled in the Midwest Case (236 U.S. 459) that the President had an implied power to reserve public lands for public purposes which includes the reservation. When invoked, the Withdrawal Act and the implied powers under the Midwest Case suspend the laws looking toward disposition.

The capstone of public land administration as it exists today was set in place in 1934 by two closely related occurrences. The Congress extended the leasing system to grazing and at the same time authorized the creation of grazing districts which action reserved such lands. At the same time it authorized the Secretary of the Interior to classify the public lands and open them to entry, location, selection, or sale upon certain findings. On November 26, 1934 the President withdrew all public lands in the eleven states of the far West and reserved them for classification and pending determination of the most useful purpose to which such lands may be put in consideration of the provisions of the Taylor Act and for the conservation and development of natural resources. It was followed by an Executive Order which accomplished the same purpose in other States.

APPENDIX C

FORMER PUBLIC LAND LAW REVIEW COMMISSIONS

FORMER PUBLIC LAND LAW REVIEW COMMISSIONS

There have been four Public Land Law Review Commissions. Many of their recommendations in one manner or another have been enacted into law but usually after an interval of some length.

The first was a commission created by Act of Congress in 1879 (20 Stat. 394). In its report it recommended statutory authority for the classification of public lands, repeal of the Pre-emption and Timber and Stone Acts, and the sale of grazing lands at graduated prices.

In 1903 President Theodore Roosevelt appointed a Public Land Law Commission which operated under a Congressional appropriation. It recommended a system of leasing the grasslands, repeal of the Forest Lieu Act and provision for grazing on the national forests. (Senate Document 189, 58th Cong., 3rd Sess.).

A National Conservation Commission in the same administration worked closely with the Public Land Commission. It recommended careful classification of the public lands, regulation of grazing on the public lands, leasing of coal lands and discussed the wholesale use mining law for alienation of lands from public ownership. (Senate Document 276, 60th Cong., 2nd Sess.).

Early in President Hoover's administration Congress responded favorably to his suggestion on the creation of a Public Land Law Review Commission (46 Stat. 153). In its report the Commission recommended transfer of the remaining public lands to the States with the mineral estate, however, reserved to the United States.

APPENDIX D

Background of Need for Major Revision of the
Public Land Laws Relating to Public Lands
Managed by Bureau of Land Management

Appendix D

BACKGROUND ON NEED FOR MAJOR REVISION OF THE PUBLIC LAND LAWS RELATING TO PUBLIC LANDS MANAGED BY BUREAU OF LAND MANAGEMENT

Through its Bureau of Land Management this Department manages approximately 467 million acres of public land. These lands include a great variety of resources varying from the deserts of the Southwest to the ice caps and tundra of Alaska. The President's Special Message to the Congress on Natural Resources, dated February 23, 1961, emphasizes the importance of these lands to the national economy and refers to them as "a vital national reserve that should be devoted to productive use now and maintained for future generations."

The Bureau has been attempting to perform management and disposition functions with inadequate means. In some measure, this situation arises because the public land laws are the result of a series of enactments over the years, a large number of which are now obsolete or otherwise insufficient.

At the time most of the basic public land laws were enacted, those concerned with the public lands, both in Congress and in the Executive Branch, assumed that most, if not all, of the public domain would no longer be in Federal ownership by say 1900. In fact, the rate of dispositions slowed prior to the turn of the century, only to increase again as various amendments to the homestead and other laws allowed individuals to obtain more land. However, by the time the Great Depression had come and gone the era of disposition had virtually come to a close. This was partly due to the character of the remaining public domain. The early settlers had, after all, taken the best lands they could. It was also due to the changing needs of both the public and private sectors of our economy. The public land laws are by and large not geared to meet those needs.

One of the biggest stumbling blocks to efficient modern public land management is the lack of general legislative systems for the various management and disposition functions necessary to meet mid-twentieth century needs.

In large measure the authority of public land administration consists of specific grants of authority which do not necessarily mesh with prior or subsequent Acts of the Congress. For example, Congress had directed that the O&C Lands be managed "in conformity with the principles of sustained yield." However, no such mandate has been given to public domain also managed by the Bureau of Land Management.

Through the years, the coordinated management of the public lands for maximum benefit to the general public has received increasing attention, from users, from the various organizations identified with conservation, from the Executive Branch of the Government and from the Congress. The Congress has indicated its interest in management and utilization of public resources under multiple-use and sustained yield principles. With the growing necessity to secure the optimum use from our natural resources, the Congress has been asked to reaffirm and emphasize the applicability of these principles to public land management generally, as well as in special areas.

The need for a general system for dispositions of public land is also apparent. The basic disposition authority is still contained in the so-called "agricultural" land laws. The objectives which these laws were designed to meet have been achieved in large measure. They are no longer an effective method of title transfer.

DIRECT SALE

Existing authority for direct sale of public land is extremely restricted. For example, increasing economic activity in the public land States has resulted in a growing demand for public land by local governments and private enterprises for many purposes, including commercial and industrial use and urban and suburban development. However, there is no readily available statutory authority for sale of public lands in tracts of sufficient size to meet these needs. Nor is there suitable authority for selling lands in larger tracts under other circumstances where the public interest would be benefited. Some sort of legislation to provide this authority is urgently needed.

There is also great need for a general system for permitting use of the public lands. For example, the authority for granting easements over public lands needs revision. Existing right-of-way laws do not make provision for various uses which would seem properly to fall within their general objectives, and do not always permit ready terminations of rights granted. Many of them do not contain adequate provision for appropriate terms and conditions for proper management of the surface, and for adequate dimensions to permit necessary utilization. Legislation designed to fill gaps in existing authority and to provide a modern, workable, and uniform law for granting easements affecting lands administered by the Department of Agriculture and the Department of the Interior has been suggested to simplify this area of public land administration.

The authority for consolidation of public land holdings by means of exchanges is presently contained in a multitude of laws. Many of them apply only in particular States or to particular areas such as specific national forests or parks. Even the basic general authority for exchange of public lands, Section 8 of the Taylor Grazing Act (43 U.S.C. 315g), contains severe limitations. Legislation has been introduced that would make this exchange law more flexible and it would provide the Secretary of the Interior with a more efficient and economical instrument for public land management.

Another major problem is mineral reservations in connection with land sales. Existing disposition laws contain a wide variety of mineral reservations. These range from retention of all minerals in Federal ownership to disposition of all minerals except those subject to the mineral leasing laws for which the lands are deemed valuable or prospectively valuable at the time of issuance of patent. There is no apparent reason for many of the distinctions. Persons acquiring public land often find it difficult to understand why one party receives mineral title while another does not, which promotes from time to time a volume of local or private bills seeking to convey mineral interests to people who believe themselves aggrieved.

Another aspect of this problem results from the fact that there are over 30 million acres, where the surface has been patented and the mineral estate may be appropriated under the United States mining laws regardless of surface development. In many localities a difficult situation has arisen where the location of mining claims for the mineral estate in such lands conflicts with private development of the surface for residential, industrial, and commercial purposes. Special legislation has been enacted to resolve these conflicts in certain parts of Pima and Maricopa Counties, Arizona. A general solution would be more adequate.

Another vexacious situation has to do with the conveyance of lands within railroad rights of way over the public lands. Congress has not enacted general legislation to authorize railroad companies to convey lands within such rights of way. However, Congress has enacted a number of private bills to validate railroad conveyance of such lands. Congress has been called upon to enact six laws in the past ten years covering specific instances.

The situations as described above are just examples of the problems faced by public land managers who are attempting to meet today's demands with yesterday's laws. There are many other materials that will require legislative action for effective solution. The need for public land reform is great and immediate.

APPENDIX E

STATISTICS

Acquisition of the public domain, 1781-1867
Disposition of public land, 1781-1962
Grants to States, 1803-1962
Grant lands confirmed to States, 1962
Grants to railroads, 1850-1962
Public Lands Under Jurisdiction of the
Department of the Interior, by State
and Agency, as of June 30, 1962
Lands Subject to Mineral Development under
Federal Mining or Leasing Laws or Both
Administered by Bureau of Land Management

Acquisition of the public domain, 1781-1867

Acquisition	Area			Cost ¹
	Land	Water	Total	
	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>	
State cessions (1781-1802).....	233,415,680	3,409,920	236,825,600	\$ 6,200,000
Louisiana Purchase (1803) ²	523,446,400	6,465,280	529,911,680	23,213,568
Red River Basin ⁴	29,066,880	535,040	29,601,920	-----
Cession from Spain (1819).....	43,342,720	2,801,920	46,144,640	6,674,057
Oregon Compromise (1846).....	180,644,480	2,741,760	183,386,240	-----
Mexican Cession (1848).....	334,479,360	4,201,600	338,680,960	16,295,149
Purchase from Texas (1850).....	78,842,880	83,840	78,926,720	15,496,448
Gadsden Purchase (1853).....	18,961,920	26,880	18,988,800	10,000,000
Alaska Purchase (1867).....	365,481,600	9,814,400	375,296,000	7,200,000
Total public domain.....	1,807,681,920	30,080,640	1,837,762,560	85,079,222

¹ Cost data for all except "State Cessions" obtained from: Geological Survey, *Boundaries, Areas, Geographic Centers* . . . (Washington, U.S. Government Printing Office, 1939), pp. 249-251.

² Georgia Cession, 1802 (56,689,920 acres). See: Donaldson, Thomas, *The Public Domain, Its History, with Statistics* (Washington, U.S. Government Printing Office, 1884), p. 11.

³ Excludes areas eliminated by Treaty of 1819 with Spain.

⁴ Basin of the Red River of the North, south of the 49th parallel.

NOTE.—All areas except Alaska were computed in 1912, and have not been adjusted for the recomputation of the area of the United States which was made for the 1950 decennial census. Source: U.S. Department of the Interior, Office of the Secretary, *Areas of Acquisitions to the Territory of the United States* . . . (Washington, U.S. Government Printing Office, 1922).

Disposition of public lands, 1781-1962

Type of disposition	Acres
Disposition by methods not elsewhere classified ¹	301,500,000
Granted or sold to homesteaders ²	287,200,000
Granted to States for:	
Support of common schools.....	78,500,000
Reclamation of swamp land.....	64,900,000
Construction of railroads.....	37,100,000
Support of miscellaneous institutions ³	22,000,000
Purposes not elsewhere classified ⁴	117,900,000
Construction of canals.....	4,600,000
Construction of wagon roads.....	3,300,000
Improvement of rivers.....	1,500,000
Total granted to States.....	329,800,000
Granted to railroad corporations.....	91,800,000
Granted to veterans as military bounties.....	61,000,000
Confirmed as private land claims ⁵	34,000,000
Sold under timber and stone law ⁶	13,800,000
Granted or sold under timber culture law ⁷	10,800,000
Sold under desert land law ⁸	10,100,000
Grand total.....	1,139,700,000

¹ Chiefly public, private, and preemption sales, but includes mineral entries, scrip locations, sales of townsites and townlots.

² The homestead laws generally provide for the granting of lands to homesteaders who settle upon and improve vacant agricultural public lands. Payment for the land is sometimes permitted, or required, under certain conditions.

³ Universities, hospitals, asylums, etc.

⁴ For construction of various public improvement (individual items not specified in the granting acts), reclamation of desert lands, construction of water reservoirs, etc.

⁵ The Government has confirmed title to lands claimed under valid grants made by foreign governments prior to the acquisition of the public lands by the United States.

⁶ The timber and stone laws provide for the sale of lands valuable for timber or stone and unfit for cultivation.

⁷ The timber culture laws provided for the granting of public lands to settlers on condition that they plant and cultivate trees on the lands granted. Payment for the lands was permitted under certain conditions.

⁸ The desert land laws provide for the sale of arid agricultural public lands to settlers who irrigate them and bring them under cultivation.

NOTE: Data are estimated from available records.

Grants to States, 1803-1962

State	Purpose										Total
	Common schools	Other schools	Other institutions	Railroads	Wagon roads	Canals and rivers	Miscellaneous improvements (not specified)	Swamp reclamation	Other purposes		
Alabama	Acres 911,627	Acres 383,785	Acres 181	Acres 2,747,470	Acres	Acres 400,016	Acres 97,469	Acres 441,666	Acres 24,690	Acres 24,690	Acres 5,006,883
Alaska	78,616	281,083	1,050,373	1,048					103,728,287	103,728,287	105,148,215
Arizona	8,152,429	899,843	500,890	1,048					1,101,400	10,655,610	10,655,610
Arkansas	934,418	196,060		2,563,721			500,000	7,686,373	50,690	11,987,474	11,987,474
California	5,334,687	212,513		410			300,000	2,163,317	404,768	8,544,738	8,544,738
Colorado	3,685,618	138,940	32,000				500,000		115,946	4,471,604	4,471,604
Connecticut		180,000								180,000	180,000
Delaware		90,000								90,000	90,000
Florida	975,347	182,190		2,216,705			500,000	30,325,381	5,120	24,296,663	24,296,663
Georgia		270,000								270,000	270,000
Hawaii											
Idaho	2,963,598	389,826	250,000						654,064	4,237,888	4,237,888
Illinois	996,320	520,080		2,585,188			324,283	209,080	1,460,154	6,234,655	6,234,655
Indiana	953,378	435,080			170,680		1,480,409	1,239,271	23,400	4,940,215	4,940,215
Iowa	1,000,679	286,080		4,705,945			321,342	1,196,292	49,324	8,061,262	8,061,262
Kansas	2,907,520	151,299	127	4,176,329			500,000		59,423	7,794,698	7,794,698
Kentucky		330,000	24,696							354,696	354,696
Louisiana	807,451	286,292		373,057			500,000	9,502,672		11,436,472	11,436,472
Maine		210,000								210,000	210,000
Maryland		360,000								360,000	360,000
Massachusetts		360,000								360,000	360,000
Michigan	1,021,867	285,050		3,134,035	221,013	1,251,236	350,000	5,960,312	49,280	12,143,840	12,143,840
Minnesota	2,371,983	215,472		8,947,469			500,000	4,730,301	80,880	18,429,305	18,429,305
Mississippi	824,213	348,240		1,073,343			500,000	3,348,043	1,233	6,097,994	6,097,994
Missouri	1,221,513	373,660		1,807,968			500,000	3,432,521	43,540	7,417,022	7,417,022
Montana	5,166,288	388,721	100,000	80					273,829	5,968,415	5,968,415
Nebraska	2,730,931	136,080	32,000				500,000		59,680	3,438,711	3,438,711
Nevada	2,061,967	136,080	12,800				500,760		14,619	2,730,226	2,730,226
New Hampshire		150,000								150,000	150,000
New Jersey		210,000								210,000	210,000
New Mexico		1,347,224	750,000						1,886,789	13,619,870	13,619,870
New York	9,535,857	1,847,224				100,000				9,600,000	9,600,000
North Carolina		270,000								270,000	270,000
North Dakota	2,485,893	333,060	250,000							3,169,353	3,169,353
Ohio	724,366	690,120				80,774	1,204,114		26,372	24,218	2,788,862
Oklahoma	1,370,000	1,050,000	670,760							3,090,760	3,090,760
Oregon	3,300,560	142,617			2,383,890		300,000	285,108	157,324	7,036,299	7,036,299
Pennsylvania		750,000								750,000	750,000
Rhode Island		130,000								130,000	130,000
South Carolina		180,000								180,000	180,000
South Dakota	2,733,684	360,080	250,000						55,569	3,333,332	3,333,332
Tennessee		300,000								300,000	300,000
Texas		180,000								180,000	180,000
Utah	5,920,566	598,132	501,485						601,320	7,021,472	7,021,472
Vermont		150,000								150,000	150,000
Virginia		300,000								300,000	300,000
Washington	2,376,391	414,323	200,000						152,000	3,142,714	3,142,714
West Virginia		150,000								150,000	150,000
Wisconsin	962,418	332,160		3,652,322	302,981	1,022,349	500,000	3,361,166	26,429	10,179,775	10,179,775
Wyoming	3,470,000	136,080	420,000						816,431	4,342,520	4,342,520
Total	75,563,386	17,079,038	6,046,018	37,130,069	3,389,138	6,103,749	7,907,315	64,906,471	110,168,176	380,165,430	380,165,430

TABLE 5.—*Grant lands conferred to States, 1902*

State	School land fermenting	Swamp lands	Other lands	Total
Alaska.....	5,297.14			5,297.14
California.....	4,526.44	314.50	1,912,952.03	2,218,793.07
Idaho.....	940.00		7,022.03	7,962.03
Montana.....		306.00	1,280.00	1,586.00
Nevada.....	20,720.00		4,837.00	25,557.00
Oregon.....	41,705.66		1,388.17	43,093.83
Washington.....			4,388.17	4,388.17
Total.....	74,867.64	1,713.60	346,743.73	396,296.97

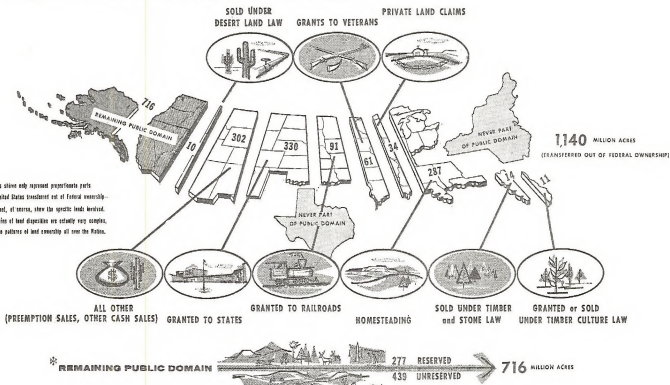
1 1/2 grants for university (70,028.80 acres) under the act of January 21, 1902 (31 Stat. 1091); 42 grants for general purposes (249,724.86 acres) and 7 reserved land community (64.45 acres), both under the act of July 1, 1902 (32 Stat. 339); 17 medical health (43,048.16 acres) under the act of July 29, 1902 (32 Stat. 711); 1 grant for agricultural and mechanical colleges under the act of June 30, 1903 (32 Stat. 427); conditional grants for agricultural improvements under acts of September 4, 1841 (5 Stat. 453), July 4, 1864 (14 Stat. 83) and June 8, 1866 (15 Stat. 231); 1 grant for a hospital, act of February 29, 1902 (31 Stat. 1227); conditional grants for agricultural (289 acres) and normal schools (1,361.80 acres), both under the act of February 29, 1902 (31 Stat. 1227); 1 grant for a school, act of February 29, 1902 (31 Stat. 1227); conditional grants for agricultural (289 acres) and normal schools (1,361.80 acres), both under the act of February 29, 1902 (31 Stat. 1227); 1 conditional grant, act of September 29, 1880 (21 Stat. 610); patented.

TABLE 6.—*Grants to railroads, 1850-1902*

State	Acres
Arizona.....	71,290,129.58
California.....	11,659,495.47
Colorado.....	1,200,776.97
Idaho.....	4,467,826.11
Lowy.....	1,001,942.46
Minnesota.....	1,004,420.14
Montana.....	14,739,697.72
Nebraska.....	7,272,623.25
Nevada.....	10,697,400.25
New Mexico.....	6,613,505.68
North Dakota.....	2,293,065.01
Ohio.....	9,749,021.12
Washington.....	5,749,021.12
Wyoming.....	94,534,898.36
Total.....	346,743.73

1 Includes O&C acreage, title to which was reserved in the United States by the act of June 9, 1916 (39 Stat. 218).

Disposition of the Public Domain - 1785 to Present



Public Lands Under Jurisdiction of the Department of the Interior, by State and Agency, as of June 30, 1962

State	Bureau of Land Management			National Park Service		Bureau of Reclamation		Fish and Wildlife Service	
	Within Grazing Districts	Outside Grazing Districts	Acquired	Public Lands	Acquired	Public Lands	Acquired	Public Lands	Acquired
Alabama		2,869.0			3,299.3				2,086.8
Alaska		116,251,032.8		6,910,511.0	766.6	4,810.0	162.0	19,012,065.9	3.5
Arizona	10,535,265.0	2,513,942.0	39,367.0	4,909,624.0	99,225.3	1,302,053.1	73,530.1	1,266,816.1	21.3
Arkansas		1,838.0		891.0	4,309.4			8,759.9	115,084.2
California	2,265,473.0	13,052,476.0		3,838,012.5	199,432.7	996,768.3	212,328.3	2,360.2	50,885.0
Colorado	7,481,865.0	831,452.0	37,539.7	493,859.0	17,149.3	363,194.6	46,975.5	4,929.1	12,561.5
Connecticut									1.7
Delaware									13,810.3
District of Columbia					7,285.4				
Florida		1,150.0		89.4	1,348,775.8			4,242.0	97,017.7
Georgia					15,480.1				377,617.7
Hawaii					196,220.9				1,767.2
Idaho	11,013,293.0	990,345.9	73,337.6	78,378.7	1,113.2	473,197.8	118,834.9	5,650.7	11,085.9
Illinois		46.0						65.2	50,561.9
Indiana		320.0							110.6
Iowa					1,244.4			59.3	25,691.5
Kansas		1,218.0	80.0					50,654.6	9,482.9
Kentucky					62,147.1				60,194.8
Louisiana		8,362.0			82.8				220,337.0
Maine					31,651.8				22,710.5
Maryland					16,778.5				33,191.6
Massachusetts					1,283.5				7,969.6
Michigan		6,196.0		10,441.9	228,897.5			2,801.5	97,966.7
Minnesota		72,250.0		275.9	315.0		44.1		203,623.2
Mississippi		1,735.0			21,960.0			3,277.6	49,535.1
Missouri		240.0			297.5				39,143.0
Montana	5,210,858.0	1,187,576.5	1,903,901.4	1,126,344.4	26,122.2	153,198.1	105,648.1	416,859.7	67,913.9
Nebraska		5,950.0		2,014.0	347.5				121,522.9
Nevada	42,403,308.0	4,421,639.7	3,135.3	115,879.3	-7	1,048,897.4	105,469.4	2,871,678.7	54,840.3
New Hampshire					273.7				40.0
New Jersey					23,367.4				14,015.5
New Mexico	12,963,197.0	1,118,274.0	233,927.0	217,564.5		82,450.2	98,072.9	11,415.7	70,393.3
New York					2,744.1				11,444.1
North Carolina					331,493.8				83,414.3
North Dakota		83,810.0		10,444.0	58,580.4		916.7	17,990.9	199,761.7
Ohio					80.4				82.0
Oklahoma		30,889.0			916.0		83.0		946.5
Oregon	12,280,781.0	3,040,324.4	93,446.0	158,303.3	2,532.0	244,025.1	35,020.4	77,806.2	1,247.4
Pennsylvania					3,733.5			244,539.0	205,663.9
Rhode Island									3,777.1
South Carolina									26.0
South Dakota					3,967.9				135,637.6
Tennessee		283,607.0		78,718.8	51,485.8		26,254.4	1,163.1	37,420.5
Texas					249,655.5				1,234.8
Texas					700,220.7				104,840.7
Utah	24,106,203.0	724,433.0	33,453.6	222,275.9	12,902.9	1,770,507.9	92,868.8	62,995.1	26,430.6
Vermont									3,730.5
Virginia					263,403.8				16,632.5
Washington		287,203.7		1,022,643.9	54,608.6	162,183.7	394,423.5	37,799.7	69,343.5
West Virginia					472.6				214.0
Wisconsin		922.0							427.0
Wyoming	13,301,573.0	4,192,501.0	10,181.8	2,271,925.8	37,021.4	902,344.2	135,765.5	17,385.8	21,896.9
Total	141,912,406.0	345,483,200	2,428,758.4	17,983,803.9	4,385,050.5	7,579,105.0	1,611,481.4	24,344,471.7	2,915,317.7

Continued - Public lands under jurisdiction of the Department of the Interior

	Bureau of Mines		Bonneville Power Administration		Southwestern Power Administration		Geological Survey		Office of Territories Alaska R.R.		Office of Saline Water		TOTAL	
	Public Lands	Acquired	Public Lands	Acquired	Public Lands	Acquired	Public Lands	Acquired	Public Lands	Acquired	Public Lands	Acquired	Public Lands	Acquired
Alabama		2.6											2,868.0	13,046.2
Alaska	2.3													2,737.3
Arizona		1.4							37,040.0	1,805.2			38,213,459.0	213,026.1
Arkansas						25.2							11,493.9	112,418.8
California								12.5				39.7	20,478,095.0	462,912.2
Colorado													9,172,369.7	118,225.0
Connecticut														1.7
Delaware														13,810.3
District of Columbia														7,695.4
Florida													5,481.4	1,434,793.5
Georgia														374,067.8
Hawaii														197,988.1
Idaho				67.2									12,551,856.1	204,438.8
Illinois													111.2	50,564.9
Indiana													20.0	110.6
Iowa													333.7	26,995.2
Kansas		103.0											1,218.0	63,220.5
Kentucky														122,461.9
Louisiana													17,241.7	220,419.8
Maine														54,362.3
Maryland		12.9												34,261.0
Massachusetts														3,793.1
Michigan													19,439.4	622,864.2
Minnesota		57.2											73,553.9	205,039.5
Mississippi													5,012.6	71,511.1
Missouri		3.0				63.3							240.0	39,564.8
Montana				102.1										39,564.8
Nebraska													8,135,072.7	2,114,047.7
Nevada													31,251.8	172,262.3
New Hampshire													50,221,403.1	163,770.2
New Jersey														40.0
New Mexico		4.7											14,990.9	429,287.3
New York												6.5	14,393,501.4	14,128.4
North Carolina													25.0	418,931.1
North Dakota		11.7											100,256.4	276,344.7
Ohio													82.0	1,034.9
Oklahoma		201.3				44.9							109,106.2	41,026.0
Oregon		27.0	40.0	1,550.4									15,201,192.8	33,299.9
Pennsylvania		262.3												1,778.9
Rhode Island														26.0
South Carolina														146,605.5
South Dakota													1.5	322,555.4
Tennessee		6.2												118,522.2
Texas		12,495.5											5.0	231,570.5
Utah		12.3						50.0					25,928,993.8	165,528.2
Vermont														3,730.5
Virginia														280,076.3
Washington				6,535.5									1,518,127.0	212,215.7
West Virginia		15.3												41,461.7
Wisconsin													1,379.0	166,231.9
Wyoming		2.2											20,622,229.3	204,863.8
TOTAL	12,337.2	13,275.1	40.0	8,558.2		136.0	50.0	18.1	37,040.0	1,805.2		77.7	536,952,711.4	11,364,478.3

Appendix E (continued)

LANDS SUBJECT TO MINERAL DEVELOPMENT UNDER FEDERAL MINING OR
 LEASING LAWS OR BOTH, ADMINISTERED BY BUREAU OF LAND MANAGEMENT

AGENCY	PUBLIC DOMAIN (Acres)	ACQUIRED (Acres)	PAT. WITH MIN. RES. UNITED STATES (Acres)
BLM.	484,339,094.4	2,449,299.2	59,406,706
BUR. RECL.	7,624,646.7	1,561,345.0	
FOREST SERVICE	159,983,691.0	26,146,886.3	
OTHER AGRI. AGCY.	364,685.4	46,422.6	
DEPT. DEFENSE	15,283,219.3	17,352,382.8	
A.E.C.	1,460,785.8	645,143.5	
OTHER CIVIL AGENCY.	176,439.3	902,842.9	
TOTAL	<u>669,232,561.9</u>	<u>49,104,322.3</u>	<u>59,406,706</u>
GRAND TOTAL	777,743,590.2 ACRES		

APPENDIX F

Transfer of Public Lands - by Local or
Private Acts

Appendix F

TRANSFER OF PUBLIC LANDS - BY LOCAL OR PRIVATE ACTS85th Congress, 2nd Session, Vol. 72 Stats.

<u>Pg.</u> <u>Stats.</u>	<u>Public or</u> <u>Private Law</u>	<u>Bill</u>	<u>Date</u>	<u>Recipient</u>	<u>Purpose</u>	<u>Approx.</u> <u>Acreage</u>
987	85-833	S.4053	August 28	Agriculture Department	Exchange of lands	79.00
1686	85-868	S.3754	September 2	Navajo Tribe of Indians	Exchange of lands	53,000.00
(private laws)						
A24	85-387	S.2230	April 23	Charlotte Rudland Dansie Association	Patent of land without consideration	1.25

TRANSFER OF PUBLIC LANDS - 1960

86th Congress, 2nd Session, Vol. 74 Stats.

<u>Pg.</u> <u>Stats.</u>	<u>Public or</u> <u>Private Law</u>	<u>Bill</u>	<u>Date</u>	<u>Recipient</u>	<u>Purpose</u>	<u>Approx.</u> <u>Acreage</u>
380	86-742	S.3212	September 13	Mineral County, Nevada	Sale of certain public lands, and acquired lands	2,040.00
(private laws)						
A61	86-385	H.R.3122	July 5	Heirs of Frank L. Wilhelm	Patent of entry made by Frank L. Wilhelm	157.98

TRANSFER OF PUBLIC LANDS - 1961

87th Congress, 2nd Session, Vol. 75 Stats.

<u>Pg. Stats.</u>	<u>Public or Private Law</u>	<u>Bill</u>	<u>Date</u>	<u>Recipient</u>	<u>Purpose</u>	<u>Approx. Acreage</u>
500	87-231	S.203	September 14	Pueblos of: (a) Santa Ana (b) Zia (c) Jemez (d) San Felipe (e) Santo Domingo (f) Cochiti (g) Isleta (h) San Ildefonso In Sandoval County, New Mexico	Title to public lands declared to be in trust for the named pueblo	a)22,972.87 b)20,163.41 c) 7,819.28 d) 5,347.73 e) 3,022.87 f) 5,384.49 g) 4,559.74 h) 433.27
(private laws)						
884	87-102	H.R. 4500	July 6	Heirs of Anthony Bourbonnais	Donation of improperly surveyed public lands	0.36
898	87-145	H.R.1593	August 10	American Baptist Home Mission Society	Exchange of lands (to society) (to U.S.)	7.50 12.50
912	87-183	H.R.3596	September 6	Purvis C. Vickers, Robert I. Vickers, and Joseph M. Vickers, a copartnership known as Vicker Brothers	Sale of Public Lands	157.07

TRANSFER OF PUBLIC LANDS - 1962

87th Congress, 2nd Session, Vol. 76 Stats.

<u>Pg.</u> <u>Stats.</u>	<u>Public or</u> <u>Private Law</u>	<u>Bill</u>	<u>Date</u>	<u>Recipient</u>	<u>Purpose</u>	<u>Approx.</u> <u>Acreage</u>
33	87-416	S.201	March 16	Zuni Tribe of Indians	Donation of public lands	610.89
89	87-469	H.R.9097	May 31	General Sale of lands in Idaho	Sale of improperly surveyed public lands under Color of Title Act	Indeterminate
749	87-752	H.R.2952	October 5	City of Needles, California	Sale of public lands	340.00
954	87-828	H.R.9342	October 15	Ute Tribe of Indians	Exchange of lands for dam and reservoir project	707.50 (from Indian Tribe, Gov't land to be determined by Sec'y)

TRANSFER OF PUBLIC LANDS - 1963

88th Congress, 1st Session, Vol. 77 Stats.

<u>PG.</u> <u>Stats.</u>	<u>Public or</u> <u>Private Law</u>	<u>Bill</u>	<u>Date</u>	<u>Recipient</u>	<u>Purpose</u>	<u>Approx.</u> <u>Acreage</u>
53	88-35	S.873	May 29	Lincoln County, Nevada	Sale of public lands	2,844.00
88	88-73	H.R.2461	July 22	City of Henderson, Nevada	Sale of public lands	15,000.00
(private laws)	88-3	H.R.2294	April 26	Mrs. William E. Betz	Patent of homestead of late husband	0.25
	88-4	S.394	May 17	Leo F. Reeves	Patent of some land, sale of other land	(pat.)78.89 (sold)39.76

HIGHLIGHTS IN THE HISTORY OF THE PUBLIC LANDS

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ACQUISITION OF PUBLIC LANDS	PUBLIC LANDS STATES	DISPOSITIONS				MANAGEMENT, PROTECTION, AND CONSERVATION
		LAND GRANTS	SETTLEMENT POLICY	VETERANS	OTHER LAWS	
1776- 1777- CESSIONS BY THE ORIGINAL STATES						1776
1777- 1778- CESSIONS BY THE ORIGINAL STATES					INDIAN BOUNDARY PROCLAIMS	1771
1778- 1779- CESSIONS BY THE ORIGINAL STATES						1773
1779- 1780- CESSIONS BY THE ORIGINAL STATES		RESERVATION FOR EDUCATION PURPOSES				LAND ORDINANCE CASAPARAL SURVEYS
1780- 1781- CESSIONS BY THE ORIGINAL STATES			FIRST LAND PATENT		U.S. CONSTITUTION - ARTICLE 4 TERRITORIAL AUTHORITY FOR PUBLIC LAND MANAGEMENT	1789
1781- 1782- CESSIONS BY THE ORIGINAL STATES						1785
1782- 1783- CESSIONS BY THE ORIGINAL STATES		JANE'S TRACE				1790
1783- 1784- CESSIONS BY THE ORIGINAL STATES						1796
1784- 1785- CESSIONS BY THE ORIGINAL STATES						1796
1785- 1786- CESSIONS BY THE ORIGINAL STATES						1800
1786- 1787- CESSIONS BY THE ORIGINAL STATES						1802
1787- 1788- CESSIONS BY THE ORIGINAL STATES						1803
1788- 1789- CESSIONS BY THE ORIGINAL STATES						1803
1789- 1790- CESSIONS BY THE ORIGINAL STATES						1803
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1800- 1801- CESSIONS BY THE ORIGINAL STATES						1803
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1899- 1900- CESSIONS BY THE ORIGINAL STATES						1803

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