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UNITED STATES  
DEPARTMENT OF THE INTERIOR

# TAYLOR GRAZING ACT

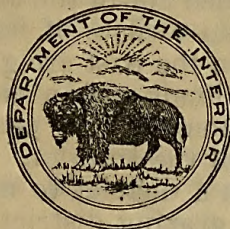
(APPROVED JUNE 28, 1934, PUBLIC No. 482)

STATEMENT OF THE PRESIDENT  
ON APPROVAL OF THE ACT

EXPLANATION OF THE LAW

TEXT OF THE ACT

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## STATEMENT OF THE PRESIDENT ON APPROVAL OF THE TAYLOR GRAZING ACT

The passage of this act marks the culmination of years of effort to obtain from Congress express authority for Federal regulation of grazing on the public domain in the interests of national conservation and of the livestock industry.

It authorizes the Secretary of the Interior to provide for the protection, orderly use, and regulation of the public ranges, and to create grazing districts with an aggregate area of not more than 80 million acres. It confers broad powers on the Secretary of the Interior to do all things necessary for the preservation of these ranges, including, amongst other powers, the right to specify from time to time the number of livestock which may graze within such districts and the seasons when they shall be permitted to do so. The authority to exercise these powers is carefully safeguarded against impairment by State or local action. Creation of a grazing district by the Secretary of the Interior and promulgation of rules and regulations respecting it will supersede State regulation of grazing on that part of the public domain included within such district.

Water development, soil-erosion work, and the general improvement of such lands are provided for in the act.

Local residents, settlers, and owners of land and water who have been using the public range in the past are given a preference by the terms of the act to the use of lands within such districts when placed under Federal regulation so long as they comply with the rules and regulations of the Secretary of the Interior. The act permits private persons owning lands within a district to make exchanges for federally owned land outside a grazing district if and when the Secretary of the Interior finds it to be in the best public interests.

The Federal Government, by enacting this law, has taken a great forward step in the interests of conservation, which will prove of benefit not only to those engaged in the livestock industry but also to the Nation as a whole.

# GENERAL EXPLANATION OF THE TAYLOR GRAZING ACT

APPROVED JUNE 28, 1934

[Public No. 482]

## SECTION 1

*Creation of grazing districts.*—The Secretary of the Interior is authorized to create grazing districts from any part of the vacant and unappropriated public domain which, in his opinion, is chiefly valuable for grazing. The Secretary of the Interior may not, however, place more than 80,000,000 acres of the public domain in grazing districts. Lands in national forests, national parks and monuments, or Indian Reservations may not be included in such districts.

A grazing district is created by the issuance of an order which establishes the boundaries of the grazing district. Additions may be made to any district or its boundaries changed from time to time.

*Hearings required.*—Before grazing districts may be established in any State, a hearing must be held in the State (after a public notice of the hearing has been given), at a location fixed by the Secretary of the Interior, convenient for the attendance of State officials and the settlers, residents, and livestock owners of the vicinity where the district is proposed to be established. A district may not be established until the expiration of ninety days after such notice has been given nor until twenty days after such hearing is held.

*Withdrawal of public lands within proposed grazing district from entry.*—The publication of a notice of hearing has the effect of withdrawing all public lands within the exterior boundaries of a proposed grazing district from all forms of homestead entry or settlement.

*Rights-of-way over grazing district lands.*—The Secretary is required to grant any owner of lands adjacent to a district, upon application of any such owner, a right-of-way over the land included in such district, for stock-driving purposes, where necessary for convenient access to marketing facilities or to grazing lands not within such district.

*Construction of act.*—Nothing in the act is to be construed to impair any rights initiated under public land laws, except as required by other provisions of the act. The creation of a grazing district will not defeat the grant, to a State, of lands heretofore or hereafter surveyed. The act is not to be construed as limiting or restricting the power or authority of any State as to matters within its jurisdiction. The act is not to be construed as altering or restricting the right to hunt or fish within a grazing district, or as vesting in any permittee any right to interfere with hunting or fishing within a district.

## SECTION 2

*Powers of the Secretary of the Interior.*—The Secretary of the Interior is empowered to do any and all things necessary for the protection, administration, regulation, and improvement of such grazing districts as may be created, including, among other things, power to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, and to provide for the orderly use, improvement, and development of the public range.

*Rules and Regulations.*—The Secretary of the Interior is authorized to make rules and regulations and establish a suitable service to carry out the purposes of the act.

*Rehabilitation of ranges.*—The Secretary is authorized to study erosion and flood control and perform such work as is necessary to rehabilitate public land areas subject to the provisions of the act.

*Penalty.*—Any willful violation of the act, or of the rules and regulations after actual notice thereof, is punishable by a fine of not more than \$500.

## SECTION 3

*Issuance of grazing permits.*—The Secretary is authorized to issue permits to graze livestock within a district to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range. Permits may be issued only to citizens of the United States or to those who have filed the necessary declaration of intention to become such, and to groups, associations, or corporations authorized to do business under the laws of the States in which the grazing district is located.

*Number of livestock to graze within district—Seasons of use.*—The Secretary is also authorized to specify from time to time the number of livestock that shall graze within a district, and the seasons when a district shall be used for grazing.

*Preferences to grazing privileges within districts.*—Preference is to be given in the issuance of grazing permits to those within or near a district who are land owners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights.

After a permit has been issued, its renewal may not be refused for the purpose of allowing a preference application if the permittee is complying with all rules and regulations of the Secretary of the Interior, where such refusal will impair the value of a livestock unit that has been pledged by the permittee as security for a loan. The number of livestock which such permittee may graze within a district may be increased or reduced, however, in the discretion of the Secretary of the Interior.

Each preference will be measured by the amount of grazing which is necessary for the permit applicant to make proper use of the lands, water or water rights owned, occupied, or leased by him. Until July 1, 1935, no preference is to be given in the issuance of such permits to any owner, occupant, or settler whose rights were acquired between January 1, 1934, and December 31, 1934.

After the allowance of the preferences hereinbefore provided for, persons recognized and acknowledged by the Secretary of the Interior as enjoying the use of the public range at the time of its in-



clusion within a district, will be given a preference in the balance of the grazing privileges of the district. Such preference will be measured by the amount of the permit applicant's past use of such range.

*Duration of permit.*—Permits will be issued for a period of not more than 10 years.

*Renewal of permit.*—The permittee has a preference to renew the permit at the discretion of the Secretary of the Interior.

*Grazing fees.*—The Secretary is authorized to make a reasonable annual charge for the privilege of grazing livestock within a district. During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior is given authority, in his discretion, to remit, reduce, or refund in whole or in part, or authorize postponement of payment, of grazing fees for the period of such emergency.

*Water rights.*—It is provided that nothing in the act shall be construed to impair any right to the possession and use of water, which has vested or accrued under existing public land laws, or which may be hereafter initiated or acquired and maintained in accordance with such laws. This provision protects vested rights to the use of water which may be situated within a grazing district, and also provides for the continued acquisition of rights to the possession and use of unappropriated water located within districts.

*Creation of grazing district or issuance of permit not to create any rights in lands.*—The creation of a grazing district or the issuance of a permit pursuant to the provisions of the act will not create any right, title, interest, or estate in or to the lands. The permittee has a revocable privilege, only, of grazing on public domain included within a district.

#### SECTION 4

*Permit to construct improvements on public lands within districts required.*—Fences, wells, reservoirs, and other improvements necessary to the care and management of permitted livestock may be constructed on public lands within the grazing districts under a permit issued by the Secretary.

*Partition fences.*—The act provides that the Secretary of the Interior shall require permittees to comply with the provisions of the law of the State within which the grazing district is located as regards the cost and maintenance of partition fences.

*Use of improvements in districts by subsequent occupants.*—Where improvements have been constructed within a district by a permittee, no permit shall be issued which will entitle a subsequent permittee to the use of such improvements until he has paid for the reasonable value thereof as determined under the rules and regulations of the Secretary of the Interior.

#### SECTION 5

*Free grazing within districts for livestock kept for domestic purposes.*—Free grazing for domestic livestock within districts is to be allowed.

*Use of timber, stone, gravel, clay, coal, and other deposits.*—Nothing in the act is to prevent the use of timber, stone, gravel, clay, coal, and other deposits by miners, prospectors for minerals, settlers and residents for fire wood, fences, buildings, mining, prospecting, and other domestic purposes.

#### SECTION 6

*Rights-of-way within grazing districts.*—The act does not restrict the acquisition, granting, or use of rights-of-way within grazing districts under existing law; or ingress or egress over the public lands in grazing districts for all proper and lawful purposes.

*Mining.*—The act does not operate to restrict prospecting, locating, developing, mining, leasing, or the patenting of mineral resources within such districts under applicable law.

#### SECTION 7

*Homesteading of public lands within grazing districts.*—The Secretary is authorized, in his discretion, to classify lands within grazing districts which are more valuable and suitable for the production of agricultural crops than forage plants, and to open such agricultural lands to homestead entry in tracts not exceeding 320 acres in area. No lands within a grazing district are subject to settlement or occupancy, however, until such classification is made and the lands found to be more valuable for agricultural crops are opened to entry after notice thereof has been given to the grazing permittees. Lands homesteaded remain a part of the grazing district until patents are issued therefor. After entry is allowed, the homesteader is entitled to the possession and use of the land.

When any qualified person files an application in the Land Office of the proper district to make a homestead entry to any tract not exceeding 320 acres, the Secretary is directed to make a classification of such land. If the Secretary classifies such land as agricultural, the applicant therefor has a preference right to enter such lands when they are opened to entry.

#### SECTION 8

*The United States may be given title to lands within district.*—The Secretary of the Interior on behalf of the United States may accept title to any lands within the exterior boundaries of a grazing district as a gift when he believes such action will promote the purposes of the district.

*Exchange of privately owned lands situated within district for lands of the United States.*—When, in the opinion of the Secretary, the public interest will be benefited thereby, he is authorized to accept title to any privately owned lands within the exterior boundaries of a grazing district and in exchange therefor to issue a patent for not to exceed an equal value of public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base lands. Public lands given in exchange must be surveyed and may be situated either within or without a grazing district.

*Notice of exchange.*—Before any exchange can be effected, notice thereof must be published by the Secretary once each week for 4

successive weeks in some newspaper of general circulation in the county or counties in which the lands to be accepted are situated, and also in some newspaper published in the county in which the lands to be given in such exchange are situated. Lands conveyed to the United States under this section become a part of the grazing district within whose exterior boundaries they are located. Either party to an exchange may make reservations of minerals, easements, etc.

*Exchange of State-owned lands.*—Upon application of any State, the Secretary is directed to exchange federally owned lands for State-owned lands. The base lands to be taken by the United States from a State in any such exchange may be located either within or without a grazing district. Such exchanges are to be made in the manner that is provided for the exchange of public lands for those in private ownership.

#### SECTION 9

*Cooperation with local stockmen and State land and conservation officials.*—The Secretary is directed to provide by suitable rules and regulations for cooperation with local organizations of stockmen, State land officials and official State agencies engaged in the conservation of wild life.

*Appeals from decisions of officer in charge of grazing district.*—The Secretary is directed to provide for local hearings on appeals from the decisions of administrative officers in charge of grazing districts, in a manner similar to the procedure in the General Land Office.

*Contributions.*—The Secretary is authorized to accept contributions toward the administration and improvement of the district.

#### SECTION 10

*Disposition of grazing fees.*—One-fourth of all the moneys received from each grazing district each fiscal year is to be used by the Secretary of the Interior, when appropriated by Congress, for the construction and maintenance of range improvements in the district where collected; and one-half of the moneys received from each grazing district during any fiscal year is to be paid at the end thereof by the Secretary of the Treasury to the State where collected, to be expended as the State Legislature may prescribe for the benefit of the county or counties in which the grazing district is situated.

#### SECTION 11

*Ceded Indian lands—Disposition of grazing fees.*—One-fourth of all moneys received during any fiscal year, from a grazing district composed of lands ceded by Indians to the United States for disposition under the public land laws, is to be used for the construction and maintenance of range improvements in such district; and one-fourth of all such moneys is to be paid at the end of each fiscal year by the Secretary of the Treasury to the State in which said lands are situated to be used as the State Legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such grazing lands are situated; and the remaining one-half of all such money received from such grazing lands is to be deposited to the

credit of the proper Indians pending final disposition of such lands under applicable laws, treaties, or agreements.

*Disposition of ceded Indian lands.*—Applicable public land laws continue in operation as to ceded Indian lands placed within a grazing district. If the Secretary of the Interior decides that an application for nonmineral title to any ceded Indian lands situated within a district will adversely affect the best public interest, or that the land is of a character not suited to disposal through the act under which the application is made, he may refuse to allow it.

In no event, however, is settlement or occupation of such lands to be permitted until 90 days after the allowance of an application.

## SECTION 12

*Cooperation with other departments of the Government.*—The Secretary is authorized to cooperate with other Departments of the Government in carrying out the purposes of the act, and in coordinating range administration.

## SECTION 13

*Transfers of national forest and grazing lands.*—The President of the United States is given authority to place under National Forest Administration, in any State where national forests may be created or enlarged by Executive order, any unappropriated public lands lying within watersheds forming a part of the national forests, which, in his opinion, can best be administered in connection with existing national forest administration units.

The President is also authorized to place under the Interior Department administration any lands within national forests principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this act.

## SECTION 14

*Sale of isolated tracts of the public domain.*—This section is an amendment of the present isolated tract law and authorizes the Secretary of the Interior, in his discretion, to order the sale of isolated tracts of the public domain which do not exceed 760 acres in area. Such land may not be sold for less than the appraised value nor until after 30 days' notice of the proposed sale has been given by the land office of the district in which the land is situated. After the highest bid has been determined, any owner of contiguous land has a preference right to buy the offered lands at such highest bid price for a period of 30 days. In no case is an adjacent landowner to be required to pay more than three times the appraised value.

## SECTION 15

*Leasing of isolated tracts of the public domain.* The Secretary is authorized, in his discretion, to lease isolated tracts of 640 acres or more of vacant and unappropriated public domain, to contiguous landowners for grazing purposes, upon such terms and conditions as he may prescribe.



## SECTION 16

*Construction of act.*—This section is declaratory of the States' power to enact and enforce statutes for police regulation as regards public health or public welfare. The States, on the other hand, are declared to have no power to restrict or impair the power and authority of the United States to regulate grazing on the public domain.

[PUBLIC—No. 482—73D CONGRESS]

[H.R. 6462]

AN ACT

To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, not exceeding in the aggregate an area of eighty million acres of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops: *Provided*, That no lands withdrawn or reserved for any other purpose shall be included in any such district except with the approval of the head of the department having jurisdiction thereof. Nothing in this Act shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law validly affecting the public lands, and which is maintained pursuant to such law except as otherwise expressly provided in this Act, nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this Act, would be a part of any grant to any State, nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction. Whenever any grazing district is established pursuant to this Act, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock-driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights. Neither this Act nor the Act of December 29, 1916 (39 Stat. 862; U.S.C., title 43, secs. 291 and following), commonly known as the "Stock Raising Homestead Act", shall be construed as limiting the authority or policy of Congress or the President to include in national forests public lands of the character described in section 24 of the Act of March 3, 1891 (26 Stat. 1103; U.S.C., title 16, sec. 471), as amended, for the purposes set forth in the Act of June 4, 1897 (30 Stat. 35; U.S.C., title 16, sec. 475), or such other purposes as Congress may specify. Before grazing districts are created in any State as herein provided, a hearing shall be held in the State, after public notice thereof shall have been given, at such location convenient for the

attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such district shall be established until the expiration of ninety days after such notice shall have been given, nor until twenty days after such hearing shall be held: *Provided, however,* That the publication of such notice shall have the effect of withdrawing all public lands within the exterior boundary of such proposed grazing districts from all forms of entry of settlement. Nothing in this Act shall be construed as in any way altering or restricting the right to hunt or fish within a grazing district in accordance with the laws of the United States or of any State, or as vesting in any permittee any right whatsoever to interfere with hunting or fishing within a grazing district.

SEC. 2. The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts as may be created under the authority of the foregoing section; and he shall make such rules and regulations and establish such service, enter into such cooperative agreements, and do any and all things necessary to accomplish the purposes of this Act and to insure the objects of such grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range; and the Secretary of the Interior is authorized to continue the study of erosion and flood control and to perform such work as may be necessary amply to protect and rehabilitate the areas subject to the provisions of this Act, through such funds as may be made available for that purpose, and any willful violation of the provisions of this Act or of such rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than \$500.

SEC. 3. That the Secretary of the Interior is hereby authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range, upon the payment annually of reasonable fees in each case to be fixed or determined from time to time: *Provided,* That grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such, as required by the naturalization laws and to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water or water rights owned, occupied, or leased by them, except that until July 1, 1935, no preference shall be given in the issuance of such permits to any such owner, occupant, or settler, whose rights were acquired between January 1, 1934, and December 31, 1934, both dates inclusive, except that no permittee complying with the rules and regulations laid down by the Secretary of the Interior shall be denied the renewal of such permit, if such denial will impair the value of the grazing unit of the permittee, when such unit

is pledged as security for any bona fide loan. Such permits shall be for a period of not more than ten years, subject to the preference right of the permittees to renewal in the discretion of the Secretary of the Interior, who shall specify from time to time numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior is hereby authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees for such depletion period so long as the emergency exists: *Provided further*, That nothing in this Act shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purposes which has heretofore vested or accrued under existing law validly affecting the public lands or which may be hereafter initiated or acquired and maintained in accordance with such law. So far as consistent with the purposes and provisions of this Act, grazing privileges recognized and acknowledged shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest, or estate in or to the lands.

SEC. 4. Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve. Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences. No permit shall be issued which shall entitle the permittee to the use of such improvements constructed and owned by a prior occupant until the applicant has paid to such prior occupant the reasonable value of such improvements to be determined under rules and regulations of the Secretary of the Interior. The decision of the Secretary in such cases is to be final and conclusive.

SEC. 5. That the Secretary of the Interior shall permit, under regulations to be prescribed by him, the free grazing within such districts of livestock kept for domestic purposes; and provided that so far as authorized by existing law or laws hereinafter enacted, nothing herein contained shall prevent the use of timber, stone, gravel, clay, coal, and other deposits by miners, prospectors for mineral, bona fide settlers and residents, for firewood, fencing, buildings, mining, prospecting, and domestic purposes within areas subject to the provisions of this Act.

SEC. 6. Nothing herein contained shall restrict the acquisition, granting or use of permits or rights-of-way within grazing districts under existing law; or ingress or egress over the public lands in such districts for all proper and lawful purposes; and nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of such districts under law applicable thereto.

SEC. 7. That the Secretary is hereby authorized, in his discretion, to examine and classify any lands within such grazing districts

which are more valuable and suitable for the production of agricultural crops than native grasses and forage plants, and to open such lands to homestead entry in tracts not exceeding three hundred and twenty acres in area. Such lands shall not be subject to settlement or occupation as homesteads until after same have been classified and opened to entry after notice to the permittee by the Secretary of the Interior, and the lands shall remain a part of the grazing district until patents are issued therefor, the homesteader to be, after his entry is allowed, entitled to the possession and use thereof: *Provided*, That upon the application of any person qualified to make homestead entry under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract not exceeding three hundred and twenty acres in any grazing district to be classified, and such application shall entitle the applicant to a preference right to enter such lands when opened to entry as herein provided.

SEC. 8. That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized and directed to accept on behalf of the United States any lands within the exterior boundaries of a district as a gift, or, when public interests will be benefited thereby, he is authorized and directed to accept on behalf of the United States title to any privately owned lands within the exterior boundaries of said grazing district, and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than fifty miles within the adjoining State nearest the base lands: *Provided*, That before any such exchange shall be effected, notice of the contemplated exchange, describing the lands involved, shall be published by the Secretary of the Interior once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in the same manner in some like newspaper published in any county in which may be situated any lands to be given in such exchange; lands conveyed to the United States under this Act shall, upon acceptance of title, become public lands and parts of the grazing district within whose exterior boundaries they are located: *Provided further*, That either party to an exchange may make reservations of minerals, easements, or rights of use, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior. Where mineral reservations are made in lands conveyed by the United States, it shall be so stipulated in the patent, and any person who acquires the right to mine and remove the reserved mineral deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals, upon payment to the owner of the surface for damages caused to the land and improvements thereon. Upon application of any State to exchange lands within or without the boundary of a grazing district



the Secretary of the Interior is authorized and directed, in the manner provided for the exchange of privately owned lands in this section, to proceed with such exchange at the earliest practicable date and to cooperate fully with the State to that end, but no State shall be permitted to select lieu lands in another State.

SEC. 9. The Secretary of the Interior shall provide, by suitable rules and regulations, for cooperation with local associations of stockmen, State land officials, and official State agencies engaged in conservation or propagation of wild life interested in the use of the grazing districts. The Secretary of the Interior shall provide by appropriate rules and regulations for local hearings on appeals from the decisions of the administrative officer in charge in a manner similar to the procedure in the land department. The Secretary of the Interior shall also be empowered to accept contributions toward the administration, protection, and improvement of the district, moneys so received to be covered into the Treasury as a special fund, which is hereby appropriated and made available until expended, as the Secretary of the Interior may direct, for payment of expenses incident to said administration, protection, and improvement, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.

SEC. 10. That, except as provided in sections 9 and 11 hereof, all moneys received under the authority of this Act shall be deposited in the Treasury of the United States as miscellaneous receipts, but 25 per centum of all moneys received from each grazing district during any fiscal year is hereby made available, when appropriated by the Congress, for expenditure by the Secretary of the Interior for the construction, purchase, or maintenance of range improvements, and 50 per centum of the money received from each grazing district during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said grazing district is situated, to be expended as the State legislature may prescribe for the benefit of the county or counties in which the grazing district is situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area therein.

SEC. 11. That when appropriated by Congress, 25 per centum of all moneys received from each grazing district on Indian lands ceded to the United States for disposition under the public-land laws during any fiscal year is hereby made available for expenditure by the Secretary of the Interior for the construction, purchase, or maintenance of range improvements; and an additional 25 per centum of the money received from grazing during each fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said lands are situated, to be expended as the State legislature may prescribe for the benefit of public schools and public roads of the county or counties in which such grazing lands are situated. And the remaining 50 per centum of all money received from such grazing lands shall be deposited to the credit of the Indians pending final disposition under applicable laws, treaties, or agreements. The applicable public land laws as to said Indian ceded lands within a district created under this Act shall continue in operation, except that each and every application for nonmineral

title to said lands in a district created under this Act shall be allowed only if in the opinion of the Secretary of the Interior the land is of the character suited to disposal through the Act under which application is made and such entry and disposal will not affect adversely the best public interest, but no settlement or occupation of such lands shall be permitted until ninety days after allowance of an application.

SEC. 12. That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of this Act, and in the coordination of range administration, particularly where the same stock grazes part time in a grazing district and part time in a national forest or other reservation.

SEC. 13. That the President of the United States is authorized to reserve by proclamation and place under national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this Act: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands placed under the national-forest administration under the authority of this Act shall be subject to all the laws and regulations relating to national forests, and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of this Act. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by title 4 of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933.

SEC. 14. That section 2455 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 2455. Notwithstanding the provisions of section 2357 of the Revised Statutes (U.S.C., title 43, sec. 678) and of the Act of August 30, 1890 (26 Stat. 391), it shall be lawful for the Secretary of the Interior to order into market and sell 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 the public domain not exceeding seven hundred and sixty acres which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land office of the district in which such land may be situated: *Provided*, That for a period of not less than thirty days after the highest bid has been received, any owner or owners of contiguous land shall have a preference right to buy the offered lands at such highest bid price, and where two or more persons apply to exercise such preference right the Secretary of the Interior is authorized to make an equitable division of the land among such applicants, but in no case shall the adjacent land owner or





owners be required to pay more than three times the appraised price: *Provided further*, That any legal subdivisions of the public land, not exceeding one hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section: *Provided further*, That this section shall not defeat any valid right which has already attached under any pending entry or location. The word 'person' in this section shall be deemed to include corporations, partnerships, and associations."

SEC. 15. The Secretary of the Interior is further authorized in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are situated in such isolated or disconnected tracts of six hundred and forty acres or more as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands to owners of lands contiguous thereto for grazing purposes, upon application therefor by any such owner, and upon such terms and conditions as the Secretary may prescribe.

SEC. 16. Nothing in this Act shall be construed as restricting the respective States from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective States be, by this Act, impaired or restricted, and all laws heretofore enacted by the respective States or any thereof, or that may hereafter be enacted as regards public health or public welfare, shall at all times be in full force and effect: *Provided, however*, That nothing in this section shall be construed as limiting or restricting the power and authority of the United States.

Approved, June 28, 1934.

