The Taylor Grazing Act

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. Approved June 29, 1934 (48 Stat. 1269), and amended June 26, 1936 (Public, 827, 74th Cong.).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, in order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in such grazing districts or additions thereto and/or to modify the boundaries thereof, not exceeding in the aggregate an area of one hundred and forty-two million acres of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which has been included by the Secretary of the Interior in the United States, national parks and monuments. Indian reservations, ceded Oregon and California Railroad grant lands, or reserved 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lands, and which in his opinion are chiefly valuable for grazing and raising forage crops: Provided, That no lands withdrawn or reserved for any other purpose shall be included in any such district except with the approval of the head of the department having jurisdiction thereof.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 to prevent any disposition of land 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 in 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 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. 475), 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 purpose as Congress may specify. Before grazing districts are created in any State as herein provided, a hearing shall be held by the Secretary of the Interior 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, 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 or settlement. Nothing in this Act shall be construed as in any way altering or restricting the right of fish within a state or 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 fishing 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 services, enter into such co-operative agreements, and do any and all things necessary to accomplish the purposes of this Act and to assure the objects of such grazing districts, namely, to regulate their occupancy and use, to preserve the lands and resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range; and the Secretary of the Interior shall be authorized to continue the study of erosion and flood control and to perform such work as may be necessary to protect and re-establish 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 thereafter 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 those who have filed the necessary declarations of intention to become such, as required by the naturalization laws and 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 where landowners engaged in the livestock business, bona fide occupiers or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water, or water rights 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 permits comprising with such 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 permit as the Secretary of the Interior hereby authorized, in his discretion to reëst, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees for such depletion period as long as the emergency exists. Provided further, That nothing in this Act shall be construed or administered in any way to impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purposes which has heretofore vested in the State authorized, or other use of lands, water, or water rights, as now or 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 such grazing districts is not intended to prevent 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 of the Interior and approved by the Secretary as the Secretary may approve. Permits 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 vest in the holder of 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 case is to be final and conclusive.

Sec. 5. That the Secretary of the Interior shall be authorized, 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 livestock is being kept in violation of 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 minerals, bona fide settlers and residents, for firewood, fencing, buildings, mining, prospecting, and does herein contained shall restrict prospecting, locating, developing, mining, locating, or locating of such mineral resources of such districts under law applicable thereto.

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 to any mining claims or public lands in such districts for all proper and lawful purposes; and nothing herein contained shall restrict prospecting, locating, developing, mining, locating, or locating of such mineral resources of such districts under law applicable thereto.

Sec. 7. That the Secretary of the Interior is hereby authorized, in his discretion, to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 3, 1935 (numbered 9821), or within a grazing district, which are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lien, exchange for scrip, rights to land grants, or to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public-land law, except that bona fide entries shall not be allowed for tracts exceeding three hundred and twenty acres in area. Such lands shall not be subject to disposition, settlement, or occupation until after the same have been classified and opened to entry. Provided, That locations and entries under the mining laws, including the act of February 25, 1902, as amended, may be made upon such withdrawn and reserved areas without regard to classification and without restrictions or limitation by any provision of this Act. There such lands are located within grazing districts reasonable notice shall be given by the Secretary of the Interior to any grazing permittee of such lands. The applicant, after his entry, selection, or location is allowed, shall be entitled to the possession and use of such lands. Provided, That upon the application of an applicant qualified to take entry, selection, or location, under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract to be classified, and such application, if allowed by the Secretary of the Interior, shall entitle the applicant to a preference right to enter, select, or locate such lands opened to entry as herein provided.

Sec. 8. (a) That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized, for the purposes of this Act only, to accept on behalf of the United States any lands within the exterior boundaries of a grazing district as a gift.

(b) When public interests will be benefited thereby the Secretary is authorized to accept on behalf of the United States title to any privately owned lands within or without the boundaries of a
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grazing district, and in exchange thereto to issue a patent for an equal value of surveyed grazing district land or of unreserved surveyed public lands in the State or within a distance of not more than fifty miles within the adjoining State nearest the base lands.

The Secretary of the Interior shall accept on behalf of the United States title to any State-owned lands within or without the boundaries of a grazing district, and in exchange therefor issue patent to survey grazing district land not otherwise reserved or appropriated or unappropriated and unreserved survey public lands, and may, in making such exchange, require the State in which such exchange is to be made to enter into an agreement with the United States in writing, providing for the preservation of the public interest; and in such agreement he may require the State to provide for the preservation of the public interest in the public lands so acquired and to pay the cost of making such surveys, to the amount of the cost of the survey of such lands, and to make such other provisions as he may deem necessary. 

Sec. 7. The Secretary of the Interior shall be authorized to make such exchanges as may be necessary to secure the proper use and enjoyment of the public lands within or contiguous to grazing districts. The Secretary of the Interior shall be authorized to make such exchanges as may be necessary to secure the proper use and enjoyment of the public lands within or contiguous to grazing districts.

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In form and extent and the use of the surface of the land so acquired, it may be deemed necessary. Where mineral reservations are made by the grantor in lands conveyed by the United States, it shall be no stipulation in the patent, and any person who acquires the right to mine and remove the reserved mineral deposits may enter and occupy as much of the surface as may be required for all purposes incident to the prospecting for, mining and removal of the minerals therefrom, and may sink and remove such minerals, upon payment to the owner of the surface for damages caused to the land and improvements therein. No lessees shall be charged for any exchange or land under this Act except one-half of the cost of publishing notice of a proposed exchange as herein provided.

Sec. 10. The Secretary of the Interior shall be authorized to make such exchanges as may be necessary to secure the proper use and enjoyment of the public lands within or contiguous to grazing districts. The Secretary of the Interior shall be authorized to make such exchanges as may be necessary to secure the proper use and enjoyment of the public lands within or contiguous to grazing districts.

Sec. 11. 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 under this Act during any fiscal year is hereby made available, when appropriated by the Congress, for expenditure by the Secretary of the Interior for the construction, maintenance of range improvements, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.

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Sec. 12. 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 under this Act during any fiscal year is hereby made available, when appropriated by the Congress, for expenditure by the Secretary of the Interior for the construction, maintenance of range improvements, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.
ational 25 per centum of the money received from grazing during each fiscal year shall be paid at the same rate 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 75 per centum of all money received for such grazing lands shall be deposited to the credit of the Indiana ceded lands within a district created under this Act shall continue in operation, except that each and every application for homestead 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 co-operate with any department of the Government in carrying out the provisions 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 with, 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 primarily 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 in reorganizing in the executive department 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, 1936, and for other purposes," approved March 5, 1935.

Sec. 14. That section 2455 of the Revised Statutes, as amended, is amended to read as follows: "Sec. 2455. Notwithstanding the provisions of section 2377 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 assessed 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 lands 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 assessed value of such lands for cultivation, hay, 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 so situated as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: Provided, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except that such isolated or disconnected tracts or parcels of seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or adjoining thereon shall have preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary.

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 hereafter enacted by the respective States or any thereof, or that may hereafter be enacted as regards police regulations for 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.