

Kolman, Joe

From: Kolman, Joe
Sent: Thursday, May 22, 2014 3:09 PM
To: Hamlett (senatorhamlett@gmail.com); Kerry White; Jennifer Fielder; Lieser
Cc: Thigpen, Helen
Subject: Enabling Act 5% of land sales

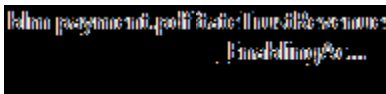
SJ15 Work Group members,

During the April 3 meeting of the SJ15 work group, there were questions about this section of the Enabling Act:

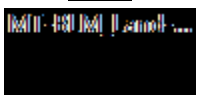
That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively.

The Department of Natural Resources and Conservation administers the trust lands through its Trust Land Management Division. DNRC produced records dating to 1995 showing the amounts paid from the Bureau of Land Management under the 5% provision of the Enabling Act. However, the total also includes the sale of materials. [Minerals](#) sold include sand, stone, gravel, pumice, pumicite, clay, rock, and petrified wood

Over the last 20 years, just more than \$500,000 has been paid to the state. I've attached the spreadsheet provided by the DNRC as well as a the most recent receipt.



You can see how the combined sale of land and minerals and the disbursement the state is reported on Page 154 of the [Public Land Statistics Report](#). I asked the Montana BLM office to separate out the land sales. The attached document from the BLM shows land sales in Montana for the last decade. It is my understanding that 5% of these sales are transferred to the DNRC. (I'm sorry for the delay in getting back to you, but I just received the BLM information yesterday).



The Public Land Statistics Reports do not include Forest Service lands. It reports on sales of land administered by the Secretary of the Interior through the BLM. In response to my request for information, representatives of Region 1 noted that the forests were reserved from the public domain and are not subject to the sale provisions of the Enabling Act. Below are some relevant definitions included in the Public Land Statistics Report.

Public domain lands:

Original public domain lands that have never left Federal ownership; lands in Federal ownership that were obtained by the Government in exchange for public domain lands or for timber on public domain lands; one category of public lands.

Public lands:

Any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except for (1) lands located on the Outer Continental Shelf, and (2) lands held for the benefit of Indians, Aleuts, and Eskimos. Include Public domain lands and Acquired lands. (See definitions.)

Public Land States:

The 30 States that made up the public domain at its greatest extent: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

Reserved lands:

Federal lands that are dedicated or set aside for a specific public purpose or program and that are, therefore, generally not subject to disposition under the operation of all of the public land laws. (See Revocation and Withdrawal.)

Revocation:

Generally, an action that cancels a previous official act; specifically, an action that cancels a withdrawal. Revocation is usually done in conjunction with restoration, which opens the public lands.

Withdrawal:

An action that restricts the disposition of public lands and that holds them for specific public purposes; also, public lands that have been dedicated to public purposes. (See Reserved lands and Revocation.)