

HOUSE COMMITTEE ON   
**NATURAL RESOURCES**  
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**H.R. 2130 – RED RIVER PRIVATE PROPERTY PROTECTION ACT**  
REP. MAC THORNBERRY (TX-13)/HOUSE NATURAL RESOURCES COMMITTEE

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**BLM/RED RIVER ISSUE SUMMARY**

The Bureau of Land Management (BLM) is in the process of updating its Resource Management Plan (RMP) for lands managed by the BLM, which includes a 116 mile stretch of the Red River on the border between Texas and Oklahoma.

At a public meeting in 2013, the BLM stated there is an estimated 90,000 acres of land along the 116 mile stretch of the Red River that may be considered public domain. This estimate has since been cut to 30,000 at most, of which only 6,402 acres have been actually surveyed. This caused immediate concern that the federal government was claiming to own some of the land to which private individuals had deeds.

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**CAUSE OF CONCERN**

The entire section of the river has never been surveyed by the BLM, and the portions that the agency most recently surveyed appear to stray widely from the accepted gradient boundary survey method established by the Supreme Court in the 1920s.

The BLM has never actively managed the small strip of land they do own as they simply do not know exactly what they own. Most landowners along the River are now unsure if the land that they have held titles to and have paid taxes on, in some cases for generations, will remain in their families or be subject to federal ownership.

This uncertainty clouds the title and threatens the value of privately owned land. It has also made the landowners think twice before making improvements on the land. It is essential that this issue be firmly and finally resolved so that landowners can be sure of their titles.

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**H.R. 2130 - RED RIVER PRIVATE PROPERTY PROTECTION ACT (RRPPA)**

H.R. 2130 protects private property and settles the question of ownership by requiring the BLM to commission a survey along the entire 116-mile stretch of the Red River in question using the gradient boundary survey method developed and backed by the Supreme Court to determine the proper ownership boundary between public and private land. The bill ensures that the survey is done correctly and accurately according to the Supreme Court's instructions. There are also several provisions to ensure that the rights of private landowners, the states, and the affected tribal nations are protected. CBO estimates H.R. 2130 will reduce net direct spending by \$3 million.

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**SUPPORTERS**

Oklahoma Farm Bureau -- Texas Farm Bureau -- American Farm Bureau  
National Cattlemen's Beef Association -- Texas General Land Office  
Texas and Southwestern Cattle Raisers Association

## H.R. 2130 – SECTION BY SECTION

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### **SECTION 1. SHORT TITLE.**

#### **SEC. 2. DISCLAIMER AND OUTDATED SURVEYS.**

Requires the BLM to disclaim right, title, and interest to privately owned land south of the South Bank boundary line determined through the survey outlined in the bill. Previous surveys conducted by the BLM have no force or effect in determining the current boundary.

#### **SEC. 3. SURVEY OF SOUTH BANK BOUNDARY LINE.**

Commissions a survey of the entire 116-mile stretch of contested area along the Red River using the gradient boundary survey method developed and backed by the Supreme Court to determine the proper ownership boundary between public and private land. Requires that the survey be conducted within 2 years by Licensed State Land Surveyors and approved by the Texas General Land Office in consultation with The Commissioners of the Land Office in Oklahoma. Requires parcels to be surveyed and approved on an individual basis.

#### **SEC. 4. APPEAL.**

Within 1 year after the survey is approved, a landowner who claims to hold right, title, or interest to the contested land may appeal further public domain claims to an administrative law judge.

#### **SEC. 5. RED RIVER SURFACE RIGHTS.**

Allows landowners to file for a modified Color-of-Title Act land patent request for public land that has been held in good faith and in peaceful adverse possession. All minerals contained in the patented land are reserved to the United States.

#### **SEC. 6. RIGHT OF REFUSAL AND COMPETITIVE SALE.**

Requires the BLM to sell the remaining federal lands along the Red River at no less than market value and sets forth procedures for offering adjacent landowners the first rights of refusal.

#### **SEC. 7. RESOURCE MANAGEMENT PLAN.**

Requires that a resource management plan adhere to the requirements in the bill.

#### **SEC. 8. CONSTRUCTION.**

States that nothing in the Act affects the interest of the states or sovereignty rights of federally recognized Indian tribes over lands located to the north of the South Bank boundary line. Nothing in the Act shall be construed to modify land patented under the Color-of-Title Act. Nothing in the Act shall be construed to modify the Red River Boundary Compact.

#### **SEC. 9. DEFINITIONS.**

Defines “affected area,” “gradient boundary survey method,” “identified Federal lands,” “Secretary,” “South Bank,” “South Bank boundary line,” “survey,” and “vegetation line.”

