

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

§ 77. Alabama coal lands; agricultural entry

Unreserved public lands containing coal deposits in the State of Alabama which on April 23, 1912, were being withheld from homestead entry under the provisions of section 171 of this title, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in sections 83 to 85 of this title.

(Apr. 23, 1912, ch. 87, 37 Stat. 90.)

SUBCHAPTER II—COAL LAND ENTRIES
UNDER NONMINERAL LAND LAWS WITH
RESERVATION OF COAL TO UNITED
STATES**§ 81. Rights of entrymen of lands subsequently
classified as coal lands; disposal of coal
deposits**

Any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction. The owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit. Nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector, or entryman who has made or shall make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal.

(Mar. 3, 1909, ch. 270, 35 Stat. 844.)

PROTECTION OF SANCTITY OF CONTRACTS AND LEASES
OF SURFACE PATENT HOLDERS WITH RESPECT TO
COALBED METHANE GAS

Pub. L. 105-367, §1, Nov. 10, 1998, 112 Stat. 3313, provided that:

“(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

“(1) contract or lease covering any land that was conveyed by the United States under the Act entitled ‘An Act for the protection of surface rights of entrymen’, approved March 3, 1909 (30 U.S.C. 81), or the Act entitled ‘An Act to provide for agricultural entries on coal lands’, approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

“(A) entered into by a person who has title to said land derived under said Acts, and

“(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

“(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act [Nov. 10, 1998], has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

“(b) APPLICATION.—Subsection (a)—

“(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

“(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

“(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

“(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended) [25 U.S.C. 461 et seq.]; the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in section 3 of Public Law 98-290 [25 U.S.C. 668 note]; or any executive order;

“(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

“(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act [Nov. 10, 1998], or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).”

Similar provisions were contained in Pub. L. 105-277, div. A, §101(e) [title III, §349], Oct. 21, 1998, 112 Stat. 2681-231, 2681-300.

LANDS IN NORTH PLATTE RECLAMATION PROJECT;
MINERAL RIGHTS

Patents for lands in North Platte Reclamation Project not to contain reservations of minerals in certain cases, see section 125 of this title.

**§ 82. New or supplemental patents, in case of
lands subsequently classified as noncoal**

The Secretary of the Interior is authorized and directed in cases where patents for public lands have been issued to entrymen under the provisions of sections 81 and 83 to 85 of this title, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents without such reservation.

(Apr. 14, 1914, ch. 55, 38 Stat. 335.)