

## CODIFICATION

R.S. §2485 derived from acts July 23, 1866, ch. 219, §1, 14 Stat. 218; Mar. 3, 1875, ch. 139, §7, 18 Stat. 475. R.S. §§2486, 2487 are from act July 23, 1866, ch. 219, §23, 14 Stat. 219.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In second par., "register of the land office," changed to "officer, as the Secretary of the Interior may designate, of the land office,;" "registers of the several land offices," changed to "officers, as the Secretary may designate, of the several land offices,;" first reference to "Commissioner of the General Land Office" changed to "Secretary of the Interior, or such officer as he may designate,;" "Bureau of Land Management" substituted for "General Land Office"; and second reference to "Commissioner of the General Land Office" changed to "Secretary or such officer", on authority of section 403 of Reorg. Plan No. 3 of 1946. In third par., "register" changed to "officer as the Secretary of the Interior may designate", and "Commissioner of the General Land Office" changed to "Secretary of the Interior or such officer as he may designate", on authority of that plan. See note set out under section 1 of this title.

**§ 866. Exchange of cut over land in Montana**

Tracts of timbered lands prior to February 14, 1923, granted to the State of Montana for educational purposes, from which the timber has been cut or removed pursuant to State laws, may, under such rules and regulations as the legislature of said State shall prescribe, be exchanged for other lands of like character and approximately of equal value, in private ownership, which exchanged land shall be subject to the same requirements and limitations to the end that the State may acquire holdings in reasonably compact form and reforestation be undertaken in an economic manner, anything in the enabling act of said State to the contrary notwithstanding.

(Feb. 14, 1923, ch. 74, 42 Stat. 1245.)

## REFERENCES IN TEXT

The enabling act of Montana, referred to in text, is act Feb. 22, 1889, ch. 180, 25 Stat. 676. For complete classification of this Act to the Code, see Tables.

**§ 867. Omitted**

## CODIFICATION

Section, R.S. §2377; act June 20, 1874, ch. 330, 18 Stat. 111, related to extension of obsolete section 829 of this title to reissue of agricultural land scrip, canceled, or destroyed without the fault of the owner thereof.

**§ 868. Representation of Indian claimants in suits to determine right to school lands**

In any suit instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian Reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian

tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney General upon the request of such Secretary.

(Mar. 2, 1901, ch. 808, 31 Stat. 950.)

**§ 869. Disposal of lands for public or recreational purposes****(a) Application; conditions; classification; restoration if not applied for**

The Secretary of the Interior upon application filed by a duly qualified applicant under section 869-1 of this title may, in the manner prescribed by sections 869 to 869-4 of this title, dispose of any public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority. Before the land may be disposed of under sections 869 to 869-4 of this title it must be shown to the satisfaction of the Secretary that the land is to be used for an established or definitely proposed project, that the land involved is not of national significance nor more than is reasonably necessary for the proposed use, and that for proposals of over 640 acres comprehensive land use plans and zoning regulations applicable to the area in which the public lands to be disposed of are located have been adopted by the appropriate State or local authority. The Secretary shall provide an opportunity for participation by affected citizens in disposals under sections 869 to 869-4 of this title, including public hearings or meetings where he deems it appropriate to provide public comments, and shall hold at least one public meeting on any proposed disposal of more than six hundred forty acres under sections 869 to 869-4 of this title. The Secretary may classify public lands in Alaska for disposition under sections 869 to 869-4 of this title. Lands so classified may not be appropriated under any other public land law unless the Secretary revises such classification or authorizes the disposition of an interest in the lands under other applicable law. If, within eighteen months following such classification, no application has been filed for the purpose for which the lands have been so classified, then the Secretary shall restore such lands to appropriation under the applicable public land laws.

**(b) Acreage limitations**

Conveyances made in any one calendar year shall be limited as follows:

**(i) For recreational purposes:**

(A) To any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, hereinafter referred to as the State, or to any political subdivision of such State, six thousand four hundred acres, and such additional acreage as may be