

(2) The term “mining claim” means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (p) of this section.

(3) The term “tangible improvements” includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

**(p) Minerals covered**

Subsections (b) through (o) of this section apply only to minerals not subject to disposition under—

(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

(2) the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.]; or

(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

(Dec. 29, 1916, ch. 9, § 9, 39 Stat. 864; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 103-23, § 1(a), (b), Apr. 16, 1993, 107 Stat. 60, 65.)

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsecs. (b)(1)(A) and (c), is the date 180 days after Apr. 16, 1993.

This title, referred to in subsec. (i)(1), is unidentifiable because act Dec. 29, 1916, does not contain titles.

The Mineral Leasing Act, referred to in subsec. (p)(1), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified generally to chapter 3A (§ 181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

The Geothermal Steam Act of 1970, referred to in subsec. (p)(2), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, as amended, which is classified principally to chapter 23 (§ 1001 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

The Materials Act of 1947, referred to in subsec. (p)(3), is act July 31, 1947, ch. 406, 61 Stat. 681, as amended, which is classified generally to subchapter I (§ 601 et seq.) of chapter 15 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 30 and Tables.

AMENDMENTS

1993—Pub. L. 103-23 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (p).

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-23, § 1(c), Apr. 16, 1993, 107 Stat. 65, provided that: “The amendments made by this Act [amending this section] shall take effect 180 days after the date of enactment [Apr. 16, 1993].”

REGULATIONS

Pub. L. 103-23, § 1(d), Apr. 16, 1993, 107 Stat. 65, provided that: “The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act [amending this section] not later than the effective date of this Act [see Effective Date of 1993 Amendment note above]. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (c).”

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.

Words “officer designated by the Secretary of the Interior” substituted for “register” and “Secretary of the Interior or such officer as he may designate” substituted for “Commissioner of the General Land Office” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

REPORT TO CONGRESS ON FOREIGN MINERAL INTERESTS

Section 2 of Pub. L. 103-23 directed Secretary of the Interior to submit report to Congress within 2 years after Apr. 16, 1993, on acquisition of mineral interests made after such date by foreign firms on lands subject to this section.

**§ 300. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792**

Section, acts Dec. 29, 1916, ch. 9, § 10, 39 Stat. 865; Jan. 29, 1929, ch. 114, 45 Stat. 1144, set forth provisions authorizing reservation of land containing water holes.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, provided that the repeal made by section 704(a) is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

**§ 301. Rules and regulations**

The Secretary of the Interior is authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this subchapter for the purpose of carrying the same into effect.

(Dec. 29, 1916, ch. 9, § 11, 39 Stat. 865.)

**§ 302. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section, act Mar. 4, 1923, ch. 245, § 2, 42 Stat. 1445, related to additional entries, and lands in national forests.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

**CHAPTER 8—TIMBER AND STONE LANDS**

**§§ 311 to 313. Repealed. Aug. 1, 1955, ch. 448, 69 Stat. 434**

Section 311, acts June 3, 1878, ch. 151, § 1, 20 Stat. 89; Aug. 4, 1892, ch. 375, § 2, 27 Stat. 348; May 18, 1898, ch.

344, §1, 30 Stat. 418, authorized sale of public lands valuable chiefly for timber or stone.

Section 312, acts June 3, 1878, ch. 151, §2, 20 Stat. 89; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for applications for purchase of timber and stone lands.

Section 313, act June 3, 1878, ch. 151, §3, 20 Stat. 90, provided for publication of applications to purchase timber and stone lands, patent and entry.

#### EXISTING RIGHTS AND CLAIMS

Act Aug. 1, 1955, ch. 448, 69 Stat. 434, provided that the repeal of sections 311 to 313 is subject to valid existing rights and claims.

### CHAPTER 8A—GRAZING LANDS

#### SUBCHAPTER I—GENERALLY

- Sec.
315. Grazing districts; establishment; restrictions; prior rights; rights-of-way; hearing and notice; hunting or fishing rights.
- 315a. Protection, administration, regulation, and improvement of districts; rules and regulations; study of erosion and flood control; offenses.
- 315b. Grazing permits; fees; vested water rights; permits not to create right in land.
- 315c. Fences, wells, reservoirs, and other improvements; construction; permits; partition fences.
- 315d. Grazing stock for domestic purposes; use of natural resources.
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- 315f. Homestead entry within district or withdrawn lands; classification; preferences.
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- 315k. Cooperation with governmental departments; coordination of range administration.
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- 315m. Lease of isolated or disconnected tracts for grazing; preferences.
- 315m-1. Lease of State, county, or privately owned lands; period of lease; rental.
- 315m-2. Administration of leased lands.
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- 315n. State police power not abridged.
- 315o. Repealed.
- 315o-1. Board of grazing district advisers; composition; meetings; duties.
- 315o-2. Animals and equipment for field employees.
- 315p. Repealed.
- 315q. Withdrawal of lands for war or national defense purposes; payment for cancellation of permits or licenses.
- 315r. Rental payments in advance in case of withdrawal of lands for war or national defense purposes.

#### SUBCHAPTER II—ALASKA

316. Declaration of policy.
- 316a. Definitions.
- 316b. Grazing districts.
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- 316e. Preferences.
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- 316l. Stock driveways and free grazing.
- 316m. Hearing and appeals.
- 316n. Administration.
- 316o. Laws applicable.

#### SUBCHAPTER I—GENERALLY

### § 315. Grazing districts; establishment; restrictions; prior rights; rights-of-way; hearing and notice; hunting or fishing rights

In order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested 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 subchapter shall be construed 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 subchapter nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this subchapter, 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 subchapter, 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 or upon which such person has stock-grazing rights. Neither this subchapter 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 471<sup>1</sup> of title 16, for the purposes set forth in section 475 of title 16, or such other purposes as Congress may specify. Before grazing districts are created in any State as herein provided, a hearing shall be held in the State, after

<sup>1</sup> See References in Text note below.