

## **Alaska Grazing Act of 1927**

From Title 43—PUBLIC LANDS CHAPTER 8A—GRAZING LANDS

### **SUBCHAPTER II—ALASKA**

#### **§316. Declaration of policy**

It is declared to be the policy of Congress in promoting the conservation of the natural resources of Alaska to provide for the protection and development of forage plants and for the beneficial utilization thereof for grazing by livestock under such regulations as may be considered necessary and consistent with the purposes and provisions of this subchapter. In effectuating this policy the use of these lands for grazing shall be subordinated (a) to the development of their mineral resources, (b) to the protection, development, and utilization of their forests, (c) to the protection, development, and utilization of their water resources, (d) to their use for agriculture, and (e) to the protection, development, and utilization of such other resources as may be of greater benefit to the public.

(Mar. 4, 1927, ch. 513, §1, 44 Stat. 1452.)

#### **Codification**

Section was formerly classified to section 471 of Title 48, Territories and Insular Possessions.

#### **Short Title**

Act Mar. 4, 1927, ch. 513, which is classified to this subchapter, is popularly known as the “Alaska Livestock Grazing Act”.

#### **§316a. Definitions**

As used in this subchapter—

- (1) The term “person” means individual, partnership, corporation, or association.
- (2) The term “district” means any grazing district established under the provisions of section 316b of this title.
- (3) The term “Secretary” means the Secretary of the Interior.
- (4) The term “lessee” means the holder of any lease.

(Mar. 4, 1927, ch. 513, §2, 44 Stat. 1452.)

#### **Codification**

Section was formerly classified to section 471a of Title 48, Territories and Insular Possessions.

### **§316b. Grazing districts**

(a) The Secretary may establish grazing districts upon any public lands outside of the Aleutian Islands Reservation, national forests, and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments which, in his opinion, are valuable for the grazing of livestock. Such districts may include such areas of surveyed and unsurveyed lands as he determines may be conveniently administered as a unit, even if such areas are neither contiguous nor adjacent.

(b) The Secretary, after the establishment of a district, is authorized to lease the grazing privileges therein in accordance with the provisions of this subchapter.<sup>1</sup>

(Mar. 4, 1927, ch. 513, §3, 44 Stat. 1452.)

#### **References in Text**

This subchapter, referred to in subsec. (b), was in the original “this title” and has been translated as if the reference was to “this Act” to reflect the probable intent of Congress inasmuch as the act of Mar. 4, 1927, was not divided into titles.

#### **Codification**

Section was formerly classified to section 471b of Title 48, Territories and Insular Possessions.

<sup>1</sup> [See References in Text note below.](#)

### **§316c. Alteration of grazing districts**

After any district is established the area embraced therein may be altered in any of the following ways:

(1) The Secretary may add to such districts any public lands which, in his opinion, should be made a part of the district.

(2) The Secretary, subject to existing rights of any lessee, may exclude from such district any lands which he determines are no longer valuable for grazing purposes or are more valuable for other purposes.

(3) The Secretary may enter into cooperative agreement with any person, in respect of the administration, as a part of a district, of lands owned by such person which are contiguous or adjacent to such district or any part thereof.

(Mar. 4, 1927, ch. 513, §4, 44 Stat. 1452.)

## **Codification**

Section was formerly classified to section 471c of Title 48, Territories and Insular Possessions.

### **§316d. Notice of establishment and alteration of grazing district; hearings**

Before establishing or altering a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the district proposed to be established or altered is located, a notice describing the boundaries of the proposed district or the proposed alteration, announcing the date on which he proposes to establish such district or make such alteration and the location and date of hearings required under this section. No such alteration shall be made until after public hearings are held with respect to such alteration in each such judicial division after the publishing of such notice.

(Mar. 4, 1927, ch. 513, §5, 44 Stat. 1453; Pub. L. 90-403, §1, July 18, 1968, 82 Stat. 358.)

## **Codification**

Section was formerly classified to section 471d of Title 48, Territories and Insular Possessions.

## **Amendments**

**1968**—Pub. L. 90-403 required publication of notice of alteration of a grazing district in each judicial division in which the district proposed to be altered is located, the notice to describe the boundaries of the proposed alteration and location and date of requisite hearings, and also public hearings with respect to the alteration to be held in each such judicial division prior to making the alteration.

### **§316e. Preferences**

In considering applications to lease grazing privileges the Secretary shall, as far as is consistent with the efficient administration of the grazing district, prefer (1) natives, (2) other occupants of the range, and (3) settlers over all other applicants.

(Mar. 4, 1927, ch. 513, §6, 44 Stat. 1453.)

## **Codification**

Section was formerly classified to section 471e of Title 48, Territories and Insular Possessions.

### **§316f. Terms and conditions of lease**

#### **(a) Period of lease**

A lease may be made for such term as the Secretary deems reasonable, but not to exceed fifty-five years, taking into consideration all factors that are relevant to the exercise of the grazing privileges conferred.

**(b) Size of leasehold**

Leases shall be made for grazing on a definite area except where local conditions or the administration of grazing privileges makes more practicable a lease based on the number of stock to be grazed.

**(c) Terms for surrender of lease**

Each lease shall provide that the lessee may surrender his lease, and, if he has complied with the terms and conditions of the lease to the time of surrender, may avoid further liability for fees thereunder by giving written notice to the Secretary of such surrender. The lease shall specify the length of time of notice, which shall not exceed one year.

**(d) Terms for renewal of lease**

Each lease shall provide that the lessee may negotiate for renewal of such lease, subject to the provisions of this subchapter, at any time during the final five years of the term of such lease.

(Mar. 4, 1927, ch. 513, §7, 44 Stat. 1453; Pub. L. 90-403, §2, July 18, 1968, 82 Stat. 358.)

**Codification**

Section was formerly classified to section 471f of Title 48, Territories and Insular Possessions.

**Amendments**

**1968**—Subsec. (a). Pub. L. 90-403, §2(a), substituted provisions for reasonable term of leases, limited to fifty-five years, and based on all factors relevant to exercise of grazing privileges for prior provisions for twenty year leases, except where land may be required for other than grazing purposes within a ten year period, and for shorter term leases as desired by applicant.

Subsec. (d). Pub. L. 90-403, §2(b), added subsec. (d).

**§316g. Grazing fees**

(a) The Secretary shall determine for each lease the grazing fee to be paid. Such fee shall—

(1) Be fixed on the basis of the area leased or on the basis of the number and kind of stock permitted to be grazed;

(2) Be fixed, for the period of the lease, as a seasonal or annual fee, payable annually or semi-annually on the date specified in the lease;

(3) Be fixed with due regard to the general economic value of the grazing privileges, and in no case shall exceed such value; and

(4) Be moderate.

(b) If the Secretary determines such action to be for the public interest by reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, he may grant an extension of time for making payment of any grazing fee under any lease, reduce the amount of any such payment, or release or discharge the lessee from making such payment.

(Mar. 4, 1927, ch. 513, §8, 44 Stat. 1453.)

### **Codification**

Section was formerly classified to section 471g of Title 48, Territories and Insular Possessions.

### **§316h. Dispositions of receipts**

All moneys received during any fiscal year on account of such fees in excess of the actual cost of administration of this subchapter shall be paid at the end thereof by the Secretary of the Treasury to the Territory of Alaska, to be expended in such manner as the Legislature of the Territory may direct for the benefit of public education and roads.

(Mar. 4, 1927, ch. 513, §9, 44 Stat. 1453.)

### **Codification**

Section was formerly classified to section 471h of Title 48, Territories and Insular Possessions.

### **Admission of Alaska as State**

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

### **§316i. Assignment of leases**

The lessee may, with the approval of the Secretary, assign in whole or in part any lease, and to the extent of such assignment be relieved from any liability in respect of such lease, accruing subsequent to the effective date of such assignment.

(Mar. 4, 1927, ch. 513, §10, 44 Stat. 1453.)

## **Codification**

Section was formerly classified to section 471i of Title 48, Territories and Insular Possessions.

### **§316j. Improvements to leasehold**

#### **(a) Authorization**

The Secretary may authorize a lessee to construct and/or maintain and utilize upon any area included within the provisions of his lease any fence, building, corral, reservoir, well or other improvements needed for the exercise of the grazing privileges of the lessee within such area; but any such fence shall be constructed as to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

#### **(b) Removal of improvement upon termination of lease**

The lessee shall be given ninety days from the date of termination of his lease for any cause to remove from the area included within the provisions of his lease any fence, building, corral, or other removable range improvement owned or controlled by him.

#### **(c) Payment for improvement upon termination of lease**

If such lessee notifies the Secretary on or before the termination of his lease of his determination to leave on the land any improvements the construction or maintenance of which has been authorized by the Secretary, no other person shall use or occupy under any grazing lease, or entry under any public land law, the land on which any such improvements are located until there has been paid to the person entitled thereto the value of such improvements as determined by the Secretary.

(Mar. 4, 1927, ch. 513, §11, 44 Stat. 1454.)

## **Codification**

Section was formerly classified to section 471j of Title 48, Territories and Insular Possessions.

### **§316k. Penalties**

Within one year from the date of the establishment of any district the Secretary shall give notice by publication in one or more newspapers of general circulation in each judicial division in which such district or any part thereof is located that after the date specified in such notice it shall be unlawful for any person to graze any class of livestock on lands in such district except under authority of a lease made or permission granted by the Secretary; and any person who willfully grazes livestock on such lands after such date and without such authority shall, upon conviction, be punished by a fine of not more than \$500.

(Mar. 4, 1927, ch. 513, §12, 44 Stat. 1454.)

## **Codification**

Section was formerly classified to section 471k of Title 48, Territories and Insular Possessions.

### **§316l. Stock driveways and free grazing**

#### **(a) Establishment, maintenance and regulation**

The Secretary may establish and maintain, and regulate the use of, stock driveways in districts and may charge a fee for or permit the free use of such driveways.

#### **(b) Grazing of livestock free of charge**

The Secretary may permit any person, including prospectors and miners, to graze free of charge a small number of livestock upon any land included within any grazing district.

#### **(c) Grazing allotments to Eskimos or other native or half-breed**

The Secretary may in his discretion grant a permit or lease for a grazing allotment without charge on unallotted public lands to any Eskimo or other native or half-breed. Whenever such native or half-breed grazes his livestock through cooperative agreement on allotment held by other lessee or permittee, any grazing fees charged for said allotment shall be reduced in proportion to the relative number of such native owned livestock to the total number on said allotment.

(Mar. 4, 1927, ch. 513, §13, 44 Stat. 1454.)

## **Codification**

Section was formerly classified to section 471l of Title 48, Territories and Insular Possessions.

### **§316m. Hearing and appeals**

(a) Any lessee of or applicant for grazing privileges, including any person described in subsection (c) of section 316l of this title, may procure a review of any action or decision of any officer or employee of the Interior Department in respect of such privileges, by filing with such officer as the Secretary of the Interior may designate of the local land office an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. Upon the filing of any such application such officer of such land office shall proceed to review such action or decision as nearly as may be in accordance with the rules of practice then applicable to applications to contest entries under the public land law. Subject to such rules of practice, appeals may be taken by any party in interest from the decision of such officer to the Secretary.

(b) The Secretary shall take no action which will adversely affect rights under any lease pursuant to this subchapter until notifying the holder of such lease that such action is proposed and giving such holder an opportunity for a hearing.

(Mar. 4, 1927, ch. 513, §14, 44 Stat. 1454; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 90–403, §3, July 18, 1968, 82 Stat. 358.)

### **Codification**

Section was formerly classified to section 471m of Title 48, Territories and Insular Possessions.

### **Amendments**

**1968**—Pub. L. 90–403 designated existing provisions as subsec. (a) and added subsec. (b).

### **Transfer of Functions**

“Secretary” substituted for “Commissioner of the General Land Office” and “such officer as the Secretary of the Interior may designate” and “such officer” substituted for “register” on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished General Land Office and Commissioner thereof and transferred functions of General Land Office to a new agency in Department of the Interior to be known as Bureau of Land Management, and functions of Commissioner of General Land Office to Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

## **§316n. Administration**

(a) The Secretary shall promulgate all rules and regulations necessary to the administration of this subchapter,<sup>1</sup> shall execute its provisions, and may (1) in accordance with the civil service laws appoint such employees and in accordance with chapter 51 and subchapter III of chapter 53 of title 5 fix their compensation, and (2) make such expenditures (including expenditures for personal service and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary efficiently to execute the provisions of this subchapter.<sup>1</sup>

(b) The Secretary of Agriculture is authorized to continue investigations, experiments and demonstrations for the welfare, improvement, and increase of the reindeer industry in Alaska, and upon the request of the Secretary of the Interior to cooperate in matters pertaining to the care of plant and animal life, including reindeer.

(Mar. 4, 1927, ch. 513, §15, 44 Stat. 1455; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972.)

### **References in Text**

This subchapter, referred to in subsec. (a), was in the original “this title” and has been translated as if the reference was to “this Act” to reflect the probable intent of Congress inasmuch as the act of Mar. 4, 1927, was not divided into titles.

### **Codification**

In subsec. (a), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification act of 1949, as amended” on authority of Pub. L. 89–554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 471n of Title 48, Territories and Insular Possessions.

### **Amendments**

**1949**—Subsec. (a). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

### **Repeals**

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, §8, Sept. 6, 1966, 80 Stat. 632, 655.

### **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.

<sup>1</sup> [See References in Text note below.](#)

### **§316o. Laws applicable**

Laws now applicable to lands or resources in the Territory of Alaska shall continue in force and effect to the same extent and in the same manner after March 4, 1927, as before, and nothing in this subchapter shall preclude or prevent ingress or egress upon the lands in districts for any purpose authorized by any such law, including prospecting for and extraction of minerals.

(Mar. 4, 1927, ch. 513, §16, 44 Stat. 1455.)

### **Codification**

Section was formerly classified to section 471o of Title 48, Territories and Insular Possessions.

### **Admission of Alaska as State**

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.