

EXTENDING OIL LEASING ACT TO ZUNI DISTRICT OF
MANZANO NATIONAL FOREST

JUNE 16 (calendar day, JUNE 17), 1926.—Ordered to be printed

Mr. JONES of New Mexico, from the Committee on Public Lands
and Surveys, submitted the following

R E P O R T

[To accompany S. 4054]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 4054) to extend the oil leasing act to the Zuni district of the Manzano National Forest, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The purpose of this bill is merely to extend the provisions of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium of the public domain," approved February 25, 1920, to a section of the Fort Wingate Military Reservation in the State of New Mexico, which section, under the proclamation of April 20, 1925, was established as a national forest to be known as the Zuni district of the Manzano National Forest.

The following is an excerpt from a letter to the Hon. A. A. Jones, the author of S. 4054, from the Commissioner of the General Land Office, under date of March 27, 1926, showing the lands which will come under the provisions of this bill, their status, and giving a short statement of facts relative thereto:

The lands in question are as follows:

Lots 5, 6, 7, and 8 of secs. 5, 8, 17; lots 7, 8, 9, and 10, sec. 19; lots 2 and 3, sec. 20; and all of secs. 6, 7, 18, T. 13 N., R. 15 W.; all of secs. 1 to 18, inclusive, and fractional secs. 19, 20, 21, 22, 23, and 24, T. 13 N., R. 16 W.; and all of secs. 1, 2, 10, 11, 12, 13, 14, 15, and fractional secs. 19, 21, 22, T. 13 N., R. 17 W., N. M. P. M.

The status of the lands as shown by the records of this office appears to be as follows:

T. 13 N., R. 15 W.

Sec. 5. All selected by A. & P. R. R. Co. June 23, 1890; patented January 6, 1893.

Sec. 6. Vacant.

Sec. 7. All selected September 11, 1920, by Santa Fe, Pacific R. R. Co.; approved January 12, 1924.

- Sec. 8. Vacant.
 Sec. 17. All selected June 23, 1890, by A. & P. R. R. Co.; patented June 6, 1893.
 Sec. 18. Vacant.
 Sec. 19. All selected by S. F. P. R. R. Co., September 11, 1920; patented January 12, 1924.
 Sec. 20. Vacant.

T. 13 N., R. 16 W.

- Sec. 1. S. $\frac{1}{2}$ N. $\frac{1}{2}$ selected September 11, 1920, by S. F. P. R. R. Co.; approved January 12, 1924. Remainder of section vacant.
 Sec. 2. Vacant.
 Sec. 3. S. $\frac{1}{2}$ N. $\frac{1}{2}$ and S. $\frac{1}{2}$ selected by S. F. P. R. R. Co.; approved January 12, 1924.
 Sec. 4. Vacant.
 Sec. 5. S. $\frac{1}{2}$ N. $\frac{1}{2}$ and S. $\frac{1}{2}$ selected September 11, 1920, by S. F. P. R. R. Co.; approved January 12, 1924.
 Sec. 6. Vacant.
 Sec. 7. All selected September 11, 1920, by S. F. P. R. R. Co.; approved January 12, 1924.
 Sec. 8. Vacant.
 Sec. 9. All selected by S. F. P. R. R. Co. September 11, 1920; approved January 12, 1924.
 Sec. 10. Vacant.
 Sec. 11. All selected by S. F. P. R. R. Co. September 11, 1920; approved January 12, 1924.
 Sec. 12. Vacant.
 Sec. 13. All selected by S. F. P. R. R. Co. September 11, 1920; approved January 12, 1924.
 Sec. 14. Vacant.
 Sec. 15. Selected by S. F. P. R. R. Co. September 11, 1920; approved January 12, 1924.
 Sec. 16. Indemnity lands have been taken for all the lands except S. $\frac{1}{2}$ SE. $\frac{1}{4}$, leaving title to this tract in the State and to the remainder in the United States.
 Sec. 17. All selected by S. F. P. R. R. Co.; approved January 12, 1924.
 Sec. 18. Vacant.
 Sec. 19. All selected by A. & P. R. R. Co. July 2, 1891; patented April 15, 1913.
 Sec. 20. All selected by Territory September 12, 1900, for agricultural college; approved July 5, 1901.
 Sec. 21. All selected by A. & P. R. R. Co. July 2, 1891; patented April 15, 1918.
 Sec. 22. All selected by Territory September 12, 1900, for agricultural college; approved July 5, 1901.
 Sec. 23. All selected by S. F. P. R. R. Co. September 11, 1920; approved January 12, 1924.
 Sec. 24. All selected by Territory September 12, 1900, for agricultural college; approved July 5, 1901.

T. 13 N., R. 17 W.

- Sec. 1. S. $\frac{1}{2}$ N. $\frac{1}{2}$ and S. $\frac{1}{2}$ selected by S. F. P. R. R. Co. September 11, 1920.
 Sec. 2. Indemnity selections have been made for the N. $\frac{1}{2}$ and SE. $\frac{1}{4}$, leaving the title to these three quarter sections in the United States, and the title to the SW. $\frac{1}{4}$ in the State.
 Sec. 3. All selected by A. & P. R. R. Co. June 30, 1891; patented April 27, 1909.
 Sec. 10. Vacant.
 Sec. 11. All selected by S. F. P. R. R. Co. September 11, 1920.
 Sec. 12. Vacant.
 Sec. 13. Selected by S. F. P. R. R. Co. September 11, 1920.
 Sec. 14. Vacant.
 Sec. 15. SW. $\frac{1}{4}$, small holding claims, filed March 19, 1909, by Buguddi Ni Bits; final certificate issued February 23, 1911. Lots 5, 6, 7, 8, and E. $\frac{1}{2}$ selected by S. F. P. R. R. Co. September 11, 1920.
 Sec. 22. Vacant.
 Sec. 23. Lots 5, 6, 7, 8, being lands in reservations, selected by S. F. P. R. R. Co. September 11, 1920.
 Sec. 24. Vacant.

The above-described lands are all in the Fort Wingate Military Reservation, created by Executive order of February 18, 1870, and enlarged by Executive order of March 26, 1881. The lands were withdrawn May 31, 1911, and September 10, 1914, for forest purposes. Pursuant to the act of June 7, 1924 (43 Stat. 653), the President by Executive order of April 20, 1925, set aside the unappropriated lands within this area for forest purposes, leaving same within the military reservation, and it is provided in the withdrawal that the lands shall remain subject to the unhampered use of the War Department for purposes of national defense. At the present time all of the unappropriated lands are within the aforesaid military reservation, and it appears from the act of February 25, 1920, that lands withdrawn or reserved for military or naval uses or purposes are excepted from the act.

Lands in national forests are subject to the provisions of the general leasing act of 1920, but lands located within a military reservation are excluded from the operations of that law. Being in both a national forest and a military reservation, legislation is necessary to extend the leasing laws to these lands, which is the purpose of this bill.

Every alternate (odd) section in this area is now in private ownership, being part of the original grant to the Santa Fe Railroad Co. for the construction of its railroad, who in turn sold it to private parties, while the even-numbered sections belong to the military reservation. The private owners in this section who desire to develop and drill for oil on their own property will be confronted with the situation, if they own more than one alternate section, of being embarrassed in not being able to develop the intervening section or sections, subject, of course, to the provisions of the general leasing act. If the Government wished to develop this tract, it would experience the same embarrassment that now confronts the private owners who may desire to proceed with this development.

The lands proposed to be brought under the provisions of the general leasing act by this bill are not known mineral lands. It is a rough broken country from which the timber has been removed and is adaptable for no purpose except grazing. There has been no drilling in this vicinity, there not being an oil well within a distance of 125 miles, and there are no more indications of oil being found than in numerous other places in New Mexico. If, however, there is a possibility of mineral it is the opinion of this committee that persons should be allowed the right to enter this area the same as in any other national forest, subject to the laws applicable thereto.

The following is an excerpt from a letter to the Hon. A. A. Jones, from the Forest Service, Department of Agriculture, under date of April 3, 1926, regarding this proposed legislation:

The lands of the United States in this locality are in a peculiar status in that they are within a military reservation but also, under section 9 of the act of June 7, 1924 (43 Stat. 653), are given a National Forest status. The act of February 25, 1920, relating to the development of oil on lands of the United States specifically except lands within a military reservation although it makes lands within a national forest subject to its provisions. The question whether it would be possible to grant an oil prospecting permit or a lease on the lands in question would, of course, have to be decided finally by the Secretary of the Interior should an application be presented to him. It is the feeling of this service that in view of the express language if the oil leasing act above mentioned that military reservations should not be subject to its provisions that it would be impossible to grant an oil prospecting permit or lease affecting these lands. It would seem that the only course to follow would be to secure legislation authorizing the leasing of these particular lands under the provisions of the oil leasing act. This service can see no objection to legislation of that character.

The following letters from the Secretary of War and the Secretary of the Interior regarding this bill are appended hereto and made a part of this report:

WAR DEPARTMENT,
Washington, D. C., May 20, 1926.

HON. ROBERT N. STANFIELD,
*Chairman Committee on Public Lands and Surveys,
United States Senate.*

DEAR SENATOR STANFIELD: In compliance with your request of May 14, 1926, I am pleased to submit the following report on S. 4054.

The subject of the proposed legislation is "To extend the oil leasing act to the Zuni district of the Manzano National Forest."

The applicable provisions of existing law on this subject are found in the act of June 7, 1924 (Public, 270, 68th Cong.), which contains the following language:

"* * * That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the department for which the lands were formerly reserved * * *"

It is apparently the purpose of Congress to retain such national forests for purposes of national defense, and it must be obvious that the granting of permission for mining of various minerals on this reservation might very well embarrass the War Department in carrying out its functions under the national defense act.

It may also be pointed out that under the agreement between the Department of Agriculture and the War Department, rules and regulations have been promulgated for the joint administration of such forests. The legislation proposed in S. 4054 will interject a third administrator in the person of the Secretary of the Interior. From a standpoint of administration, this will complicate the situation, and might well tie the hands of the two departments already interested in the tract in question. It is my judgment, therefore, that it would be inadvisable to enact S. 4054 into law.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Public Lands and Surveys wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee: Maj. Gen. Fox Conner, Deputy Chief of Staff; Brig. Gen. B. H. Wells, Assistant Chief of Staff; Lieut. Col. W. H. Noble, General Staff; Maj. A. M. Prentiss, General Staff.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

DEPARTMENT OF THE INTERIOR,
Washington, May 10, 1926.

HON. ROBERT N. STANFIELD,
*Chairman Committee on Public Lands and Surveys,
United States Senate.*

MY DEAR SENATOR STANFIELD: I am in receipt of your letter of April 30, 1926, requesting report on S. 4054, a bill to extend the oil leasing act to the Zuni district of the Manzano National Forest.

The lands involved are that part of the Fort Wingate Military Reservation which was by proclamation of April 20, 1925, established under section 9 of the act of June 7, 1924 (43 Stat. 653), as a national forest to be known as the Zuni district of the Manzano National Forest. The proclamation provides that the lands shall remain subject to the use of the War Department for purposes of national defense, and that nothing therein shall be construed to affect or restrict the authority over such land for purposes of national defense now vested in the Secretary of War. Lands in the national forests are subject to the leasing law of February 25, 1920, but lands within a military reservation are excluded from the operations of that law. Being in both a national forest and a military reservation, legislation is necessary to extend the leasing laws to such lands. While I am not informed as to whether the lands contain minerals, they may have a possible prospective value for oil and gas, and I favor enactment of the bill if it is acceptable to the Secretary of War. I recommend that the bill be referred to him for report.

Very truly yours,

HUBERT WORK.