

# CONGRESSMAN MAC THORNBERRY

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## RED RIVER AREA – BLM RANGE MANAGEMENT PLAN UPDATE

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### **Background:**

The Bureau of Land Management (BLM) is beginning the process for revising its 1996 Range Management Plan (RMP) for lands managed by the BLM, which includes a 116 mile stretch of the Red River on the border between Texas and Oklahoma in Wilbarger, Wichita, and Clay counties.

At a public meeting in Wichita Falls, Texas, on 12/11/2013, it was reported that BLM stated there is an estimated 90,000 acres of land along the 116 mile stretch of the Red River that may be considered public domain. Issues discussed for this land included open public access for hunting, recreation, and management.

Many landowners and public officials have expressed concerns over opening up the river to public access that include losing private land to the federal government and potential use of eminent domain to create public access points to the river.

### **Texas/Oklahoma Border:**

A large portion of the Texas/Oklahoma border has historically been the Red River going back to the southern limit of the Louisiana Purchase. The Supreme Court construed the boundary to be the “gradient boundary line along the south bank” in the 1920s.

On October 10, 2000, H.J. Res. 72 was signed into law that ratifies the Red River Boundary Compact agreed to by Texas and Oklahoma. This compact sets the state boundary as the vegetation line on the south bank of the Red River, except for the lake Texoma area where the boundary is established pursuant to procedures provided for in the compact.

### **Recent Actions:**

- 12/11/2013 – BLM hosted a public meeting in Wichita Falls to discuss the issue. However, many residents felt the event was poorly advertised, and there were issues with conveying the proper course of action to submit comments during the public scoping period which ended January 31, 2014. Congressman Thornberry’s office was not notified prior to the meeting.
- 1/30/2014 – Congressman Thornberry submitted comments to BLM expressing opposition to any expansion of control or management from BLM over lands on the Texas side of the border.
- 3/20/2014 – Congressman Thornberry met with BLM Deputy Director Steve Ellis to discuss the issue and convey concerns over opening up the river to public access.

### **Attachments:**

1. Public Comments Submitted by Congressman Mac Thornberry
2. BLM Response to Congressman Mac Thornberry
3. BLM Map of Red River Management Area

MAC THORNBERRY  
13TH DISTRICT  
TEXAS



Congress of the United States  
House of Representatives  
January 30, 2014

ARMED SERVICES COMMITTEE  
VICE CHAIR

SUBCOMMITTEE ON INTELLIGENCE,  
EMERGENCY THREATS AND CAPABILITIES  
CHAIRMAN

PERMANENT SELECT  
COMMITTEE ON INTELLIGENCE

Oklahoma Field Office RMP Comments  
c/o Larry Levesque  
Bureau of Land Management - Oklahoma Field Office  
7906 E. 33rd Street, Suite 101  
Tulsa, OK 74145-1352

To Whom It May Concern:

I am submitting comments on behalf of several constituents in my district to express concerns about the proposed survey to be conducted along the Red River that spans Wilbarger, Wichita, and Clay Counties in Texas.

During a public meeting in Wichita Falls, Texas, several landowners were informed of potential BLM plans to conduct a cadastral survey along a 116 mile stretch of the Red River, which creates the border between Oklahoma and Texas, to determine what area may or may not be under federal control. Potential BLM plans discussed for this land included opening up the land for public access for recreation, hunting, and general management. There has even been discussion of extending public hunting access within 3 miles south of the Texas-Oklahoma border.

Most, if not all, of the current landowners, the county governments, and I are opposed to any expansion of control or management from BLM over lands on the Texas side of the border. Although BLM currently manages public and tribal lands in Oklahoma, we believe that BLM has no federal claim to land on the Texas side of the border along the 116 mile stretch of the Red River, especially any that are further south of the southern bank of the river.

As you are aware, the BLM currently has on file numerous cadastral surveys, some completed as recently as 2008, from the adjacent counties on the Oklahoma side of the river that delineates the Oklahoma-Texas border pursuant to the 1924 Supreme Court decision. Several of these cadastral surveys completed in 2008 echo the same language verbatim that "the gradient boundary monumented and described within has not been changed since it was established and declared to be the true boundary by the Supreme Court on June 9, 1924." Additionally, H.J. Res. 72, which was signed into federal law on October 10, 2000, ratifies the Red River Boundary Compact agreed upon by the states that sets the Red River boundary at the vegetation line on the south bank.

Both of these items reinforce that the BLM has not and should not have any legitimate claim to private land on the Texas side of the border that extends any further than the gradient boundary and/or the vegetation line on the south bank of the river. It is also evident that if BLM already has on file recently completed cadastral surveys, that there would be no reason to believe that the boundary should be extended any further south onto private lands in Texas.

On behalf of the landowners, county governments, and constituents in Texas, I ask that the BLM take no action that would expand the management or control of any land south of the Texas-Oklahoma border.

Sincerely,

Mac Thornberry  
Member of Congress



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Oklahoma Field Office  
7906 East 33<sup>rd</sup> St., Ste. 101  
Tulsa, OK 74145



March 17, 2014

Honorable Representative Mac Thornberry  
2329 Rayburn House Office Building  
Washington, DC 20515-4313

Dear Representative Thornberry:

Thank you for your letter dated January 30, 2014 providing your comments on the Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA) upcoming Environmental Impact Statement. This multi-year effort, which is now soliciting public input or “scoping,” will eventually result in broad-scale recommendations for management of Federal and Indian lands and minerals in Oklahoma, Kansas, and Texas. The BLM appreciates your feedback and the opportunity to work with you and your staff during our planning process.

Your letter raised some issues regarding public domain lands in the vicinity of the Red River boundary between Texas and Oklahoma that I would like to address prior to the release of our formal “scoping report.” This report will soon be available to the public pursuant to requirements under the National Environmental Policy Act of 1969.

At a number of public meetings in TX, OK, and KS, individuals and user groups have expressed interest in obtaining access for recreational purposes to the Federal land, or portions of it, along the 116 mile stretch of the river from its north fork to the 98<sup>th</sup> Meridian. Among the user groups are an equestrian trail riders association based in Amarillo, TX. Any discussion about active management of the area would eventually turn to the need for cadastral surveys of large segments of the river, to ascertain the boundary between Federal land and private land along the river’s southern bank in Texas.

The potential for any new surveys, as you are aware, has raised concerns among residents along the river’s edge in Texas, partly for fear that any new surveys would create cloud to their private property title. Let me assure you, first of all, that no new surveys are currently planned. In addition, there are no claims to Federal land south of the gradient bank of the river, and no claims to Federal land in the State of Texas as defined by multiple rulings of the U.S. Supreme Court.

Our goals in the short term involve: 1) installing signs in the previously surveyed area of Federal land near the SH 79 bridge between Waurika, OK and Wichita Falls, TX, 2) planning and executing a day-long cleanup of the Federal land in that area to include volunteers, 3) assigning Federal law enforcement to periodically visit the area to see whether signs posting the boundary

between established Federal and private land are being respected, 4) working with the States of Oklahoma and Texas on the proposed bridge replacement that will require issuance of a Federal right-of-way, and 5) working with the Oklahoma Energy Resources Board to plan cleanup of relic oil field equipment dating back to the 1910s and 1920s, on Federal land in the State of Oklahoma that is north of Burkburnett, TX.

Prior to any decision to execute new cadastral surveys we would be in contact with your offices. It is likely that any such decision would be based on a review of geographic information systems and the potential overlay of public and private access points with sections of the river frontage that might be managed for public recreation.

We have met with one of your staff members previously and are currently attempting to arrange a larger meeting with your staff in Texas to better address these issues moving forward. If you would like to be included in those meetings, or to meet with me or my staff separately, feel free to contact me at (918) 621-4102 or by email at [stryon@blm.gov](mailto:stryon@blm.gov).

I look forward to working with you and anyone from your staff to help resolve the long-standing issues relating to public land management along the Red River.

Sincerely,

A handwritten signature in blue ink that reads "Stephen G. Tryon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen G. Tryon  
Field Manager

CC: New Mexico State Office, NM 090000



