

114TH CONGRESS
1ST SESSION

S. 1153

To provide legal certainty to property owners along the Red River in Texas,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2015

Mr. CORNYN (for himself and Mr. CRUZ) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To provide legal certainty to property owners along the Red
River in Texas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red River Private
5 Property Protection Act”.

6 **SEC. 2. DISCLAIMER AND OUTDATED SURVEYS.**

7 (a) IN GENERAL.—The Secretary hereby disclaims
8 any right, title, and interest to all land located south of
9 the South Bank boundary line of the Red River in the
10 affected area.

1 (b) CLARIFICATION OF PRIOR SURVEYS.—Previous
2 surveys conducted by the Bureau of Land Management
3 shall have no force or effect in determining the current
4 South Bank boundary line.

5 **SEC. 3. IDENTIFICATION OF CURRENT BOUNDARY.**

6 (a) BOUNDARY IDENTIFICATION.—To identify the
7 current South Bank boundary line along the affected area,
8 the Secretary shall commission a new survey that—

9 (1) adheres to the gradient boundary survey
10 method;

11 (2) spans the entire length of the affected area;

12 (3) is conducted by Licensed State Land Sur-
13 veyors chosen by the Texas General Land Office;
14 and

15 (4) is completed not later than 2 years after the
16 date of the enactment of this Act.

17 (b) APPROVAL OF THE SURVEY.—The Secretary
18 shall submit the survey conducted under this Act to the
19 Texas General Land Office for approval. State approval
20 of the completed survey shall satisfy the requirements
21 under this Act.

22 **SEC. 4. APPEAL.**

23 Not later than 1 year after the survey is completed
24 and approved pursuant to section 3, a private property
25 owner who holds right, title, or interest in the affected

1 area may appeal public domain claims by the Secretary
2 to an Administrative Law Judge.

3 **SEC. 5. RESOURCE MANAGEMENT PLAN.**

4 The Secretary shall ensure that no parcels of land
5 in the affected area are treated as Federal land for the
6 purpose of any resource management plan until the survey
7 has been completed and approved and the Secretary en-
8 sures that the parcel is not subject to further appeal pur-
9 suant to this Act.

10 **SEC. 6. CONSTRUCTION.**

11 This Act does not change or affect in any manner
12 the interest of the States or sovereignty rights of federally
13 recognized Indian tribes over lands located to the north
14 of the South Bank boundary line of the Red River as es-
15 tablished by this Act.

16 **SEC. 7. SALE OF REMAINING RED RIVER SURFACE RIGHTS.**

17 (a) **COMPETITIVE SALE OF IDENTIFIED FEDERAL**
18 **LANDS.**—After the survey has been completed and ap-
19 proved and the Secretary ensures that a parcel is not sub-
20 ject to further appeal under this Act, the Secretary shall
21 offer any and all such remaining identified Federal lands
22 for disposal by competitive sale for not less than fair mar-
23 ket value as determined by an appraisal conducted in ac-
24 cordance with nationally recognized appraisal standards,
25 including the Uniform Appraisal Standards for Federal

1 Land Acquisitions; and the Uniform Standards of Profes-
2 sional Appraisal Practice.

3 (b) EXISTING RIGHTS.—The sale of identified Fed-
4 eral lands under this section shall be subject to valid exist-
5 ing tribal, State, and local rights.

6 (c) PROCEEDS OF SALE OF LANDS.—Net proceeds
7 from the sale of identified Federal lands under this section
8 shall be used to offset any costs associated with this Act.

9 (d) REPORT.—Not later than 5 years after the date
10 of the enactment of this Act, the Secretary shall submit
11 to the Committee on Natural Resources of the House of
12 Representatives and the Committee on Energy and Nat-
13 ural Resources of the Senate a list of any identified Fed-
14 eral lands that have not been sold under subsection (a)
15 and the reasons such lands were not sold.

16 **SEC. 8. DEFINITIONS.**

17 For the purposes of this Act:

18 (1) AFFECTED AREA.—The term “affected
19 area” means lands along the approximately 116-mile
20 stretch of the Red River from its confluence with the
21 North Fork of the Red River on the west to the
22 98th meridian on the east between the States of
23 Texas and Oklahoma.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of Bureau of Land Management.

4 (3) SOUTH BANK.—The term “South Bank”
5 means the water-washed and relatively permanent
6 elevation or acclivity, commonly called a cut bank,
7 along the southerly or right side of the Red River
8 which separates its bed from the adjacent upland,
9 whether valley or hill, and usually serves to confine
10 the waters within the bed and to preserve the course
11 of the river; as specified in the fifth paragraph of
12 the decree rendered March 12, 1923, in *Oklahoma*
13 *v. Texas*, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed.
14 687.

15 (4) SOUTH BANK BOUNDARY LINE.—The term
16 “South Bank boundary line” means the boundary
17 between Texas and Oklahoma identified through the
18 gradient boundary survey method; as specified in the
19 sixth and seventh paragraphs of the decree rendered
20 March 12, 1923, in *Oklahoma v. Texas*, 261 U.S.
21 340, 43 S. Ct. 376, 67 L. Ed. 687.

22 (5) GRADIENT BOUNDARY SURVEY METHOD.—
23 The term “gradient boundary survey method”
24 means the measurement technique used to locate the
25 South Bank boundary line under the methodology

1 established by the United States Supreme Court
2 which recognizes that the boundary line between the
3 States of Texas and Oklahoma along the Red River
4 is subject to such changes as have been or may be
5 wrought by the natural and gradual processes known
6 as erosion and accretion as specified in the second,
7 third, and fourth paragraphs of the decree rendered
8 March 12, 1923, in Oklahoma v. Texas, 261 U.S.
9 340, 43 S. Ct. 376, 67 L. Ed. 687.

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