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Chapter 2: Western Public Land Law and the Evolving Management Landscape

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Chapter 2: Western Public Land Law and the Evolving Management Landscape

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Our nation's history, and the history of the lands that we inhabit, are inextricably intertwined. Understanding the evolution of our relationship with the lands we inhabit and the institutions that govern this relationship is a vital ingredient to our ability to understand where we come from and to chart a course that is sustainable and beneficial.

Public Land Acquisition

The original thirteen states secured title to land from the Atlantic Ocean to the Mississippi River through their colonial charters. The Northwest Ordinance of 1787 established a process for admission of new states that said creating a general government and adding the 13 US states to the union of land in a newly formed federal government (**Journal of Land Management** 2012). Land tenures was critical to the formation of the United States and the Northwest Ordinance of 1787 was the first piece of legislation formed that states such as Virginia and Connecticut ceded their rights to vast tracts of the western frontier, would have disproportionate political and economic power in our emerging nation. Since the formation of the United States, the federal government has acquired land through a variety of methods. The Louisiana Purchase, treaties with Spain, Mexico, and Great Britain, and military conquest have resulted in land titles made orderly settlement more difficult. Ceding land title to the federal government was a prerequisite for admission to the union for the western states. Ceding public lands to the territorial and later of state governments was a common practice (**Lewis 1993**).

Earlier work, one federal government obtained title to 150 billion acres of land from foreign powers (that was purchased from the Interior Dept to the Pacific Ocean. Land that today is the western portion of Illinois states between the Mississippi River and the Rocky Mountains was acquired through the Louisiana Purchase. The Louisiana Purchase was a land deal between the United States and the Napoleonic Empire of France. Under the Treaty of Paris, France ceded the Louisiana Territory to the United States in exchange for 15 million dollars. Texas such as Mexico retained the majority of the land that had been granted to them. Texas such as New Mexico retained the majority of the land that had been granted to them

Legal Citations

1. Treaty Between the United States and the French Republic, Apr. 30, 1803.
2. Joint Resolution for Annexing Texas to the United States, Mar. 1, 1845, 5 Stat. 797.
3. Treaty with Great Britain in Regard to the Limits Westward of the Rocky Mountains, Gr. Brit.-U.S., June 15, 1946, 9 Stat. 869.
4. Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico, Mex.-U.S., Feb. 2, 1848, 9 Stat. 922.
5. Treaty with Russia for the Purchase of Alaska, Russ.-U.S., Mar. 30, 1867, 15 Stat. 539.
6. Northwest Ordinance of 1787, 1 Stat. 51 (1787).
7. *Utah School and Lands Exchange Act of* 1998, H.R. Rep. 105-598 (June 24, 1998).
8. Forest Reserve Act of 1891, Mar. 3, 1891, 26 Stat. 1103, repealed by 90 Stat. 2791 (1976).
9. An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-Eight, and for Other Purposes, June 4, 1897, 30 Stat. 11, 35, codified at 16 U.S.C. § 475 (2012).
10. 16 U.S.C. §§ 528–31.
11. 16 U.S.C. §§ 1600–14.
12. 16 U.S.C. § 531(a).
13. 43 U.S.C. § 315.
14. 43 U.S.C. §§ 1701–84.
15. 16 U.S.C. § 668(dd).
16. 16 U.S.C. § 1.
17. 16 U.S.C. §§ 1131–34(c).
18. 16 U.S.C. §§ 1531–41.
19. 42 U.S.C. §§ 4321–33.
20. 16 U.S.C. § 1131(c).
21. 43 U.S.C. § 1782(a).
22. 16 U.S.C. § 1531(b).
23. 15 U.S.C. § 1536(a)(2).
24. 42 U.S.C. § 4332(2)(C).
25. *Seattle Audubon Soc'y v. Moseley*, 798 F.Supp. 1484, 1493–94 (W.D. Wash. 1992).
26. 42 U.S.C. § 4332(2)(C).
27. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

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- Figure 2_Federal Lands and Indian Reservations_Updated

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