

# APPENDIX J

## WITHDRAWALS AND LAND CLASSIFICATION

More than 330,800 acres of public land have been withdrawn in North Dakota. The listing of withdrawals (Table J-1), with some dating back to 1903, is not all-inclusive. This is due to incomplete Bureau records for portions of eastern North Dakota. Excluding the USFS, the agency managing the greatest amount of withdrawn lands is the USFWS. Other agencies holding withdrawals include the Army Corps of Engineers, NPS, and the SCS.

North Dakota is not considered to be one of the eleven western states of FLPMA and thus does not have the withdrawal review requirements of Section 204. However, there are withdrawals in the state requiring review. It is suspected some of the withdrawals may not be fulfilling their intended purpose.

### Federal Power Act Withdrawals

A review of available records has not revealed any Federal Power Act Withdrawals.

### International Boundary Reservation

The International Boundary Reservation was established by Presidential Proclamation No. 810 of June 15, 1908, and modified by Presidential Proclamation No. 1196 of May 3, 1912. The withdrawal affects a strip of public land 60 feet wide along the border with Canada. The withdrawal segregates the lands from operation of the public land laws, including mining, but not the mineral leasing laws. The U.S. State Department has been determined to be the holding agency for the withdrawal and, therefore, has surface management responsibilities.

Upon receipt of a rejustification from the U.S. State Department —International Boundary Commission, the withdrawal will be reviewed. Because it is a single withdrawal for a single purpose involving a single holding agency, the entire withdrawal will be processed as one case. This entails the coordinated effort of all the states involved with the BLM — Oregon State Office, being designated the lead office. Although BLM in North Dakota is not bound by the review schedule of Section 204 of FLPMA, it will hold to the schedule to facilitate the other states involved to meet the schedule.

In North Dakota, withdrawn lands vary from a continual strip 60 feet wide, two miles long to periodic tracts one-fourth mile long. Surface use on the withdrawn area is usually grazing or farming.

### Classifications

Classifications under the C & MU Act of approximately 8000 acres of land have been terminated (Table J-2). These classifications were reinstated by Civil Action No. 85-2238.

Land classifications technically are not withdrawals (Associate Solicitor's Opinion of August 19, 1980) and are subject to the review provisions of Section 202 (d) of FLPMA. Because certain classifications segregate lands from operation of some or all of the public land laws, they are considered to be "de facto" withdrawals. Some of the classifications are no longer appropriate or restrict activities which should be at the discretion of the authorized officer. The district will consider all the existing classifications in the state, including those not listed on the table referred to above, and alter or cancel those necessary to realize the fullest range of uses.

**TABLE J-1  
WITHDRAWALS**

| Serial Number | Agency         | Executive Order Date | County                   | Acres   |
|---------------|----------------|----------------------|--------------------------|---------|
| M 43233 (ND)  | USFWL          | 2-26-46              | Benson                   | 3,708   |
| M 43235 (ND)  | USFS           | 7-19-37              | Billings, Golden Valley  | 271,091 |
| M 43236 (ND)  | USFS           | 7-18-64              | Billings                 | 89      |
| M-43246 (ND)  | Bur. of Rec.   | 1-20-05              | Williams                 | 10,600  |
| M-43247 (ND)  | Bur. of Rec.   | 4-27-14              | Williams                 | 40      |
| M-43255 (ND)  | Bur. of Rec.   | 7-70095              | Williams                 | 560     |
| M-43248 (ND)  | Bur. of Rec.   | 5-23-05              | Williams                 | 80      |
| M-43288 (ND)  | Bur. of Rec.   | 8-24-03              | McKenzie                 | 21,763  |
| M-43289 (ND)  | Bur. of Rec.   | 9-02-05              | McKenzie                 | 1,263   |
| M-43290 (ND)  | Bur. of Rec.   | 2-16-12              | McKenzie                 | 209     |
| M-43291 (ND)  | Bur. of Rec.   | 10-23-09             | McKenzie                 | 146     |
| M-43292 (ND)  | Bur. of Rec.   | 7-09-09              | McKenzie                 | 25      |
| M 013419 (ND) | Corps. of Eng. | 2-25-55              | Benson, McLean, Williams | 4,681   |
| M 013726 (ND) | USFS           | 3-31-55              | McKenzie                 | 80      |
| M 013826 (ND) | Corps. of Eng. | 7-06-56              | Burleigh, Morton, Emmons | 3,029   |
| M 3842 (ND)   | Corps. of Eng. | 7-06-56              | Burleigh, Morton, Emmons | 3,903   |
| M 021926 (ND) | Corps. of Eng. | 2-27-59              | Morton, Williams         | 941     |
| M 040002 (ND) | Corps. of Eng. | 4-24-62              | Bowman                   | 3,280   |
| M 050235 (ND) | Corps. of Eng. | 4-19-63              | Burleigh                 | 433     |

TABLE J-1 (continued)  
WITHDRAWALS

| Serial Number | Agency         | Executive Order Date | County                            | Acres   |
|---------------|----------------|----------------------|-----------------------------------|---------|
| M 051661      | USFWL          | 6-12-39              | Dunn                              | 3,064   |
| M 051653      | USFWL          | 8-22-35              | Burke, Ward                       | 24,473  |
| M 051663 (ND) | USFWL          | 6-12-39              | Williams                          | 3,758   |
| M 051666 (ND) | USFWL          | 9-01-35              | Mountrail, Burke                  | 33,080  |
| M 051670 (ND) | USFWL          | 6-12-39              | Mountrail                         | 1,794   |
| M 051673 (ND) | USFWL          | 2-03-41              | Slope                             | 2,229   |
| M 051672 (ND) | USFWL          | 12-20-56             | McLean                            | 26,337  |
| M 42869 (ND)  | USFWL          | 6-12-39              | Towner                            | 1,920   |
| M 42872 (ND)  | USFWL          | 5-10-39              | Stutsman                          | 160     |
| M 42884 (ND)  | USFWL          | 6-12-39              | Benson                            | 1,021   |
| M 42900 (ND)  | USFWL          | 5-10-39              | Bottineau, Rolette                | 1,899   |
| M 42901 (ND)  | USFWL          | 5-10-39              | Emmons                            | 640     |
| M 42902 (ND)  | USFWL          | 5-10-39              | Kidder                            | 533     |
| M 42903 (ND)  | USFWL          | 2-03-41              | Emmons                            | 640     |
| M 42910 (ND)  | USFWL          | 5-10-39              | Emmons                            | 1,162   |
| M 020755 (ND) | Bur. of Rec.   | 2-16-56              | McLean, Sheridan                  | 224     |
| M 41160 (ND)  | Bur. of Rec.   | 12-22-05             | McKenzie                          | 160     |
| M 42862 (ND)  | USFS           | 3-24-49              | Slope, Richland, Ranson,<br>et al | 289,135 |
| M 051667 (ND) | USFWL          | 1-27-38              | McHenry, Bottineau                | 53,657  |
| M 807 (ND)    | USFWL          | 4-01-68              | Stutsman et al                    | 4,981   |
| M 051679 (ND) | USFWL          | 8-27-35              | Ward, Renville                    | 57,277  |
| M 051681 (ND) | USFWL          | 2-03-41              | Slope                             | 1,040   |
| M 3843 (ND)   | Corps. of Eng. | 6-10-71              | Burleigh, Emmons, Morton          | 13,144  |
| M 42553 (ND)  | Corps. of Eng. |                      | McKenzie, Mountrail               | 10      |
| M 43100 (ND)  | USFS           | 7-9-37               | McKenzie                          | 422,829 |
| M 42958 (ND)  | USFWL          | 5-10-39              | McLean                            | 1,206   |
| M 42968 (ND)  | USFWL          | 5-10-39              | McLean                            | 935     |
| M 43010 (ND)  | USFWL          | 6-12-39              | McLean                            | 1,800   |
| M 43021 (ND)  | USFWL          | 6-12-39              | Morton                            | 1,434   |
| M 43049 (ND)  | USFWL          | 6-12-39              | McLean, Ward                      | 2,033   |
| M 43068 (ND)  | USFWL          | 6-12-39              | McLean                            | 480     |
| M 43080 (ND)  | USFWL          | 2-03-41              | Grant                             | 800     |
| M 051671 (ND) | USFWL          | 12-20-48             | Kidder                            | 3,000   |
| M 051680 (ND) | USFWL          | 6-12-39              | Kidder                            | 3,036   |
| M 051683 (ND) | USFWL          | 12-20-48             | Rolette                           | 2,944   |
| M 043395 (ND) | USFWL          | 5-26-52              | Burleigh, Benson, et al           | 4,896   |
| M 051649 (ND) | USFWL          | 5-10-39              | Pierce                            | 2,113   |
| M 051650 (ND) | USFWL          | 5-10-39              | Burleigh                          | 440     |
| M 051651 (ND) | USFWL          | 8-22-08              | Stutsman                          | 3,090   |
| M 051654 (ND) | USFWL          | 5-10-39              | Burleigh                          | 668     |
| M 051665 (ND) | USFWL          | 6-12-39              | Kidder, Burleigh                  | 12,275  |
| M 42865 (ND)  | USFWL          | 2-03-41              | Towner                            | 160     |
| M 42866 (ND)  | USFWL          | 6-12-39              | Richland                          | 449     |
| M 42869 (ND)  | USFWL          | 6-12-39              | Towner                            | 1,221   |
| M 013726 (ND) | SCS            | 4-11-55              | McKenzie                          | 80      |
| M 53931 (ND)  | Park Service   | 9-20-83              | McKenzie, Williams                | 372     |
| M 21192 (ND)  | USFWL          | 3-18-82              | Towner                            | 13      |

**TABLE J-2  
C & MU ACT CLASSIFICATIONS**

| <b>County</b> | <b>Acres Affected</b> | <b>Serial Number</b> | <b>Classified for</b>   | <b>Segregated from</b>                        |
|---------------|-----------------------|----------------------|-------------------------|---|
| Divide        | 1625.63               | M498A                | Multiple Use Management | Agricultural entry, Sale                      |
| McHenry       | 1242.92               | M498B                | Multiple Use Management | Agricultural entry, Sale                      |
| McLean        | 280.00                | M498C                | Multiple Use Management | Agricultural entry, Sale                      |
| Mountrail     | 397.32                | M498D                | Multiple Use Management | Agricultural entry, Sale                      |
| Sheridan      | 511.40                | M498E                | Multiple Use Management | Agricultural entry, Sale                      |
| Ward          | 224.30                | M498F                | Multiple Use Management | Agricultural entry, Sale                      |
| Williams      | 320.00                | M498G                | Multiple Use Management | Agricultural entry, Sale                      |
| Pierce        | 82.34                 | M498H                | Multiple Use Management | Agricultural entry, Sale                      |
| Barns         | 4.56                  | M498I                | Multiple Use Management | Agricultural entry, Sale                      |
| Burleigh      | 520.00                | M498J                | Multiple Use Management | Agricultural entry, Sale                      |
| Emmons        | 526.13                | M498K                | Multiple Use Management | Agricultural entry, Sale                      |
| Kidder        | 208.58                | M498L                | Multiple Use Management | Agricultural entry, Sale                      |
| Logan         | 560.00                | M498M                | Multiple Use Management | Agricultural entry, Sale                      |
| McIntosh      | 172.84                | M498N                | Multiple Use Management | Agricultural entry, Sale                      |
| Stutsman      | 80.00                 | M498O                | Multiple Use Management | Agricultural entry, Sale                      |
| Mountrail     | 259.40                | M10484E              | Exchange, Sale          | Agricultural entry, Mining                    |
| Williams      | 300.18                | M10484F              | Exchange, Sale          | Agricultural entry, Mining                    |
| Mountrail     | 40.00                 | M10484G              | R & PP                  | Agricultural entry, Sale,<br>Exchange, Mining |
| Williams      | 160.00                | M10484H              | R & PP                  | Agricultural entry, Sale,<br>Exchange, Mining |
| Mountrail     | 240.05                | M10484I              | Multiple Use Management | Agricultural entry, Sale,<br>Exchange         |
| Williams      | 120.00                | M10484J              | Multiple Use Management | Agricultural entry, Sale,<br>Exchange         |
| Mountrail     | 40.00                 | M16435               | Multiple Use Management | Agricultural entry, Sale,<br>Exchange         |