

By: Frank

H.C.R. No. 104

CONCURRENT RESOLUTION

1 WHEREAS, The United States Bureau of Land Management is
2 laying claim to a 116-mile stretch of land along the Red River in
3 Clay, Wilbarger, and Wichita Counties, but Texas property owners
4 have lived and worked on this land for generations, and many hold
5 deeds and titles dating back to the 19th century; and

6 WHEREAS, In 1803, the Louisiana Purchase recognized the south
7 bank of the Red River as the boundary between Texas and Oklahoma;
8 frequent shifting of the channel gave rise to numerous disputes
9 over the years, and following a 1922 lawsuit, the Supreme Court
10 found that the northern half of the river bottom belonged to
11 Oklahoma and the southern half belonged to the federal government,
12 while Texas began on the south bank, at the river's southern
13 gradient boundary; and

14 WHEREAS, The Bureau of Land Management began resurveying the
15 land along the Texas-Oklahoma border in 2008, and Texas residents
16 were shocked to find survey markers on their property, far from the
17 river; inexplicably, the bureau had extended what it considered the
18 federal riverbed roughly a mile onto dry land, absurdly placing
19 houses, barns, fences, and livestock in the middle of an imaginary
20 body of water; the bureau further alarmed local property owners by
21 publishing a resource management plan for newly claimed land, along
22 with maps and other information throwing into question ownership of
23 between 46,000 and 90,000 acres; and

24 WHEREAS, The federal government has refused to clarify the

1 precise extent of the land it purports to own, and the great
2 uncertainty has clouded title claims, reducing land values,
3 threatening private capital investment, and causing tremendous
4 anxiety about the future of lives and livelihoods; landowners have
5 asked the Bureau of Land Management to perform a gradient boundary
6 survey, as required in the 1923 Supreme Court decision, in order to
7 firmly identify the south bank and restore confidence in titles;
8 the agency, however, has refused to perform such a survey; and

9 WHEREAS, Casting landowners into this legal limbo violates
10 the due process guarantees of the United States Constitution, and
11 in January 2017, the United States House of Representatives
12 responded by passing H.R. 428, the "Red River Gradient Boundary
13 Survey Act"; this legislation requires the secretary of the
14 interior, acting through the bureau director, to commission a
15 survey to identify the south bank boundary line, conducted by
16 surveyors selected and directed jointly by Texas and Oklahoma and
17 using the gradient boundary survey methodology established in the
18 1923 Supreme Court decision; and

19 WHEREAS, The actions of the Bureau of Land Management
20 regarding the south bank of the Red River are in direct conflict
21 with the fundamental rights of Americans to private property
22 ownership free from the unconstitutional threat of seizure by the
23 federal government, and the owners of Texas land newly claimed by
24 the bureau deserve a fair and definitive resolution of the boundary
25 dispute; now, therefore, be it

26 RESOLVED, That the 85th Legislature of the State of Texas
27 hereby respectfully urge the United States Congress to require the

1 Bureau of Land Management to commission a gradient boundary survey
2 of the south bank of the Red River to be conducted in accordance
3 with *Oklahoma v. Texas*, 261 U.S. 340 (1923) by surveyors selected
4 and directed by Texas and Oklahoma, and to forbid any federal
5 seizure of property in this area before the completion of such a
6 survey; and, be it further

7 RESOLVED, That the Texas secretary of state forward official
8 copies of this resolution to the president of the United States, to
9 the secretary of the United States Department of the Interior, to
10 the director of the United States Bureau of Land Management, to the
11 president of the Senate and the speaker of the House of
12 Representatives of the United States Congress, and to all the
13 members of the Texas delegation to Congress with the request that
14 this resolution be entered in the Congressional Record as a
15 memorial to the Congress of the United States of America.