United States Department of the Interior
BUREAU OF LAND MANAGEMENT
http://www.blm.gov

August 1, 2022

The Honorable Doris Matsui
United States House of Representatives
Washington, DC 20515

Dear Representative Matsui:

Thank you for your letter dated March 17, 2022, regarding the land located in your district and whether the Bureau of Land Management (BLM) can "unilaterally disclaim" and transfer the United States' interest in the land to private parties.

Based on my understanding of the facts, the BLM does not have authority to use a disclaimer of interest for the land in question. The BLM can only issue a disclaimer when the United States has no interest in the subject property and here the United States continues to have an interest. Specifically, Southern Pacific Transportation Company ("Southern Pacific") could not have conveyed the land in question through the quitclaim deed referenced in your letter, nor could it now, because it never owned the land in fee. Southern Pacific's predecessor received a railroad right-of-way grant from Congress over the land in question as part of the Pacific Railroad Act of 1862, which gave the railroad a limited fee with a reversionary interest held by the United States. Consequently, the United States continues to have a reversionary interest that is realized only when Southern Pacific formally abandons the right-of-way (or a portion) consistent with applicable law. Even if Southern Pacific were to abandon the right-of-way, which it has not, title would revert to the United States and not Southern Pacific or the adjacent property owners.

To be clear, the BLM does not believe it has a programmatic need for the land in question either now or in the future. Regardless, it currently has no authority to dispose of or disclaim the United States' reversionary interest. Congress, of course, does have the authority to address the current situation by conveying the United States' interest in the land in question. In fact, I understand that Congress has addressed similar circumstances through Congressional action and the BLM likely would support such a solution in this case.

Thank you for your interest in the BLM's management of public lands. If you have questions or need additional information, please contact me at (202) 208-3801, or your staff may contact Patrick Wilkinson, BLM Legislative Affairs Division Chief at (202) 631-6346.

Sincerely,

Tracy Stone-Manning
Director