



United States Department of the Interior
Bureau of Land Management

Eastern States
7450 Boston Boulevard
Springfield, Virginia 22153

<http://www.es.blm.gov>

June 7, 2007



IN REPLY REFER TO:
1278 (954)
FOIA ES-2007-10

Certified Mail No. 7006 [REDACTED] 1524

David [REDACTED]
[REDACTED]

Lebanon, Ohio [REDACTED]

Dear Mr. [REDACTED]

This is in response to your Freedom of Information Act (FOIA) request dated March 10, 2007, received in our office on April 6, 2007. You have requested information on the following items:

1. I would like to acquire a documented list of property [i.e. federal territory] within the boundaries of the state of Ohio (by address or geographic location) that has been ceded to the federal government. Ideally this would be some documented list organized by location of property, date when ceded, etc.

Paula Langley, Land Records Specialist from our Milwaukee Field Office (MFO) provided the search for responsive records. Based upon subsequent communiqués, it is understood that your questions are centered on current Federal land holdings. As such, there are three informational areas to address:

The MFO maintains an unofficial list of Federal properties for the 20 northeastern states, including Ohio, used to identify federally owned lands in support of the Bureau's mineral leasing function. This list is largely derived from the General Services Administration's (GSA) Federal Real Property Profile (FRPP). The GSA has made a determination that the FRPP site specific data is not available for release to the public. Therefore, we are withholding the materials pursuant to exemption 5 of the FOIA (5 U.S.C. 552(b)(5)), which permits an agency to withhold information pertaining to internal practices of an agency.

a. An excerpt of their justification reads as follows:

"GSA maintains that the information contained in the FRPP is highly sensitive and affects the ability of Federal agencies to provide a safe and secure environment for persons and property. In accordance with

5 U.S.C. § 552(b)(2), which authorizes the withholding of information relating to the internal practices of an agency, GSA has determined the FRPP data to be “sensitive but unclassified... The Federal Real Property Report, summarizing the Government’s real property assets, represents what we have determined to be publicly-releasable information. Any release of data beyond that which is otherwise available in these summary reports is a security concern to the Federal government.” The FY 2005 and previous annual summary reports may be viewed at: <http://www.gsa.gov/realpropertyprofile>.

b. GeoCommunicator may aid you in your research:

- i. Access <http://www.geocommunicator.gov/NILS-PARCEL2/map.jsp> on the world-wide web. This site contains an interactive map of the United States.
- ii. Click on the *Layers* tab in the area to the right of the national map.
- iii. Under the folder labeled "*Base Map*", click on the button labeled *Surface Managing Agency*.
- iv. Zoom into the area for Ohio to see what Federal lands are identified.

c. The BLM is the steward of public domain (PD) lands. Land title records under BLM custody center on land patents issued by the Federal government which divest the USA of PD land under the authority of a variety of laws, including the homestead acts (now repealed). Any remnant of the original PD in the state of Ohio is withdrawn from entry and dedicated for use and management by the USDA Forest Service, the Department of Defense, or other Federal agency. If you require additional information regarding withdrawn PD land, contact Ida Doup at (703) 440-1541. Beyond this, BLM considers the USA to be divested of any interest in the original PD lands in Ohio.

2. Included in item 1, are there any federal territories [properties] that might have been sold to the federal government but have not gone through the official process to cede property completely within Ohio and federal law?

The BLM does not maintain a list; the responsibility for compliance with the law and for record keeping resides with each individual agency. Oversight is performed within agencies, at the department level, and by the Government Accountability Office (GAO). Federal law, case law, Department of Justice guidelines and internal agency guidance direct each agency in their land acquisition and disposal activities; <http://www.usdoj.gov/enrd/index.html>.

In your e-mail dated May 11, 2007, you raised the question of jurisdiction, citing City of Cincinnati v. Jack Nussbaum. The following excerpt describes the process whereby agencies may, optionally, file with the state to secure exclusive jurisdiction over acquired lands on behalf of the USA. Whether an agency files for exclusive jurisdiction has no bearing on land title.

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=393575>.

“Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been

or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or accession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.”

3. If no list is available, please forward copies of real-estate, treaty or other property records indicative of federal territory within the geographic boundaries of the state of Ohio.

Each agency is responsible for maintaining its own land title records. The only property records maintained by the BLM are addressed in our above response to item #1.

4. I would like to know—outside of military bases—if there is any habitable federal property [i.e. federal territory] within the boundaries of the state of Ohio. If there is, a documented list would be nice.

GSA administers Title V of the McKinney-Vento Act, where suitable Federally-owned real property categorized as underutilized, unutilized, excess, or surplus may be made available to States, units of local government, and nonprofit organizations at no cost to provide housing to the homeless.

5. What contact point (accessible to the public) maintains such records for various states of the Union?

A download link on the web page captioned “GSA Provides the Best Real Estate Contacts” contains a link to a directory titled [The Real Estate and Workplace Contacts Directory](#).

If you interpret this response to be a denial of your request, you may file an appeal by writing to:

Freedom of Information Act Appeals Officer
Office of the Chief Information Officer
U.S. Department of the Interior
1849 C Street, NW
MS-6556, MIB
Washington, D.C. 20240

(202) 208-5339

Your appeal must be received no later than 30 workdays after the date of this letter. The appeal should be marked, both on the envelope and face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal letter must be received no later than 30 calendar days (excluding Saturdays, Sundays and legal holidays) from the date you receive this letter. The appeal should be accompanied by a copy of your original request and this letter, along with a brief explanation of why you believe this decision is in error.

Generally, the FOIA provides for the collection of fees for the processing of FOIA requests. These fees can cover research, duplication, and review costs. However, the Department of the Interior's FOIA regulations provides for the waiver of fees if they do not exceed a \$30 threshold. Fees for your request **did** exceed the threshold. However, due to the fact that you were not made aware of these fees initially, they have been waived.

If you have any questions concerning your request, please contact Pam Mozina, FOIA Coordinator, at (703) 440-1561.

Sincerely,

/s/ Terry Lewis, Acting State Director

Michael D. Nedd
State Director

DOWNLOADED FROM:

***Sovereignty Education and Defense Ministry
(SEDM) Website***

<http://sedm.org>

