

108TH CONGRESS  
1ST SESSION

# H. R. 2304

To resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2003

Mr. BLUNT introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Certain landowners in Barry and Stone  
6 Counties, Missouri, innocently and in good faith re-

1        lied on subsequent land surveys, which they believed  
2        to be correct, and occupied, improved, or claimed  
3        portions of adjoining Federal lands based on such  
4        survey information; and

5                (2) the appropriate Federal agencies should un-  
6        dertake actions to correctly reestablish the corners  
7        of the Public Land Survey System in Barry and  
8        Stone Counties, Missouri, and rectify boundary con-  
9        flicts and landownership claims against Federal  
10       lands resulting from subsequent land surveys, and  
11       do so in a manner which imposes the least cost and  
12       inconvenience to affected private landowners.

13       (b) PURPOSES.—The purposes of this Act are—

14               (1) to resolve boundary conflicts in Barry and  
15       Stone Counties, Missouri, arising from subsequent  
16       land surveys; and

17               (2) to minimize costs and inconvenience to the  
18       affected private property owners in Barry and Stone  
19       Counties, Missouri.

20   **SEC. 2. RESOLUTION OF BOUNDARY CONFLICTS, VICINITY**  
21                               **OF MARK TWAIN NATIONAL FOREST, BARRY**  
22                               **AND STONE COUNTIES, MISSOURI.**

23       (a) DEFINITIONS.—In this section:

1           (1) The term “appropriate Secretary” means  
2 the Secretary of the Army or the Secretary of Agri-  
3 culture.

4           (2) The term “boundary conflict” means the  
5 situation in which the private claim of ownership to  
6 certain lands, based on subsequent land surveys,  
7 overlaps or conflicts with Federal ownership of the  
8 same lands.

9           (3) The term “Federal land surveys” means  
10 any land survey made by any agency or department  
11 of the Federal Government using Federal employees,  
12 or by Federal contract with State-licensed private  
13 land surveyors or corporations and businesses li-  
14 censed to provide professional land surveying serv-  
15 ices in the State of Missouri.

16           (4) The term “original land surveys” means the  
17 land surveys made by the United States General  
18 Land Office as part of the Public Land Survey Sys-  
19 tem in the State of Missouri, and upon which Gov-  
20 ernment land patents were issued conveying the  
21 land.

22           (5) The term “Public Land Survey System”  
23 means the rectangular system of original Govern-  
24 ment lands surveys made by the United States Gen-  
25 eral Land Office and its successor, the Bureau of

1 Land Management, under Federal laws providing for  
2 the survey of the public lands upon which the origi-  
3 nal land patents were issued.

4 (6) The term “qualifying claimant” means a  
5 private owner of real property in Barry or Stone  
6 County, Missouri, who has a boundary conflict as a  
7 result of good faith and innocent reliance on subse-  
8 quent land surveys, and as a result of such reliance,  
9 has occupied, improved, or made ownership claims to  
10 Federal lands.

11 (7) The term “subsequent land surveys” mean  
12 any land surveys made after the original land sur-  
13 veys.

14 (b) NOTICE OF BOUNDARY CONFLICT.—

15 (1) SUBMISSION AND CONTENTS.—A qualifying  
16 claimant shall notify the appropriate Secretary in  
17 writing of a claim that a boundary conflict exists  
18 with Federal land administered by the appropriate  
19 Secretary. The notice shall be accompanied by the  
20 following information, which, except as provided in  
21 subsection (d)(2)(B), shall be provided without cost  
22 to the United States:

23 (A) A land survey plat and legal descrip-  
24 tion of the affected Federal lands, which are  
25 based upon a land survey completed and cer-

1           tified by a Missouri State-licensed professional  
2           land surveyor, and done in conformity with the  
3           Public Land Survey System and in compliance  
4           with the applicable State and Federal land sur-  
5           veying laws.

6                   (B) Information relating to the claim of  
7           ownership of the Federal lands, including sup-  
8           porting documentation showing the landowner  
9           relied on a subsequent land survey due to ac-  
10          tions by the Federal Government in making or  
11          approving surveys for the Table Rock Reservoir.

12                   (2) DEADLINE FOR SUBMISSION.—To obtain re-  
13          lief under this section, a qualifying claimant shall  
14          submit the notice required by paragraph (1) within  
15          15 years after the date of the enactment of this Act.

16                   (3) RESPONSIBILITIES OF CLAIMANTS.—The  
17          qualifying claimant shall have the responsibility for  
18          establishing that the qualifying claimant qualifies for  
19          the remedies provided in subsection (c).

20                   (c) RESOLUTION AUTHORITIES.—The appropriate  
21          Secretary may take any of the following actions, or com-  
22          bination of actions, in order to resolve boundary conflicts  
23          with qualifying claimants involving lands under the admin-  
24          istrative jurisdiction of the appropriate Secretary:

1           (1) Convey and quitclaim all right, title, and in-  
2           terest of the United States in land subject to a  
3           boundary conflict.

4           (2) Confirm Federal title to, and retain in Fed-  
5           eral management, any land subject to a boundary  
6           conflict, if the appropriate Secretary determines  
7           there are Federal interests, including improvements,  
8           authorized uses, easements, hazardous materials, or  
9           historical and cultural resources, on the land that  
10          necessitates retention of the land.

11          (3) Compensate the qualifying claimant for the  
12          value of the overlapping property for which title is  
13          confirmed and retained in Federal management pur-  
14          suant to paragraph (3).

15          (d) CONSIDERATION AND COST.—

16           (1) CONVEYANCE WITHOUT CONSIDERATION.—  
17          The conveyance of land under subsection (c)(1) shall  
18          be made without consideration if the appropriate  
19          Secretary determines that the boundary conflict was  
20          the result of the innocent detrimental reliance by the  
21          qualifying claimant on a subsequent land survey.

22           (2) COSTS.—The appropriate Secretary shall—  
23           (A) pay administrative, personnel, and any  
24           other costs associated with the implementation  
25           of this section, including the costs of survey,

1 marking, and monumenting property lines and  
2 corners; and

3 (B) reimburse the qualifying claimant for  
4 reasonable out-of-pocket survey costs necessary  
5 to establish a claim under this section.

6 (3) VALUATION.—Compensation paid to a  
7 qualifying claimant pursuant to subsection (c)(3) for  
8 land retained in Federal ownership pursuant to sub-  
9 section (c)(2) shall be valued on the basis of the con-  
10 tributory value of the tract of land to the larger ad-  
11 joining private parcel and not on the basis of the  
12 land being a separate tract. The appropriate Sec-  
13 retary shall not consider the value of any Federal  
14 improvements to the land.

15 (e) PREEXISTING CONDITIONS; RESERVATIONS; EX-  
16 ISTING RIGHTS AND USES.—

17 (1) PREEXISTING CONDITIONS.—The appro-  
18 priate Secretary shall not compensate a qualifying  
19 claimant or any other person for any preexisting  
20 condition or reduction in value of any land subject  
21 to a boundary conflict because of any existing or  
22 outstanding permits, use authorizations, reserva-  
23 tions, timber removal, or other land use or condition.

1           (2) EXISTING RESERVATIONS AND RIGHTS AND  
2           USES.—Any conveyance pursuant to subsection  
3           (c)(1) shall be subject to—

4                   (A) reservations for existing public uses for  
5           roads, utilities, and facilities;

6                   (B) permits, rights-of-way, contracts and  
7           any other authorization to use the property;  
8           and

9           (3) TREATMENT OF LAND SUBJECT TO SPECIAL  
10          USE AUTHORIZATION OR PERMIT.—For any land  
11          subject to a special use authorization or permit for  
12          access or utilities, the appropriate Secretary may  
13          convert, at the request of the holder, such authoriza-  
14          tion to a permanent easement prior to any convey-  
15          ance pursuant to subsection (c)(1).

16          (4) FUTURE RESERVATIONS.—The appropriate  
17          Secretary may reserve rights for future public uses  
18          in a conveyance made pursuant to subsection (c)(1)  
19          if the qualifying claimant is compensated for the res-  
20          ervation in cash or in land of equal value.

21          (f) RELATION TO OTHER LAWS.—

22                  (1) IN GENERAL.—The appropriate Secretary  
23          may make conveyances under subsection (c)(1) not-  
24          withstanding any other provision of law, and without  
25          regard to requirements for further administrative or

1 environmental analyses or examination. The require-  
2 ments of section 120(h) of the Comprehensive Envi-  
3 ronmental Response, Compensation, and Liability  
4 Act of 1980 (42 U.S.C. 9620(h)) shall not apply to  
5 conveyances under subsection (c), but the United  
6 States shall continue to be liable for the cleanup  
7 costs of any hazardous substances on the lands so  
8 conveyed if the contamination by hazardous sub-  
9 stances is caused by actions of the United States or  
10 its agents.

11 (2) RELATION TO OTHER CONVEYANCE AU-  
12 THORITY.—Except as provided in paragraph (1),  
13 nothing in this section affects the Quiet Title Act  
14 (28 U.S.C. 2409a) or other applicable law, or affect  
15 the exchange and disposal authorities of the Sec-  
16 retary of Agriculture, including the Small Tracts Act  
17 (16 U.S.C. 521c), or the exchange and disposal au-  
18 thorities of the Secretary of the Army.

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