

108TH CONGRESS
1ST SESSION

H. R. 2304

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2003

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

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

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

3 (1) Certain landowners in Barry and Stone
4 Counties, Missouri, innocently and in good faith re-
5 lied on subsequent land surveys, which they believed
6 to be correct, and occupied, improved, or claimed
7 portions of adjoining Federal lands based on such
8 survey information.

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

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

18 (1) to resolve boundary conflicts in Barry and
19 Stone Counties, Missouri, arising from subsequent
20 land surveys; and

21 (2) to minimize costs and inconvenience to the
22 affected private property owners in Barry and Stone
23 Counties, Missouri.

1 **SEC. 2. RESOLUTION OF BOUNDARY CONFLICTS, VICINITY**
2 **OF MARK TWAIN NATIONAL FOREST, BARRY**
3 **AND STONE COUNTIES, MISSOURI.**

4 (a) DEFINITIONS.—In this section:

5 (1) The term “appropriate Secretary” means
6 the Secretary of the Army or the Secretary of Agri-
7 culture.

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

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

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

1 (5) The term “Public Land Survey System”
2 means the rectangular system of original Govern-
3 ment lands surveys made by the United States Gen-
4 eral Land Office and its successor, the Bureau of
5 Land Management, under Federal laws providing for
6 the survey of the public lands upon which the origi-
7 nal land patents were issued.

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

15 (7) The term “subsequent land surveys” mean
16 any land surveys made after the original land sur-
17 veys.

18 (b) NOTICE OF BOUNDARY CONFLICT.—

19 (1) SUBMISSION AND CONTENTS.—A qualifying
20 claimant shall notify the appropriate Secretary in
21 writing of a claim that a boundary conflict exists
22 with Federal land administered by the appropriate
23 Secretary. The notice shall be accompanied by the
24 following information, which, except as provided in

1 subsection (d)(2)(B), shall be provided without cost
2 to the United States:

3 (A) A land survey plat and legal descrip-
4 tion of the affected Federal lands, which are
5 based upon a land survey completed and cer-
6 tified by a Missouri State-licensed professional
7 land surveyor, and done in conformity with the
8 Public Land Survey System and in compliance
9 with the applicable State and Federal land sur-
10 veying laws.

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

17 (2) DEADLINE FOR SUBMISSION.—To obtain re-
18 lief under this section, a qualifying claimant shall
19 submit the notice required by paragraph (1) within
20 15 years after the date of the enactment of this Act.

21 (3) RESPONSIBILITIES OF CLAIMANTS.—The
22 qualifying claimant shall have the responsibility for
23 establishing that the qualifying claimant qualifies for
24 the remedies provided in subsection (c).

1 (c) RESOLUTION AUTHORITIES.—The appropriate
2 Secretary may take any of the following actions, or com-
3 bination of actions, in order to resolve boundary conflicts
4 with qualifying claimants involving lands under the admin-
5 istrative jurisdiction of the appropriate Secretary:

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

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

16 (3) Compensate the qualifying claimant for the
17 value of the overlapping property for which title is
18 confirmed and retained in Federal management pur-
19 suant to paragraph (2).

20 (d) CONSIDERATION AND COST.—

21 (1) CONVEYANCE WITHOUT CONSIDERATION.—
22 The conveyance of land under subsection (c)(1) shall
23 be made without consideration if the appropriate
24 Secretary determines that the boundary conflict was

1 the result of the innocent detrimental reliance by the
2 qualifying claimant on a subsequent land survey.

3 (2) COSTS.—The appropriate Secretary shall—

4 (A) pay administrative, personnel, and any
5 other costs associated with the implementation
6 of this section, including the costs of survey,
7 marking, and monumenting property lines and
8 corners; and

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

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

21 (e) PREEXISTING CONDITIONS; RESERVATIONS; EX-
22 ISTING RIGHTS AND USES.—

23 (1) PREEXISTING CONDITIONS.—The appro-
24 priate Secretary shall not compensate a qualifying
25 claimant or any other person for any preexisting

1 condition or reduction in value of any land subject
2 to a boundary conflict because of any existing or
3 outstanding permits, use authorizations, reserva-
4 tions, timber removal, or other land use or condition.

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

8 (A) reservations for existing public uses for
9 roads, utilities, and facilities; and

10 (B) permits, rights-of-way, contracts and
11 any other authorization to use the property.

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

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

24 (f) RELATION TO OTHER CONVEYANCE AUTHOR-
25 ITY.—Nothing in this section affects the Quiet Title Act

1 (28 U.S.C. 2409a) or other applicable law, or affects the
2 exchange and disposal authorities of the Secretary of Agri-
3 culture, including the Small Tracts Act (16 U.S.C. 521e),
4 or the exchange and disposal authorities of the Secretary
5 of the Army.

6 (g) ADDITIONAL TERMS AND CONDITIONS.—The ap-
7 propriate Secretary may require such additional terms and
8 conditions in connection with a conveyance under sub-
9 section (c)(1) as the Secretary considers appropriate to
10 protect the interests of the United States.

Passed the House of Representatives November 17,
2003.

Attest:

JEFF TRANDAHL,
Clerk.