

Statement of Robert Anderson
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Bureau of Land Management, U.S. Department of the Interior
Before the
House Resources Subcommittee on National parks, Recreation and Public Lands
on
H.R. 4874, Concerning Lands at Spirit Lake and Twin Lakes in Idaho
July 9, 2002

Thank you for the opportunity to testify on H.R. 4874. This bill directs the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in Idaho resulting from the omission of such lands from an 1880 survey. The Department of the Interior supports H.R. 4874.

Errors were recently discovered in an 1880 survey of the Spirit Lake and Twin Lakes areas. The original survey shows the meander lines along the lakes at up to one-half mile away from their actual location, in effect omitting approximately 600 acres of land from the official survey of record. Between 1891 and 1908, land surrounding the lakes was patented out of federal ownership based on the belief that the 1880 survey was correct. The discovery of the errors in the 1880 survey raises concerns about potential clouds on title to some 400 properties along these two lakes. Many property owners have a chain of title that goes back over 100 years. No one disputes that the current cloud on the title is due to the errors in the 1880 survey. The Bureau of Land Management (BLM) has no interest in retaining the lands erroneously omitted from the 1880 survey, and believes it is in the public interest to remove the clouds on title to the properties.

This is an unusual situation because it involves a large number of private homes and lands with lengthy chains of title. The 1880 survey errors were discovered by private and Kootenai County surveyors and brought to the attention of the BLM in 2001. The BLM believes that use of normal agency procedures for clearing title to the lands erroneously described in the 1880 survey would raise unnecessary concerns to affected residents and be costly and time consuming to property owners.

H.R. 4874 would authorize the BLM to investigate alleged errors in the 1880 survey, resurvey the area to establish the official record of land and lakeshore areas, and, based on that resurvey, issue a "disclaimer of interest" that would divest the United States of any interest in the affected lands. The investigation and resurvey authorized by H.R. 4874 would allow the BLM to establish an official survey plat to which legal descriptions of real property could be referenced. This would remove the cloud on title to over 400 properties resulting from the errors in the 1880 survey. The Department believes establishment of an accurate survey plat is in the public interest, and therefore it is appropriate that the federal government, rather than individual landowners, bear the cost of the resurvey.

The Department supports enactment of H.R. 4874, and would like to work with the Committee on some

technical changes to the legislation. This concludes my statement. I would be pleased to answer any questions.

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