

Statement of Congressman C.L. “Butch” Otter
House Committee on Resources
Subcommittee on National Parks, Recreation, and Public Lands
July 9, 2002

Mr. Chairman, thank you for having this hearing today and for providing the opportunity for me to testify before the subcommittee.

I introduced H.R. 4874 – a bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in northern Idaho. The bill requires the Bureau of Land Management to conduct a new survey of the lakes to correct errors identified in the original 1880 survey.

For over one hundred years, individuals have owned land around the beautiful lakes located in Idaho’s Kootenai County. However, ownership now is in question for more than 400 people who bought the land and pay taxes on the property. H.R. 4874 will correct that problem.

In 1880 John B. David, a surveyor under contract with the General Land Office, grossly misrepresented portions of the actual lakeshore around Spirit Lake and Twin Lakes. In some places the meander lines along the shore are up to a mile and a half away from their actual location. No one noticed the inaccurate survey when the land was originally patented, and no one caught the mistake over the years as the land changed hands. In the meantime, the shorelines of these popular lakes have become heavily developed.

It was not until recently that Kootenai County Surveyor Bruce Anderson, who will be testifying on the third panel, discovered the problem. County officials have expressed concern over their inability to approve and regulate new developments, surveys, and permits due to the inaccuracy of the original government survey. The problem will only worsen as the lakes become more developed.

Under current law, the Bureau of Land Management is required to conduct a resurvey of the actual meander of the lakes. The lands between the old incorrect meander line and the new meander line would become omitted land and would revert to federal ownership. Property owners would be required to repurchase, at fair market value, the land they believed they owned for over 100 years, as well as pay for survey and administrative costs. That is simply not fair. These individuals bought the land in good faith and the government should not be allowed to take it from them simply because of a survey error over 120 years ago.

My legislation corrects the problem by creating a solution that retains the correct ownership situation without placing the expense of correcting it on the affected property owners. H.R. 4874 allows BLM to issue a “disclaimer of interest” in the affected lands so title companies and Kootenai County can proceed with ownership related matters surrounding clear title. The legislation also authorizes the necessary funding for BLM to conduct a new survey and perform the required administrative procedures.

Most of the property owners involved in this situation have a chain of title that goes back over 100 years. H.R. 4874 is really the only acceptable solution to the problem. I look forward to hearing from the witnesses and I want to work with my colleagues to get this legislation passed.

Thank you, Mr. Chairman.