

113TH CONGRESS
2D SESSION

H. R. 5075

To provide protections and certainty for private landowners related to resurveying certain Federal land under the administrative jurisdiction of the Bureau of Land Management, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2014

Mr. TIPTON introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide protections and certainty for private landowners related to resurveying certain Federal land under the administrative jurisdiction of the Bureau of Land Management, 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. SHORT TITLE.**

4 This Act may be cited as the “Resurveys Entitle Ad-
5 jacent Landowners to Protection Act” or the “REAL Pro-
6 tection Act”.

1 **SEC. 2. BUREAU RESURVEY TRANSPARENCY; NOTICE RE-**
2 **QUIREMENTS.**

3 (a) NOTICE.—

4 (1) IN GENERAL.—Not later than 30 days be-
5 fore the commencement of a resurvey of Federal
6 land under the administrative jurisdiction of the Bu-
7 reau of Land Management, the Secretary shall no-
8 tify all property owners with land abutting or adja-
9 cent to the Federal land being resurveyed of the
10 pending resurvey. If a resurvey extends the bound-
11 aries of Federal land, the Secretary shall notify af-
12 fected landowners of the results of the resurvey not
13 later than 30 days after the completion of the sur-
14 vey.

15 (2) NOTIFICATION.—The Secretary shall use
16 certified or registered mail to notify landowners
17 under this subsection.

18 (3) IDENTIFICATION OF LANDOWNERS.—When
19 identifying affected landowners for the purpose of
20 notification under this subsection, the Secretary
21 shall use the most recently available tax records.

22 (b) PUBLIC COMMENT.—Not later than 30 days after
23 completing a resurvey, the Secretary shall publish a notice
24 in the Federal Register. Affected landowners may com-
25 ment to the Secretary and by submitting formal comments
26 to the Federal Register notice.

1 **SEC. 3. PROTECTION OF PERSONS.**

2 If a resurvey results in land previously thought to be
3 privately owned to be reclassified as Federal land, the per-
4 sons thought to be a private owner of such land—

5 (1) shall—

6 (A) be given the right of first refusal to
7 purchase the land for fair market value minus
8 the value of any significant improvements made
9 to such lands; or

10 (B) be reimbursed for the fair market
11 value of any significant improvements made to
12 such lands; and

13 (2) may not be charged with willful trespass
14 onto such land unless the person used such lands
15 with the knowledge that the lands should be classi-
16 fied as Federal land.

17 **SEC. 4. DEFINITIONS.**

18 For the purposes of this Act:

19 (1) RESURVEY.—The term “resurvey” means a
20 reconstruction of land boundaries and subdivisions
21 accomplished by remarking the lines represented in
22 the field-note record or on the plat of a previous offi-
23 cial survey.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of the Bureau of Land Management.

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