

**Forest Service Handbook
National Headquarters - Washington Office
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**Forest Service Handbook 5509.11 – Title Claims, Sales, and Grants Handbook
Chapter 10 – Title Claims and Encroachments**

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Duration: This amendment is effective until superseded or removed.

Superseded Directive: Title Page; 5509.11, Contents; 00--1 thru 52; 5509.11,60 Contents; 5509.11,60; 5509.11-92-3, 2/25/92; 5509.11-92-2, 2/25/92; 5509.11-92-1, 2/25/92; Entire Handbook issued 2/88

Approved by: F. Dale Robertson, Chief

Date approved:

Responsible Staff:

POSTING NOTICE. Amendments are numbered consecutively by Handbook number and calendar year. Post document in numerical order of chapters (1109.12, sec. 4.32, ex. 01). Remove entire national text of the Handbook and replace with this amendment. DO NOT REMOVE SUPPLEMENTS OR INTERIM DIRECTIVES. Retain this transmittal as the first page of this document.

Explanation of changes:

This amendment is a reissuance of FSH 5509.11 to conform the format and structure of the Handbook to the requirements of electronic directive issuance.

This amendment makes no substantive changes to the text. The only changes made are those necessary to meet new format requirements or to correct spelling, punctuation, or unit names.

This Handbook is now available electronically in the National Information Center in the same format as the paper copy. Henceforth, amendments to this Handbook will be issued to Forest Service units electronically on a document basis.

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14 - Legislative Action

See FSM 1510 for guidance on legislative reports, Report FS-1500-C, Legislative Program Proposals. Use the outline in exhibit 1 to Section 13.11 as a guide in responding to requests for reports on pending legislation related to title claims, encroachments, sales, and grants. Also consider the following:

1. The effect of the proposed legislation on National Forest programs and administration of the land for public purposes, including:
 - a. Critical game or fish habitat.
 - b. Timber, range, recreation, mineral, and other resources.
 - c. Special designated area, such as wilderness, wild and scenic rivers, research natural area, and so forth.
 - d. Rare or endangered plant or animal species.
 - e. Archaeological or historical sites.
 - f. Flood plains and wetlands.
2. Effect of conveyance on landownership patterns.
3. Application of administrative remedies in lieu of legislation.
4. Survey history of the lands if boundaries are at issue.
5. Local, regional, and national ramifications of the legislative proposal.
6. Creation of undesirable precedent.

Included map(s) must show clearly the location of the subject lands in relation to other National Forest and non-Federal lands. They must show all encroachments, survey information, location of mining claims, and other pertinent data addressed in the narrative section.

15 - Property Boundaries

15.1 - Program

Establish an aggressive landline location program for each forest. Immediately follow the locating of any property boundary with marking and posting to Forest Service standards. Implement a planned program for periodic maintenance of such lines. Locate all property lines by legally acceptable methods and, once located, keep lines visible. Ensure

that no management activity near or adjacent to a property line creates a false or misleading boundary line.

15.11 - Cooperation With Local Authorities

Forest officers shall participate in local government planning activities and shall become familiar with private land subdivisions and developments that lie adjacent to, or in close proximity to, National Forest System boundaries. Forest Supervisors and District Rangers should establish relationships with the local governing bodies and area planning organizations to ensure adequate coordination in preventing encroachments on National Forest lands. Forest officers shall become knowledgeable about and shall review all relevant subdivision or development plans and plats, and later shall monitor development to the degree needed to ensure that encroachment on Government lands does not occur.

15.12 - Cooperation With Adjoining Landowners

Forest officers shall make personal or written contacts with adjoining landowners, particularly those who are developing their lands, to remind them of their responsibility and accountability for boundary line surveys on their lands that adjoin National Forest System lands. Inform them and their surveyors that Forest Service records concerning the location of lines or corners, such as the corner search record file maintained on each District on Form FS-7100-52, Corner Record (Search)/Corner Reward (Perpetuation), are available. Also, inform landowners that they may use Forest Service brass capped iron pipe or aluminum monuments on Federal property corners provided that the Forest Service reviews and approves the surveys which establishes these corners. Ensure that the landowners are aware that the United States is not bound by, and courts probably would not recognize, any previous unofficial surveys and verbal boundary agreements. Refer questions concerning the legality of a survey to the Regional Forester for any necessary coordination with the Regional Attorney.

16 - Riparian Land Title [Reserved]

17 - Navigable Water Title [Reserved]

18 - Reports [Reserved]