

H-3110-1 - NONCOMPETITIVE LEASES

KeywordsIII. Description of Lands in Offer

This portion of Handbook 3110-1 provides guidelines for the proper description of lands in noncompetitive lease offers.

LAND
DESCRIPTION

A. Postsale Offers Filed During Month of Sale

From the first day following the end of the competitive sale until the end of that same month (parcel integrity period; see Glossary of Terms), a noncompetitive lease offer for a parcel included in the sale for which no bid was received must be for the entire parcel, and must describe the lands by the single parcel number appearing in the sale notice. If a legal description also is included and a discrepancy exists between the parcel number and the legal description, the parcel number shall govern.

PARCEL NUMBER
DESCRIPTION

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KeywordsB. Offers Filed After Parcel Integrity Period and
During 2-year Period

Any postsale lease offer made after the end of the month in which a sale is held cannot be filed by a parcel number. Such a postsale offer must be filed by the legal land description in accordance with 43 CFR 3110.5-2 and 3110.5-3. Use of the parcel number by itself during the remainder of the 2-year period shall result in rejection of the offer. An offer filed during this timeframe may include all or a portion of a parcel or may include a combination of parcels and must be filed in accordance with 43 CFR 3110.3-3 with respect to minimum lease offer size. If any lands in the parcel are subject to a proper offer filed under 43 CFR 3110.1(a)(1) that was filed prior to the official posting of the Notice of Competitive Lease Sale which includes the described lands, and if the parcel receives no bid at the auction, such a presale offer shall have priority for issuance of a lease on the affected lands over any postsale offer filed after the oral auction.

LEGAL LAND
DESCRIPTION
AFTER END OF
PARCEL INTEGRITY
PERIOD

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KeywordsC. Public Domain Minerals

1. Surveyed Lands. If the lands have been surveyed under the rectangular system of the public land surveys, the lands must be described by legal subdivision, section, township, range, and (if needed) meridian. The smallest legal subdivision that may be included in an offer is a quarter-quarter section (40 acres), unless the offer is for a lot or only a portion of a quarter-quarter section is available.

PUBLIC DOMAIN
SURVEYED LAND
DESCRIPTION

2. Unsurveyed Lands. Lands not surveyed and/or protracted under the rectangular system of surveys must be described by metes and bounds as set forth in 43 CFR 3110.5-2. A description by legal subdivision that excludes a portion of the subdivision described by metes and bounds is sufficient to satisfy the regulation governing land description of surveyed public domain.

PUBLIC DOMAIN
UNSURVEYED LAND
DESCRIPTION

3. Protracted Surveys. Where protracted surveys have been approved and the effective date thereof has been published in the Federal Register, all offers to lease lands shown on the protracted surveys, filed on or after the effective date, must describe the lands by legal subdivision, section, township, range, and (if needed) meridian.

PUBLIC DOMAIN
PROTRACTED
SURVEY LAND
DESCRIPTION

4. Conforming Land Descriptions. Where unsurveyed lands covered by pending offers are surveyed prior to lease issuance, the description of such lands must conform to the approved protracted or public land survey, whichever is appropriate. Likewise, the description of lands in an existing lease must be conformed by the BLM to a subsequent resurvey or amended protraction survey, as may be appropriate.

CONFORMING LAND
DESCRIPTIONS

5. Lands in Lakebeds and Riverbeds. Lands in lakebeds and riverbeds are available for leasing if the waters were determined to have been nonnavigable at the time of admission of the State into the Union, and the United States is the owner of the abutting uplands, or the lands were patented with a reservation of the oil and gas to the United States. The lands must be described by metes and bounds in the same manner as other unsurveyed lands. (See 43 CFR 3110.5-3(c).)

LANDS IN
LAKEBEDS AND
RIVERBEDS

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Keywords

If the United States is the riparian or upland owner bordering a nonnavigable river, the extent of ownership extends to the medial line of the river. If ownership includes both sides of the riverbed, the United States administers the entire acreage across the river. If the U.S. mineral ownership is divided, i.e., 50 percent on one side and 100 percent on the opposite side, a separate metes and bounds description is required for leasing the portions that are affected by the fractional interests.

Federal leases may be issued for beds of lakes and rivers that invade school sections (e.g., sections 16 and 36 in some States) if the waters were nonnavigable at the time of admission of the State into the Union and if the State has used such lake or river beds as deficiency base for lieu selections. Leases cannot be issued for such beds if the State has not used the bed as base for lieu selections. If it has been determined that the State used the beds of nonnavigable lakes for lieu selection, the BLM State Office must assert its rights by preparing a letter or notice to the State Government Lands Department. However, if the State used the beds of nonnavigable rivers for lieu selection, no further action is necessary.

6. Conversion of Unpatented Oil Placer Mining Claims. A petition for a noncompetitive lease under 43 CFR 3108.2-4 must conform to the requirements of 43 CFR 3110.5 by specifying the proper description of the lands involved in the abandoned unpatented oil placer mining claim.

CLASS III
REINSTATED
LEASE -
CONFORM LAND
DESCRIPTION

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KeywordsD. Acquired Lands Minerals

1. Surveyed Lands. If the lands have been surveyed under the rectangular system of public land surveys, the lands must be described by legal subdivision, section, township, range, and meridian. In some BLM State Office jurisdictions, however, there may be only one meridian within a given State. In such a case, clarity of the description can be achieved without inclusion of the meridian, and rejection would not result from its omission. Where the lease offer description cannot be conformed to the public land surveys, any boundaries of the offer that do not conform must be described in the offer by metes and bounds giving courses and distances between the successive angle points with appropriate ties to the nearest existing official survey corner (see 43 CFR 3110.5-3(b)). If the desired lands in the acquired tract are not surveyed under the rectangular system of public land surveys but are within an area of public land surveys, the lands must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected, if possible, with an official corner of the public land surveys.

ACQUIRED LANDS
MINERALS
SURVEYED LAND
DESCRIPTION

2. Unsurveyed Lands. If the lands have not been surveyed under the rectangular system of public land surveys, the lands must be described in the offer as in the deed or other document by which the U.S. acquired title to the lands or minerals. (See 43 CFR 3110.5-3(b) and (c).)

ACQUIRED LANDS
MINERAL
UNSURVEYED LAND
DESCRIPTION

The acreage in some tracts acquired by the U.S. may be larger than that permitted to be included in a single lease, or a portion of the minerals in the acquired tract may not be available for leasing. In that event, the available land must be described in the offer by courses and distances between successive angle points on its boundary, tying by course and distance into the description in the deed or other document by which the U.S. acquired title to the land. Enclosure with the offer of a clear copy of the deed or other acquiring document, as referenced in the offer as to the applied for land description, is acceptable although not required. Without loss of priority, the applicant subsequently may be required to submit the deed or conveyance document if it is needed to complete the processing of the offer. If the offeror submits a clear copy of the deed in lieu of providing a land description in the offer and clearly identifies the applied for lands on the deed, it is not necessary to require the offeror to redescribe in the offer that portion of the boundary contained and described in the deed by metes and bounds.

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Keywords

If an error exists in the land description on the deed or conveyance document, the offeror cannot be held responsible for the error or its effect on the validity of the land description in the lease offer. The offeror need not correct any such error. If an error in the deed exists and the offeror recognizes the error and does compensate for the error in the deed description with an accompanying explanation in the offer description, the offer shall be acceptable, although further clarification may be required by the BLM State Office without loss of priority to the offeror. Because the BLM must rely on the deed, the offeror must note in the offer that such an error has been corrected. If the offeror fails to do so, or includes in the offer an erroneous correction to the deed description that does not conform to the land description in the deed, the offeror is to be allowed 30 days, without loss of priority, to furnish proper corrections to the deed description and to explain how, in turn, the corrections affect non-deed portions of the land description.

DEED OR
CONVEYANCE
DOCUMENT
ERROR IN LAND
DESCRIPTION

If an error is discovered in the land description for an offer filed on a portion of an acquired tract, the BLM shall allow the offeror 30 days in which to correct the error, without loss of priority. The time may be extended by the BLM authorized officer for a reasonable period, to allow the offeror to demonstrate that the error was in the deed or conveyance document or solely attributable to it. If this cannot be shown, the offer must be rejected.

LAND
DESCRIPTION
ERROR IN OFFER

An offeror is responsible for furnishing sufficient rental as required by 43 CFR 3103.2-1(a), or the offer shall be rejected.

If an offeror for an entire acquired lands minerals tract submits a copy of the deed with the offer and also redescribes in the offer the lands in the deed, and in doing so makes an error in transcription, the requirement for an acceptable description is satisfied because the copy of the deed is included with the offer.

DEED OR
CONVEYANCE
DOCUMENT
SUBMITTED

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Keywords

For lands not within a rectangular survey, the deed description is to be relied on to the extent possible when less than the entire acquired tract is applied for in the lease offer. Any new boundary created to separate the part of the tract applied for from the rest of the tract is to be described by metes and bounds, giving courses and distances between successive angle points and tied to the deed, as appropriate. The tie-ins must be properly described by courses and distances. The offeror is responsible for identifying the boundary of the lands applied for in the offer. It is not necessary to redescribe the deed portion of the boundary in the offer if a copy of the deed is included and the offer is clearly noted to indicate that the applied-for lands are as in the deed and the tie-ins are made clear in the offer or the attachment to the offer. If errors exist in the land description, the error must be shown to be in the deed or solely attributable to it, or the application will be rejected.

Meander lines are not acceptable in a land description unless and except as they appear in the deed. In certain instances on nonnavigable bodies of water, a meander line could become a fixed boundary. In such a case, a description in the offer of this fixed boundary as shown on the survey plat may be needed in order to define the leasable acreage.

MEANDER
LINES

3. Acquisition or Tract Number. Where the acquiring agency has assigned an acquisition or tract number covering the lands applied for, the BLM authorized officer may require that number in addition to any description otherwise required in the offer without loss of priority to the offeror. If the authorized officer determines that the acquisition or tract number, together with identification of the State and county, constitutes an adequate description, the authorized officer may allow the description in this manner in lieu of other descriptions required in the offer.

ACQUISITION
OR TRACT
NUMBER

For the present, unit numbers, tract numbers, and parcel numbers shall all be considered acquisition numbers within the meaning of the regulations. Failure to include line numbers, case numbers, or any other such designations in the offer shall be considered a curable defect and shall not result in loss of priority of the offer. In any case, if the offeror submits written documentation that an acquisition number was requested from the acquiring agency and the offeror was advised that none existed, the offer shall be deemed to have met the regulatory requirements.

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Keywords

4. Map Requirements. Offers submitted in the manner as discussed in Sections III.D.2 and 3, above, must be accompanied by three copies of a map upon which the desired lands are clearly marked, showing the location of the lands with respect to the administrative unit or project of which they are a part. Failure to submit the maps, or sufficient quantities of the map, is a curable defect and priority of the offer is retained. Allow a 30-day compliance period for correct of this curable defect. Provided the acquisition or tract number is shown when required, if the map is in error (any or all copies) and the land description of the offer is proper or, conversely, when the land description is flawed but the description can be clearly noted based on the map and its annotations, the offeror has 30 days to correct the error or map omission.

MAP
REQUIREMENTS

When applying for any lease for acquired lands minerals, the offeror need not apply for only those lands within the acquired tract that are available for leasing. It is the responsibility of the lessor (BLM) to determine which lands within the acquired tract are available, to describe them on the lease, and reject the remaining. Lessees are responsible only for properly describing the outer boundary of the applied-for lands.

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KeywordsE. Accreted Lands

The description of lands by legal subdivision, including lots, does not include any land that may have accreted to the legal subdivision or lot. The accreted land must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to an angle point on the perimeter of the tract or subdivision to which the land has accreted.

ACCRETED
LANDS

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KeywordsF. Conflicting Description Among Copies of OfferCONFLICTING
DESCRIPTION
ON COPIES
OF OFFER

1. Controlling Offer Form. If the original and two copies of the offer form are not identical, that form marked with the date and time of receipt in the proper BLM office is controlling. The BLM Manual Section 1274.12 states: "Date and Time Stamping. The exact date and time received are stamped on the original of the filing that becomes the case file copy. If applicant supplies an extra copy, it may be date and time-stamped and returned to applicant." The correct legal description of the leased lands is to be inserted on all copies of the lease prior to execution (signature) by the BLM authorized officer.

2. Unsurveyed Land Description. If the land description provided by the offeror for unsurveyed lands is acceptable but inappropriately described, i.e., is not described by the current BLM standards, the offer is to be properly redescribed by the BLM before approval for lease issuance.