



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
 9600 (9540)

March 29, 2017

To: State Director, New Mexico

From: Chief Cadastral Surveyor *Stephen Beyeler ACTING*

Subject: Plat Suspensions T. 5 S., R. 15 W., T. 5 S., R. 13 W. and Tps. 5 and 6 S., R. 12 W. Indian Meridian, Oklahoma

Eight individual landowners, the State of Texas, the Texas General Land Office, three Texas counties, and a sheriff for one of those counties have brought suit against the Bureau of Land Management ("BLM"), asserting various claims under the Quiet Title Act, 28 U.S.C. 2409a, and the Administrative Procedure Act, 5 U.S.C. 702, 706(1). *Aderholt et al., v. BLM*, No. 7:15-cv-00162-0 (N.D. Tx, 2015). Four of the individual landowners assert ownership over or adjacent to portions of land that the BLM previously surveyed in order to identify the boundaries of Indian trust allotments in Oklahoma. Although the allotment lands lie on the north bank of the Red River, because some of those allotments run to the river's medial line, identifying and marking the Gradient Boundary on south bank of the Red River is necessary in order to locate said medial line. BLM has recently obtained new information (including in a deposition on March 2, 2017 taken in that lawsuit) that brings into question whether the doctrines of erosion, accretion and avulsion were appropriately considered, as directed by the Supreme Court's direction in *Oklahoma v. Texas*. Having reviewed this deposition testimony and other new information, the BLM believes the survey methodology used was in error, and may have caused errors in identifying the location of the Gradient Boundary.

Due to this use of incorrect methodology, the BLM is suspending these three surveys, effective on this date, in order to allow for further investigation. When BLM suspends a survey, all administrative actions related to the area covered are held in abeyance until the matter is resolved. Following investigation, the survey may be cancelled, corrected, or reinstated, either in whole or in part, but no administrative action based on the plats filed for these three surveys may be initiated or completed by BLM while these surveys are suspended.

By copy of this memorandum, I am directing the Eastern States Office of the BLM to scan and add this letter of suspension to the files containing the scanned surveys in their data base. The New Mexico State Office land status records will be noted with this same direction in order to alert users that a survey correction may be pending and that no action can be taken upon these suspended surveys.

The Court, the State of Texas, the private landowners, and other parties litigating the *Aderholt* case will also be notified of this action through appropriate channels. Notice of this suspension will also be published in local newspapers of general circulation, and publication of such notice in the *Federal Register* will follow in due course.

cc:

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NM953, C. Martinez

Regional Director, Southern Plains BIA, D. Deerinwater