



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

JUL 31 1987

Honorable Steven Griles
Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior
Washington, D.C. 20240

Dear Steve:

It is my understanding that you and Forest Service Chief Dale Robertson had the opportunity, at the Western Governors' Conference, to discuss property boundary surveys on the National Forests. I have discussed this also with Bill Horn. Dale said you indicated that you would consider the merits of the Forest Service having authority to make these surveys on Forest Service lands. I suggest that we meet at the first opportunity to further discuss the subject. The matter of surveys presents a unique opportunity to further the cooperation between our two Departments in the management of the Federal lands. It seems logical that an agency with the responsibility for management of 191 million acres of Federal land, with more than 272,000 miles of property boundary, should be responsible for surveying all of those boundaries.

The Bureau of Land Management is the only agency with Federal survey authority for lands reserved from the public domain. The Forest Service is almost totally dependent on the BLM for surveys of such National Forest System lands. We do some surveys on reserved and under specific legislation and all surveys on acquired lands under State authority.

The delegation of Federal survey authority to the Forest Service would reduce costs and increase the efficiency of the land surveying programs of both the Bureau of Land Management and the Forest Service. I am confident the two agencies can work together to develop a system of shared survey authority that would be in the best interest of both agencies.

Enclosed is a list of some of the key points involved. I look forward to the opportunity to discuss this further with you.

Sincerely,

GEORGE S. DUNLOP
Assistant Secretary
Natural Resources and Environment

Enclosure

The FS needs Federal survey authority only for lands reserved from the Public Domain.

Increased efficiency would result in the FS having survey authority.

The FS surveys acquired lands under State laws.

Federal authority surveys on NFS lands are now done by:

- BLM,
- FS under BLM direction through a Memorandum of Agreement.

The FS would do Federal authority surveys under the same rules as BLM (Manual of Survey Instructions, 1973.).

The FS would enter surveys in the BLM records, there would not be two survey record keeping systems.

The FS would use the IBLA for appeals of FS surveys, there would not be two appeal procedures.

The FS would defer to BLM in areas of overlapping surveys, there would be no risk of dual chains of title.

Equal standing in Federal survey authority would--

- reduce duplication of effort,
- aid in establishing the most cost-effective survey,
- serve the public better through reduction in delays,
- reduce conflicts with adjacent landowners.

The authorization could be a delegation from the Secretary of the Interior to the Secretary of Agriculture or, if necessary, in the form of statutory authority.

September 9, 1987

Memorandum

To: Assistant Director, Support Services (700)
From: Acting Chief, Division of Cadastral Survey (720)
Subject: The Continuing Proposed Survey Authority for the Forest Service

Attached are our comments on the enclosure to the letter addressed to Assistant Secretary Griles from Assistant Secretary Dunlop of the Department of Agriculture. The enclosure was intended to show the need for survey authority for the F.S.

Signed Acting

Keith R. Williams

Attachment (1) 2 pp

cc: 720 RF
720/K.Williams/agh/653-8798/9-9-87/0018w

The F.S. has contended over the years that they only need survey authority on lands reserved from the Public Domain since they already have survey authority on acquired lands in the Public Land States and the Colonial States. Their presumed authority is based on F.S. employees being privately registered with the State license boards in the various States. These employees then perform surveys for the F.S. (U.S.) on F.S. time and expense and files their survey plats with the county offices as required by State law. This procedure is the same throughout the United States; Public Land States or non-Public Land States.

BLM's Division of Cadastral Survey does not agree that the F.S. has survey authority on any lands. If in fact their authority, through their employees private license, is valid; then the same authority should exist on lands reserved from the Public Lands. Question; How can any Federal agency rely on an employees personal license to perform official government functions?

There are two legal survey authorities existent in the United States; one is under Federal statutes beginning with the Land Ordinance of May 20, 1785, which authorizes the "Land Department" to survey the Federal lands. This authority is solely with the Secretary of the Interior, 43 USC 2. The other authority is under State statutes that authorize private surveyors to survey private lands. The record of the Federal surveyors are filed with the Federal records (BLM) and the records of the private surveyors are filed with the private records (County Clerk and Recorders).

The F.S contends that their survey records would be filed with the BLM records. BLM has not agreed with this proposal and probably could not legally accept another agencies records.

The Interior Board of Land Appeals is not authorized to review decisions of officials of agencies outside the Department of the Interior. IBLA is the Department's review board for any decisions by DOI officials that are protested by a private person who is claiming the decision is adverse to his/her interest. It would seem logical that the Department of Agriculture would have a similar appeals process for decisions by their employees. Informal discussions with IBLA officials confirm the above statements and also have expressed a very keen interest in the establishment of another "Land Appeals Board" since it can be assumed that another set of case/administrative law would be created.

At present, the United States has one "Land Department" and one legal defender, the Department of Justice which provides a system that has been satisfactory for over 200 years. Within this system, procedures have been developed under Interagency Agreements with the Bureau of Reclamation, Bureau of Indian Affairs, Fish and Wildlife Service and the Forest Service that provides these land managing agencies to survey/resurvey their boundaries under our legal special instructions and our official approval.

The F.S. has options of, (1) BLM surveyors executing surveys using BLM funds, (2) BLM surveyors executing surveys on a reimbursable basis, (3) F.S. surveyors executing surveys under the Interagency Agreement, and (4) F.S. surveyors executing administrative surveys (posting and marking boundaries between corners). The above options have no legal controversy.

Lets not fix a good system that ain't broken.



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