

Department of the Interior Departmental Manual

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Series: Public Lands

Part 600: Public Land Policy

Chapter 5: Standards for Federal Lands Boundary Evidence

Originating Office: Bureau of Land Management

600 DM 5

5.1 Purpose.

A. This chapter provides managers of Federal interest assets with the means to effectively apply boundary evidence to protect assets. Commercially available title insurance insures against many defects but not against boundary defects. Assets are often based on errors or misrepresentations in the records, i.e., the land description may not describe the boundaries accurately or sufficiently. Further, this chapter provides standards for Federal lands boundary evidence. The standards provide Department-wide guidance and instruction to reduce conflicts over Federal interest assets and minimize unnecessary land surveys. The standards provide guidance to managers on when and how to involve boundary location subject matter experts at key stages of land and resource transactions. (Appendix 1 contains Frequently Asked Questions Concerning the Standards for Federal Lands Boundary Evidence.)

B. The policy and requirements in this chapter enhance the Department's management of land boundaries. Reference is made to the DOI Office of Inspector General (OIG) Final Audit Report, "Department of the Interior's Management of Land Boundaries" (Audit No. C-IN-MOA-0001-2009), July 16, 2010, and to the Assistant Secretary – Land and Minerals Management, supplemental response of August 6, 2010. Implementation of this procedure, with surveyor input, is to avoid many boundary issues as identified in the OIG report.)

C. This policy is not intended to, and does not, create any right to administrative or judicial review or any legal right or benefit, substantive or procedural, enforceable against the United States, its agencies, or instrumentalities, its officers or employees, or any other person. It will be administered as closely as possible with 303 DM 7.

5.2 Scope.

A. All bureaus and offices, except as noted, must observe and apply the provisions of this chapter. The Bureau of Indian Affairs (BIA) must observe and apply the provisions of 303 DM 7 - Standards for Indian Trust Lands Boundary Evidence.

B. Transactions that are impacted by this policy include and are not limited to:

(1) Conveyances, acquisitions, sales, exchanges, creation of an interest in real estate or lands, patents, grants, selections, withdrawals, subdivisions, partitions, orders, proclamations, restrictions, reservations, easements, and reversions; or associated resource activities affecting Federal interest lands, including lands and resources with future Federal interest, and lands adjoining Federal interest lands or probable future Federal interest lands. (A reversion is a form of future interest.)

(2) Resource sales, rights-of-way, agreements, special uses, permits, and leases.

5.3 **Authorities.** This chapter is issued under the following authorities:

A. The statutes along with their implementing regulations.

(1) 5 U.S.C. § 301. Heads of Executive Departments may prescribe regulations governing their department.

(2) 16 U.S.C. § 715e. Examination of title. The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title.

(3) Economy Act (31 U.S.C. § 1535). The Head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for services.

(4) 40 U.S.C. § 3111. Sufficiency of title prior to acquisition.

(5) 43 U.S.C. § 1201. The Secretary of the Interior is authorized to enforce and execute the requirements under this Title.

(6) 43 U.S.C. § 1457. The Secretary of the Interior is charged with the supervision of public business relating to numerous subjects and agencies, i.e., the Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), Fish and Wildlife Service (FWS), National Park Service (NPS), and public lands, including mines.

(7) 43 U.S.C. § 1473a. Authorizes the Secretary of the Interior to accept contributions and fees from public and private sources and to prosecute projects using such contributions and fees.

(8) 43 U.S.C. § 1737(a). Authorizes the Secretary of the Interior to conduct investigations and studies involving the management, protection, development, acquisition, and conveying of the public lands.

(9) 43 U.S.C. § 1737(c). The Secretary of the Interior may accept contributions for cadastral surveying performed on federally controlled or intermingled lands.

B. Other Authorities that include:

(1) Executive Order 12906. Requires the use of the Federal Geographic Data Committee (FGDC) standard and Cadastral Data Content Standard to avoid wasteful duplication of effort and promote effective and economical management of resources by Federal, State, local and tribal governments.

(2) Office of Management and Budget (OMB) Circular No. A-16. Assigns agencies responsibility for data categories and establishes requirements to ensure that the data produced by all agencies are compatible.

(3) 757 DM 1 – 3. Prescribes policy, responsibility, coordinating arrangements and procedures for the Department to administer its own surveying and mapping activities and its assigned responsibilities for coordinating Federal surveying and mapping activities.

5.4 **Definitions.** For the purpose of this chapter, the following definitions apply:

A. Department of the Interior (DOI) or Secretary of the Interior (SOI) Responsibility. As used in this chapter, pertains to Federal interest land and related assets.

B. Federal Interest Land or Federal Interest Asset. As used in this chapter, means land or resource or an interest in either, held by the United States and administered by a DOI bureau or office.

C. Boundary. Means every natural and/or artificial demarcation of the bounds or territorial extent of a Federal interest asset.

D. Evidence. Any medium that furnishes or tends to furnish proof of a fact. In a court of law, the location of a land boundary constitutes an issue of fact.

E. Authorized Officer (AO). Any employee of the Department delegated the authority to perform the duties described as affected transactions in this chapter.

F. Department of the Interior Land Surveyor. An employee of the Department assigned to the Office of Personnel Management 1373 series performing Standards for Federal Lands Boundary Evidence work. This includes those employees who are qualified as a 1373 land surveyor, but who may be employed in another series.

G. Certified Federal Surveyor (CFedS). A State licensed land surveyor who has successfully completed the certification process established by the BLM Cadastral Survey Program and is in good standing.

H. Certified DOI Land Surveyor (CILS). A CILS is a DOI Land Surveyor who has successfully completed the Department's Standards for Boundary Evidence (SBE) Certification training. Each bureau and office may designate DOI Land Surveyors as interim CILS. The

interim CILS responsibility terminates 12 months after the first SBE Certification training certificate is issued. (See Appendix 2, section 1.I.2.)

5.5 Policy. The acquisition and use of boundary evidence as it pertains to the boundaries of Federal interest assets will follow the BLM *Manual of Surveying Instructions*, its amendments and supplements, applicable State laws governing the practice of land surveying, and the DOI *Standards for Federal Lands Boundary Evidence: A Cadastral Business Practice Standard* (Standards), as amended and supplemented.

5.6 Objectives. The objectives of this policy are to:

A. Provide for a consistent, timely, efficient, and economical assessment of boundary evidence relative to Federal interest assets.

B. Provide procedures for expeditious processing of Federal interest asset transactions.

C. Provide managers with a cost-and time-saving tool that assists them in making appropriate determinations for solutions to Federal interest asset boundary issues.

D. Protect and preserve Federal interest assets from boundary conflicts, trespass, unauthorized use, and invalid or ambiguous land descriptions.

E. Discharge the Secretary's duties and responsibilities for management of land boundaries relative to Federal interest assets with a high degree of compatibility, proficiency, integrity, and care.

5.7 Responsibilities.

A. Office of the Secretary oversees all Departmental efforts within the bureaus and offices that are responsible for carrying out the Secretary's management of land boundaries duties and responsibilities.

B. Assistant Secretaries ensure that bureaus and offices under their jurisdictions comply with this chapter.

C. Heads of Bureaus and Offices ensure that the standards are applied consistently within their bureau and office programs.

D. Bureau and Office Program Staff apply the standards and coordinate management of land boundaries issues associated with Federal interest assets with other DOI bureaus and offices. (See 757 DM 2 and OMB Circular A-16.)

5.8 Description of the Standards for Boundary Evidence (SBE). The standards identify two modes of boundary evidence. The primary source is a land survey executed by skilled and trained professional surveyors. The standards concentrate on the secondary mode of boundary evidence. The standards include: (1) a land description review/chain of surveys review, and (2) a physical inspection of the land, including inquiries as to possible unrecorded possessory and other off-record interests. While the standards review may indicate that a land survey is recommended, often issues can be resolved or mitigated with the AO and the surveyor working closely together before the boundary evidence is submitted for certification.

5.9 Need for the Standards for Boundary Evidence.

A. Standards for Boundary Evidence often supplement the Department of Justice Title Standards and title insurance. The standards provide a consistent methodology to evaluate deficiencies in land description or boundary location, i.e., latent ambiguities, whether the description can be placed on-the-ground, gaps and overlaps not of record, unwritten title rights, identification of unexpected land use or location problems. The process can validate acreages and provides contemporaneous documentation of the rationale and any considerations regarding a particular transaction or transactions in the event that questions arise.

B. Standardized procedures enable managers to better manage risks and provide assurance for proper and efficient discharge of the Secretary's management of land boundaries duties and responsibilities. Standards are normally applied before a land or resource transaction, but may also be applied in other situations as well.

5.10 Development of the Standards for Boundary Evidence. The BLM, Reclamation, FWS, and NPS developed the Standards with assistance from BIA, Office of Special Trustee for American Indians (OST), and Office of the Solicitor (SOL) to provide guidance to DOI employees and CFedS when gathering and evaluating boundary evidence. (Appendix 2 to this chapter contains the Standards.)

Appendix 1

Frequently Asked Questions Concerning the Standards for Federal Lands Boundary Evidence: A Cadastral Business Practice Standard

What are the Standards for Boundary Evidence (SBE)?

The SBE provides a standardized risk-based system of identifying and documenting boundary evidence for lands administered by Department of the Interior (DOI) bureaus and offices (bureaus), except lands administered through the Bureau of Indian Affairs (BIA). We designed the SBE to assist bureau and office managers in determining whether boundaries are sufficient for the intended land and resource transaction.

What will change?

You will complete a Land Survey Services Request (LSSR), in coordination with your DOI Land Surveyor. The Surveyor will provide you with an opinion and/or a risk assessment based on the condition of the boundary evidence in the area of interest of land and resource transactions.

Why now?

With this change in management of land boundaries policy, the DOI will resolve and implement Recommendation 8 of the DOI Office of Inspector General Final Audit Report “Department of the Interior’s Management of Land Boundaries” No. C-IN-MOA-0001-2009 (July 16, 2010), and the supplemental response by the Assistant Secretary – Land and Minerals Management (ASLM) (August 6, 2010) (OIG Report).

How does the SBE work?

The SBE takes the complex work of management of land boundaries and breaks it down into the basic practical and legal components for efficient risk assessment. The SBE uses expertise of field and program managers, realty and resource specialists, transaction and project managers, and land surveyors working in a collaborative manner. Land tenure professionals work together and report their boundary evidence findings via standardized and formalized documentation, known as the SBE, to assist DOI bureaus and offices in meeting their management of land boundaries responsibilities and obligations.

Who will benefit?

The bureaus and offices, members of the public and commercial entities will benefit. The SBE will minimize delays, potential for conflicts, and other costs caused by erroneous or ambiguous land descriptions; ancient, antiquated, or obliterated land boundaries; and/or conflicting boundaries or use. The SBE’s timely documentation of the location of the boundaries could affect a transaction by decreasing bureau, public, and commercial entity costs.

For acquisitions of new lands, we have Department of Justice Title Standards; why have SBE, too?

Title Standards seek to identify and eliminate title defects. Surveys perform the same functions with respect to boundary defects that may cloud title. The SBE helps to identify when a land survey is not necessary for a successful land and resource transaction.

Will every transaction and resource transaction have to go through the SBE process?

The SBE are mandatory for acquisitions; for transactions more than \$10,000 in value and less than 1/4 mile from a boundary; in an area represented in a protraction diagram; or located against a body of water, unless a waiver has been issued by a designated bureau official. A waiver of the SBE process may be issued on either a case-by-case or programmatic basis. Such waiver will document the justification for the waiver and remain in the case file(s), or other appropriate record.

How is/are the value of land/resources transactions determined?

The Authorized Officer (AO) will estimate the value of the land/resource transaction(s) based on analyzing the market rates for resources and lands to determine their values. In addition, the AO may use commercial project income estimates and non-resource factors, such as aesthetic value, wildlife habitat, etc., to determine the proper value for any given transaction. The following is a non-exclusive list of considerations that may contribute to a determination of value; rent for a right-of-way, boundary location, the cost of materials, and labor for fence building or fire rehabilitation, species inventory, planning meetings for the project, boundary dispute resolution, publication cost, maintenance trips, upkeep, etc.

Why is the threshold for a transaction \$10,000?

Given limited resources, we cannot examine all transactions. The \$10,000 threshold exists to ensure analysis of the high revenue/value cases and manage the workload.

How do we know that a \$10,000 threshold will generate a manageable number of cases?

Evidence presented in the OIG Report suggests that \$10,000 is an appropriate threshold amount for a significant transaction. The OIG reports that 50 percent of all Public Land Survey System (PLSS) boundaries for Federal interest lands have fair to high reliability, meaning that we have surveyed the land since 1910. We will therefore likely be able to handle cases involving these boundaries using only *records* of these particular boundaries. Experience has shown that only 50 percent or fewer of transactions may require field verification.

What is provided?

We provide to the AO, SBE Certificate(s), compiled by a DOI Land Surveyor or a Certified Federal Surveyor (CFedS) and approved by a Certified DOI Land Surveyor (CILS). The SBE Certificates are a management tool for AOs. The SBE Certificates are not a land survey. They

11/21/14 #3992

New

are a non-survey alternative bureaus and offices use to determine the sufficiency of the boundary evidence for the intended purpose. The SBE Certificate(s) addresses the risk associated with the transaction caused by erroneous, misrepresented, or ambiguous land descriptions, ancient, antiquated, or obliterated boundaries, and conflicting boundaries or use, excluding those only determined by a land survey.

What is new?

The standardization of existing work processes and formalized documentation establishes the new work product. The type of work is not new, but the systematization of the business processes is new. The SBE is a compilation of best practices taken from DOI bureaus and offices.

Who is responsible for a sound and efficient transaction?

The AO is in charge and ultimately responsible for a sound and efficient transaction and the outcome. The SBE provides, in many cases, more efficient and cost-effective tools than a land survey to accomplish the transaction in the most efficient manner, while minimizing risks associated with boundary identification and management.

Will the SBE mean I never need a land survey?

No. The SBE Certificate(s) may describe higher risks to the transaction than a prudent AO will want to assume. After consultation with your surveyor about what the limitations in the certificate(s) mean and your knowledge of the intended transaction, you may decide that there is a need to know more details that can only be revealed by a land survey. In some transactions, the need for unambiguous land description or corner and boundary markers will require further investigation or a land survey.

If I know I just want a land survey will I have to go through the standards process?

No. The AO can still request a land survey. However, the surveyor, based upon research conducted prior to every land survey, may provide the AO with a less costly or faster solution, e.g., SBE Certificate(s).

But if I have a land survey, how will an SBE benefit me?

The SBE provides a tool for your surveyor to review land surveys. The SBE Certificate(s) can alert you to transaction risks associated with such land surveys.

How will the SBE benefit bureaus and offices, and land and resource Authorized Officers?

The SBE provides a standardized process and documentation for the exchange of information between bureaus and offices, and AOs (those who deal with the “what” and “who” of the transaction) and the boundary experts (those who deal with the “where” of the transaction). We train surveyors to identify latent ambiguities in land descriptions, land surveys, and boundary

encroachments. Surveyors interpret land descriptions, land survey records, and use and compare them with title records and the physical conditions on-the-ground to guard against potentially costly ambiguities and unauthorized use of lands, e.g., encroachments, unauthorized uses, and/or trespassing.

Why should I have a surveyor supplement a Certificate of Inspection and Possession (CIP)?

A surveyor brings the unique knowledge combination of title records, land survey records, and physical boundary evidence. Surveyors distinguish between ownership corner markers and spurious boundary markers. For example, in many cases, the surveyor can, after a records research, determine by physical inspection whether a fence or other use or occupancy line is the true boundary or is sufficient for the intended purpose of the transaction.

What is a SBE Certificate?

The SBE Certificate is a management tool for AOs. The SBE Certificate is not a land survey. It is a non-survey alternative bureaus and offices use to determine if the boundary evidence is sufficient for the intended transaction. There are three types of SBE Certificates: (1) Land Surveyor Report (LSR), (2) Certificate of Inspection and Possession (CIP), and (3) Boundary Assurance Certificate (BAC).

How is a SBE Certificate prepared?

The SBE Certificate is prepared from information gained by a diligent search of land descriptions, title related records, previous land surveys, and survey related records, maps, aerial photographs, physical inspection, and other controlling evidence pertaining to the condition and certainty of the location of boundaries. Evidence may include records and/or physical evidence that disclose the location of the surrounding property boundaries and may contain a sufficient summary of the material facts for the purpose of authenticating or not authenticating various boundary locations, including exceptions, reservations, subject to, caveats, reversions, or objections to specific portions of the boundary location(s). A field visit may be required to identify existing physical evidence of the location of the parcel boundary.

Is a SBE a land survey?

No. While it is true that the SBE process cannot furnish the kind of detail that would be available through a land survey, it is a reasoned and examined opinion based on the available records and evidence, providing an estimation of the risk from the condition of the boundary(s) involved in managing transactions.

Will Stakeholders, Commercial Entities, and the Public be misled?

The SBE Certificate is not a land survey and does not satisfy the needs that a land survey fulfills. The SBE Certificate can quantify and qualify the risk associated with transactions and resource activities related to boundary location. The SBE Certificates are kept on file permanently for future reference.

11/21/14 #3992

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What is the estimated cost savings?

By maximizing the limited and specialized expertise of surveyors, the savings will be significant. Not only are savings likely to be realized in management of land boundaries costs similar to those estimated to result from the implementation of the Standards for Indian Trust Lands Boundary Evidence (303 DM 7), but the potential savings in avoidance of conflicts over boundaries could also be significant. In addition, there is potential for recovering millions of dollars in revenue from unauthorized use of rights-of-way and/or the unauthorized extraction of oil, gas, or other valuable minerals.¹

Where is the increased capacity?

The SBE allows DOI to increase its land survey services capacity without sacrificing quality.

Can the SBE process be changed?

Yes. We can amend the SBE process as experience teaches us how to improve it.

Who bears the cost for the SBE process?

The program, commercial entity, or land owner requesting the work is responsible for the cost. We will estimate the costs associated with preparation of the LSSR and SBE Certificate(s) in accordance with cost recovery regulations and establish special accounts to benefit the activity or the commercial entity(s). We will use special accounts to cover the costs when appropriate.

Land and resource transactions are often described by aliquot parts. What happens if the transaction is located in a township with a Protraction Diagram?

Protraction Diagrams are a plan of survey, not an actual land survey. By policy, you may not subdivide a protracted block. For more details, contact your DOI Land Surveyor.

What do I do if I am uncertain of the transaction boundary or land description?

Consult with your DOI Land Surveyor.

¹ OIG Final Audit Report, "Department of the Interior's Management of Land Boundaries" (C-IN-MOA-0001-2009), July 2010; 303 DM 7, Appendix 1, noting an estimated savings of 8 percent direct costs, and 6 percent in surveyor work months, equivalent to 8 additional surveys based on fiscal year 2004 appropriated dollars.

Department of the Interior
Standards for Federal Lands Boundary Evidence
A Cadastral Business Practice Standard

Sections

Introduction

1. Boundary Evidence
 - A. Land Surveys – The Primary Mode of Boundary Evidence
 - B. Secondary Modes of Boundary Evidence
 - C. When to Obtain Boundary Evidence
 - D. Responsibility for Obtaining Boundary Evidence
 - E. Guidelines for Preparation of Boundary Evidence
 - F. Boundary Evidence Search Timeframe
 - G. Subsequent Boundary Evidence
 - H. Boundary Assurance Certificates (BAC)
 - I. Individuals Having the Authority and Responsibility for Compiling/Evaluating and Standards for Boundary Evidence Certificate(s)
 - J. Certified Federal Surveyors (CFedS)
2. Boundary Evidence – Special Situations
 - A. Records, Lost or Destroyed
 - B. When Probate is Involved
 - C. Foreclosure, Tax Sale, or a Judicial Proceeding
 - D. Sale by a Trustee or Fiduciary
 - E. Search of Federal and State Court Records
 - F. Streets and Alleys
 - G. Special Improvement Districts
 - H. Executive Orders, Proclamations, Administrative Withdrawals, Reservations
 - I. Adverse Possession and Other Boundary Settlement Doctrines
 - J. Unrecorded Boundary Papers and/or Unrecorded Boundary Monuments
3. Reporting Boundary Evidence
 - A. In General
 - B. Land Surveyor Report (LSR)
 - C. Certificate of Inspection and Possession (CIP)
 - D. Boundary Assurance Certificate (BAC)
4. Request and Certificates
 - A. Land Survey Services Request (LSSR)
 - B. Land Surveyor Report (LSR)
 - C. Certificate of Inspection and Possession (CIP)
 - D. Boundary Assurance Certificate (BAC)
5. List of Definitions and Usage of Terms
6. List of Acronyms

Department of the Interior
Standards for Federal Lands Boundary Evidence
A Cadastral Business Practice Standard

The Department of the Interior (we)(DOI) will apply these Standards for Boundary Evidence (SBE), as appropriate, to all Federal interest land or resource transactions. Following the SBE helps Federal agencies to protect the interests of the public and the Government.

INTRODUCTION:

The Department of the Interior *Standards for Federal Lands Boundary Evidence: A Cadastral Business Practice Standard* (hereinafter referred to as SBE) provides guidance and instruction for the gathering and application of several important types of boundary evidence applicable to Federal interest lands. THE MODES OF BOUNDARY EVIDENCE DISCUSSED IN THE SBE INCLUDE FIRST AND FOREMOST LAND SURVEYS IN THE SPECIAL SENSE THAT WHEN PROPERLY EXECUTED LAND SURVEYS ARE RECOGNIZED BY THE SBE AS THE PRIMARY MODE OF BOUNDARY EVIDENCE. THE SBE, HOWEVER, DOES NOT PURPORT TO ESTABLISH ANY GUIDANCE OR INSTRUCTION APPLICABLE TO THE EXECUTION OF LAND SURVEYS. We can apply the SBE to acquisitions, conversions, transfers, partitions, asset management, donations, rights-of-way, easements, leases, and other land and resource transactions. The SBE interrelates with the Office of Management and Budget Circular No. A-16, *Coordination of Geographic Information and Related Spatial Data Activities*; the Departmental Manual, 303 DM 7 and 757 DM 1 and 2; the Department's *Specifications for Descriptions of Land: For Use in Land Orders, Executive Orders, Proclamations, Federal Register Documents, and Land Description Data Bases*; and the Bureau of Land Management (BLM) *Manual of Surveying Instructions* (Survey Manual), as amended and supplemented.

1. BOUNDARY EVIDENCE

As used in these SBE, boundary evidence is authenticated documentation used to describe a natural or artificial/political separation that delineates and identifies a tract of land sufficient to ascertain the actual location of the land on-the-ground. Boundary evidence typically is in the form of a deed or other document describing the boundary to property, a land survey or other document locating the boundary to property, or an action or behavior upon the land determining the boundary to property. We will present boundary evidence through SBE Certificates. These certificates are: Land Surveyor Report (LSR), Certificate of Inspection and Possession (CIP), and Boundary Assurance Certificate (BAC).

The SBE requires both title and boundary evidence to be examined in totality for conflict-free land boundaries. Relying solely on title evidence and title insurance creates the potential for overlooking boundary defects. Boundary evidence involves the compilation, examination, and evaluation of title documents and boundary documents combined with the physical inspection of the boundary. We examine the assembled boundary evidence to identify insufficient land

descriptions, ambiguous boundary location, conflicts in use, unauthorized encroachments, boundary gaps or overlaps, changed river or road locations, and other conflicts along a boundary line. Use of the SBE will help to assure conflict-free land boundaries and stable and predictable land boundary management for the benefit of the public and the Federal Government.

The SBE procedures conform to the system for the storage and dissemination of cadastral data for use by local and national realty, land title, and mapping interests. Cadastral data describe the geographic extent of past, current, and future right, title, and interest in real property, and the framework to support the description of that geographic extent. The geographic extent includes land description and land survey frameworks such as the Public Land Survey System (PLSS), as well as parcel-by-parcel surveys and descriptions.

DOI bureaus and offices will consult with a DOI Land Surveyor to determine if boundary evidence is needed and the type of boundary evidence to be obtained. The AO and boundary expert will keep in mind the differing and unique requirements of each transaction, project, planned activity, local practice, reliability, potential for boundary location conflict, economy, efficiency, and speed. In general, the character and scope of boundary evidence falls into three categories, each addressed by specific certificates. The SBE process will be completed, as required, unless a waiver has been issued by a designated bureau official. Such waiver will document the justification for the waiver and be filed in the case file(s), or other appropriate record. Documentation of the waiver, whether transaction-specific or programmatic in scope, can be in any form; however, documentation must include the following, at a minimum:

1. Name, signature, and title of authorized officer;
2. Effective date(s);
3. Name of transaction or project for case-by-case waiver, or names of transactions and projects for programmatic waiver; and
4. Reason(s) for issuance of waiver.

At times, one or all of the certificates will be needed:

1. Land Surveyor Report (LSR)
 - a. Land Description Review (LDR). An evaluation of the title policy to determine if the description contains a sufficient summary of the material facts for the purpose of authenticating or not authenticating various boundary locations, including exceptions, reservations, subject to, caveats, reversions, or objections to specific portions of the boundary location(s).
 - b. Chain of Surveys (COS). A diligent search of previous land surveys or survey related records, and other controlling evidence (such as identification of the best available evidence of the original survey; proper reference to interdependent corners, evidence of the acts and testimony of the interested landowners, witnesses, surveyors, or other authorities – e.g., local courts, state highway engineers or water masters) pertaining to boundary location for the interests to be conveyed or managed.

2. Certificate of Inspection and Possession. A search of the land records and physical evidence that reveal evidence of possible claims of use or ownership, disclose the location of the surrounding property boundaries to the proposed conveyance, unexpected lands uses (buried hazardous waste), or managed land interest (apparent ingress/egress not of record).²
3. Boundary Assurance Certificate. An assurance, subject to stated exceptions and caveats, of the sufficiency of the subject boundary(s) for the intended purpose, based upon a LSR and CIP.

A. Land Surveys – The Primary Mode of Boundary Evidence

Boundary line surveys conformal to Federal or State requirements, as appropriate, constitute the primary mode of boundary evidence. Where an SBE Certificate has identified a high risk boundary, we will prepare land surveys for all high value acquisitions and transactions, projects, conveyances, conversions, transfers, partitions, and management activities.

Departmental land surveying will follow the *Manual of Surveying Instructions* (Survey Manual), its amendments and supplements, and/or applicable State laws governing the practice of land surveying. The Survey Manual describes how cadastral surveys are made in conformance with statutory law and its judicial interpretation. The 2009 edition of the Survey Manual supersedes all previous instructions or directives on the technical subjects contained therein. Care should be exercised when examining the land status in each survey situation to determine the applicable laws and statutes to be applied, for example; acquired land, public domain, Spanish land grant, etc.

An American Land Title Association/American Congress on Surveying and Mapping Land Title Survey (ALTA/ACSM Land Title Survey) often meets the minimum standards and/or laws of the Federal and State governments where the land is located. CAUTION: A survey that meets the needs for title insurance purposes may not meet the needs of the Federal Government.

Land surveys conducted by non-licensed surveyors often are inadequate, potentially unlawful, and can disrupt legitimate Federal programs involving national park construction projects, water lines, sanitation systems, etc. One of the purposes of the SBE is to eliminate this practice or, at a minimum, encourage consultation with a DOI Land Surveyor.

Bureaus and offices will have land surveys filed/recorded in the state/county/borough/parish record system in the state(s)/county(ies)/borough(s)/parish(es) in which the land is located. Even though the sovereign nature of the Federal Government may exempt recording, as prescribed by State laws and regulations, it is important for the protection of Federal interest boundaries that these surveys be accessible through state/county/borough/parish record systems. Thus, these land surveys will be public records and

² See the Department of Justice *Standards for the Preparation of Title Evidence in Land Acquisitions by the United States*, 2001, section 4b.

easier for interested parties to retrieve in the future. Bureaus and offices may also provide copies of land surveys to the BLM for integration into the Cadastral National Spatial Data Infrastructure (CadNSDI) and the Federal land status records system.

If necessary to convey land or an interest in land with a United States patent, the land shall be returned upon (described by) an official survey plat (General Land Office (GLO)/BLM).³

The DOI Land Surveyor will determine the appropriate authority (Federal or State) for conducting the necessary land survey.

B. Secondary Modes of Boundary Evidence

The following, prepared in accordance with the requirements of these SBE by a DOI Land Surveyor or Certified Federal Surveyor (CFedS), and approved by a Certified DOI Land Surveyor (CILS) are acceptable modes of secondary boundary evidence:

1. Land Surveyor Report (LSR) (see attached LSR); and
2. Certificates of Inspection and Possession (CIP) (see attached Department of Justice CIP forms).

The LSR and CIP Certificates are the modes of secondary boundary evidence most used in Federal interest transactions, land acquisitions, conversions, transfers, partitions, and management activities. Secondary boundary evidence always applies to acquisitions, together with the primary evidence represented by a properly executed survey. Boundary defects, such as latent boundary ambiguities, conflicting surveys, adverse claims, encroachments, unauthorized uses, etc., normally do not appear in the public records. Nor are they usually insured against by a title insurance policy or disclosed in a serial case file. The SBE Certificates provide an added degree of security that does not exist with less formal modes of boundary evidence or most title insurance policies. A Boundary Assurance Certificate (BAC) based on and in conformance with the LSR and CIP Certificates, gives added confidence that a boundary defect has not gone undetected.

C. When to Obtain Boundary Evidence

A bureau or office should obtain boundary evidence for any land or an interest in land that is being acquired. Boundary evidence is to be obtained promptly to avoid delay in payment to landowners, lessees, or governments, and to permit timely completion of a transaction. The condition of boundary evidence should be included with the transaction planning. We should obtain boundary evidence for all interests in the land contiguous to the land or resource that is

³ Before any new land description is created for a patent, check the official survey plats (GLO/BLM) to make an administrative determination that the land is described and suitable for this purpose. The inclusion of the land on the plat of an official survey provides evidence of the administrative determination. All land descriptions for patents are made with reference to the official survey plat. *Sampson v. United States*, 533 F.2d 499, 501 (9th Cir. 1976); *Wise v. United States*, 297 F.2d 822, 825 (10th Cir. 1961); *Lemieux v. United States*, 15 F.2d 518, 522 (8th Cir. 1926), *cert. denied*, 273 U.S. 749 (1927); *Cragin v. Powell*, 128 U.S. 691 (1888).

being acquired or used. If land is being assembled for a project, consider obtaining boundary evidence that initially covers each separate ownership or parcel, but that is ultimately consolidated into a single product. Prior to gathering or contracting for boundary evidence, consult a DOI Land Surveyor.

If the acquiring or managing bureau or office has determined that oil, gas, or other minerals do not need to be acquired, or can be subordinated to the surface interest to be acquired, or managed (because they are not needed and because the rights associated with such mineral interests, such as a right of surface access, will not interfere with the contemplated use of the surface of the land), then do not include evidence of mineral interests or evidence of coincidental location of surface and subsurface rights, and other instruments relating to the descriptions and locations of such interests in the boundary evidence. If the acquiring or managing bureau or office wishes to obtain relevant documents or location inspection reports of such severed or subordinated interests, it will request them when it authorizes a Land Survey Services Request. When we can develop boundary evidence of oil, gas, and other mineral interests at a reasonable expense, it makes sense usually to do so. Such information may be useful if the federal government decides to conduct surface activities not originally contemplated. In addition, such subsurface boundary evidence can protect surface interests from interference due to incorrectly located surface access by the owner or operator of the subsurface mineral interests.

D. Responsibility for Obtaining Boundary Evidence

Consult a DOI Land Surveyor in all circumstances in which boundary evidence may be needed, e.g., road construction, capital investment project, very long linear right-of-way, oil and gas well pad location, coal lease, water boundary, or timber sale. Always consult with a land boundary expert if in doubt as to whether or not we should execute a land survey.

E. Guidelines for Preparation of Boundary Evidence

The bureau or office will keep SBE documents in their permanent files. In preparation of SBE:

1. We require the attached Land Survey Services Request (LSSR) and applicable Certificates (LSR, CIP, and/or BAC) for each boundary evidence request. The request and the certificates are part of the Standards and we will use them to comply with the SBE.
2. The LSR should disclose the name of each and every person known to have any title to, or interest in, the land or natural resource, and every person known to have any title to, or any interest in the surrounding land or natural resource; for governmental entities, the name of the administering agency. You should identify addresses of parties having any interest in the subject land or natural resource and in the surrounding land or natural resource by examining the public records or bureau or office land status records. Title reports may provide useful location, ownership, and encumbrance information.

If available, a Cadastral National Spatial Data Infrastructure (CadNSDI) reliability diagram and a geographic information system (GIS) tract map provide spatial representation and adjacent landholdings. All acreage determinations and methods used to obtain the acreage must be included.

3. Obtain complete, legible copies and images, or a sufficient abstract or digest, of all instruments referenced in the boundary evidence.
4. Develop the boundary evidence for each subsurface (mineral) interest in the property to be acquired, conveyed or managed including all data or exceptions, if applicable.

F. Boundary Evidence Search Timeframe

The timeframe for searching boundary evidence for the acquisition or conveyance of a particular tract of land should run from the inception of the transaction planning process until the recording of the deed or completion of Federal interest asset transaction. Title insurance companies continue searches of only the record title up until the recording of the deed. Policy coverage typically limits the period of search, such as easements, is limited to the period of search prescribed by the policy coverage. This coverage usually excludes the most common boundary evidence, namely, recording a deed after updating a land survey plat. Sometimes you can negotiate with the title insurance company to eliminate or modify this exclusion.

G. Subsequent Boundary Evidence

Boundary evidence collected subsequent to the last physical inspection will indicate that the search or inspection has continued since the date of that inspection. The subsequent boundary evidence will include the recordation or filing of the previous transaction, updated agency land status, survey, and CadNSDI records, when available and applicable.

H. Boundary Assurance Certificates (BAC)

The BAC enhances confidence that a boundary location is clear of conflicts and uncertainties, except as noted or as stated in caveats. When a BAC is needed, the certificate will have an effective date as of or subsequent to the date of recording of the deed to the United States, updated agency land status, survey, and CadNSDI records or completion of Federal interest land asset transaction.

I. Individuals Having the Authority and Responsibility for Compiling/Evaluating and Standards for Boundary Evidence Certificate(s)

1. DOI Land Surveyors or CFedS familiar with the preparation of such evidence in the jurisdiction in which the lands are situated will compile and evaluate the boundary evidence. Individuals that compile and/or evaluate boundary evidence must not have an interest in the land or surrounding land.

2. The SBE Certification training will be developed in coordination and cooperation with the Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), Fish and Wildlife Service (FWS), National Park Service (NPS), and the Office of the Solicitor (SOL). Training should cover topics such as survey manual/law/SBE compliance, risk management, records management, and management of land boundary principles.
3. Upon successful completion of the SBE Certification training the DOI Land Surveyor will be identified as a Certified Department of the Interior Land Surveyor (CILS), and can approve SBE Certificates.
4. A CILS may approve SBE Certificates for another bureau or office.
5. A CILS may approve SBE Certificates evaluated by her or himself; however, it is recommended the individual bureaus require a review of the evaluation by another CILS.

J. Certified Federal Surveyors (CFedS)

CFedS must be licensed to practice land surveying in the State where the land lies to evaluate boundary evidence for a SBE Certificate. CFedS must work in cooperation and coordination with the appropriate CILS.

2. BOUNDARY EVIDENCE – SPECIAL SITUATIONS

A. Records, Lost or Destroyed

When boundary location or description records, such as patents, deeds, probates, and land surveys, have been lost or destroyed, or are otherwise permanently unavailable, supplement the LSSR by the following:

The SBE Certificate will attest to the fact of:

1. the loss or destruction of records;
2. property corner monuments or boundary markers exist on-the-ground of unknown origin; or
3. landowners and land surveyors in the community commonly acknowledge the unavailability of the record(s).

Such certification must also provide:

1. proof of compliance with requirements of statutory proceedings, if any, to reestablish boundaries affected by the loss or destruction of the records; or

2. secondary documentary evidence, such as a land survey, that complies with statutory requirements and which, if offered in an administrative or judicial proceeding, would be admissible as boundary evidence, or evidence of boundary by adverse possession, as provided in the instructions established in section 2.I.

B. When Probate is Involved

The acquiring or managing bureau or office must satisfy itself that all required conditions and contingencies in the will relative to the boundary's location have been met. The following may not apply in every jurisdiction, but is offered as a general guideline.

To assure individual privacy, reproduce only the boundary description of the land interest portion of the will. Show all essential portions of probate proceedings disclosing all material facts of record relating to the boundary location including, for example, land partitions and land descriptions.

C. Foreclosure, Tax Sale, or a Judicial Proceeding

In cases involving foreclosure proceedings, the boundary evidence will disclose sufficient information regarding the description of the land or natural resource subject to the lien or encumbrance being foreclosed. The boundary evidence will determine the validity and effect of the foreclosure as to location, including descriptions of the land and surrounding premises, land surveys, on-the-ground boundary conditions, sales, transfers, and other administrative or judicial proceedings affecting the boundary.

If the foreclosure is by judicial proceeding, the boundary evidence will show the description of the relevant land, sufficient portions of the record to determine the jurisdiction of the court, and that all relevant boundary evidence has been considered.

Tax sales, foreclosures, and some judicial proceedings result in changed land descriptions and/or can affect the statute of limitations for vesting unwritten rights. The boundary evidence will disclose sufficient information to determine the apparently changed land description and the correct land description, and to determine the on-the-ground limit of written and unwritten rights, title, and interest.

D. Conveyance or Transfer by a Trustee or Fiduciary

The boundary evidence should contain the entire contents of each trust instrument, land description, survey plat, and conveyance in the chain of title made by fiduciaries or persons acting in a representative capacity, as well as a statement of the on-the-ground boundary conditions. Establish any conditions, limitations, or changes to the land description, boundary location or use, and occupancy reflected in such instruments or record of proceedings, or in any deed to the trustee, or to the beneficiary or principal for whom such trustee or representative is acting. The boundary evidence will show whether such conditions, limitations, change, or use will impact the boundary location or transaction.

E. Searches of Federal and State Court Records

If title records and land survey records do not record court judgments and decrees, search for boundary evidence in Federal court records (in all divisions of the district where the land lies) and State court records, where the land lies.

F. Streets and Alleys

If the land includes streets or alley areas, ingress and egress, easements dedicated or vacated, all records affecting the boundary location of such areas should include the following:

1. The complete record of the proceeding for the dedication and, if vacated, the vacation proceedings, relevant to the boundary location of the area and to the location upon the dominant and servient estate.
2. All facts of record bearing on the location of existing prior rights, prescriptive or otherwise, and location of public and private utilities, if any.
3. All instruments, land surveys, and occupancy bearing on boundary locations or conflicts of all relevant areas and estates.

G. Special Improvement Districts

Boundary evidence containing references to boundary locations of drainage, school, or other special improvement districts; water; paving; or sewer should delineate all relevant land descriptions, land surveys, as-built plans, and post-construction locations.

H. Executive Orders, Proclamations, Administrative Withdrawals, Reservations

Proposed descriptions of tracts of land shall conform, as far as practicable, to the current edition of the *Specifications for Descriptions of Land: For Use in Land Orders, Executive Orders, Proclamations, Federal Register Documents, and Land Description Data Bases*, Executive Order No. 11030, and its supplements and updates. The LSR will determine conformance of the proposed order or proclamation. If we have not reviewed land descriptions, land surveys, and on-the-ground boundary conditions, an LSR, CIP, and/or BAC will be considered, based on specific criteria set forth in bureau and office manuals and handbooks.

I. Adverse Possession and Other Boundary Settlement Doctrines

When required, an unwritten title/adverse possession report must contain the following:

1. Evidence of the occupancy or use upon which the claim is based. This evidence may consist of undisputed, or disputed, testimony, taken under oath, and/or authenticated documents or photographs.

2. A statement of facts, relevant to the claim, as determined by the surveyor or other specialist making the report.

In cases where large tracts of land are being conveyed, or actively managed, which encompass what formerly were smaller tracts, the report of unwritten title/adverse possession must relate specifically to the component parts of such tracts and contain sufficient facts to establish or reject the claim as to each part.

If two or more conflicting grants, patents, or transfers affect the same land, a land survey conducted under an appropriate authority and the unwritten title/adverse possession report will show the exact location of the land over which the acts of possession are claimed or relied upon.

NOTE: Adverse possession, based on State law, does not apply to land owned by the United States, unless perfected before the period of Federal ownership.

J. Unrecorded Boundary Documents and/or Unrecorded Boundary Monuments

In all cases, any unrecorded boundary location documents, land surveys, maps, plats, field notes, court decisions, copies of resolutions, ordinances, deeds, and boundary opinions containing references to the condition or location of a boundary or objections thereto with respect to such land, should accompany the boundary evidence.

The administrative record will incorporate any monument or other possible boundary evidence, physical or otherwise, in the vicinity of a boundary corner or along or near a boundary line not documented in the public record. The administrative record will also include a written report describing the extent and result of any investigation and other sources of relevant information.

3. REPORTING BOUNDARY EVIDENCE

A. General

Boundary examination coupled with a title examination will provide a more complete assessment of the land parcel and associated risks to the transaction. Title examination means an examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Federal interest land with certification of the findings. Boundary examination means an examination and evaluation by a qualified surveyor of the completeness and accuracy of boundary location documents affecting a particular tract of Federal interest land with certification of the findings.

The absence of vital supporting boundary data may delay the closing of transactions or implementation of a management activity and result in the purchase of boundary problems, which can be costly and time consuming to resolve. Below are processes covering many of these items. A transaction is sufficiently prepared if the evidence does not contain any unacceptable risk relating to the matters mentioned in sections B through E below, no supplemental evidence

is required, and results in the issuance of a BAC. Vital record documents will be maintained in the permanent files.

With respect to the boundary defects, conflicts, or ambiguities which you cannot eliminate administratively, a DOI Land Surveyor will provide guidance on how they can be cured, if necessary. Discussion with interested parties may resolve many defects, conflicts, and ambiguities. Some situations may require the landowner or manager to undertake various curative steps to seek title or boundary remedies, such as quiet title actions, exchange of quit claim deeds, recordable disclaimer of interest documents, issuance of corrective conveyance documents, written boundary line agreements, additional records research, land surveys, or other administrative or judicial proceedings.

A land survey will be recommended for all high value acquisitions and transactions, projects, conveyances, conversions, transfers, partitions, and management activities where the SBE Certificate has identified a high risk boundary is involved, and:

1. Significant improvements to the land exist or are contemplated;
2. New boundaries are being created (any boundary not shown on an official survey plat);
3. Boundaries and titles are complex and confusing;
4. An official survey is needed to create an acceptable land description or acreage;
5. Litigation is probable; or
6. The acquiring or managing bureau or office requires a land survey.

For Surveys:

All bureaus and offices, working through the Interagency Cadastral Coordination Council (ICCC), will coordinate Federal cadastral surveying activities.⁴

We will show and/or note any encroachments or rights-of-way on or over the land on the land survey plat.

If the land is described by metes-and-bounds or by reference to lands of surrounding owners, abutting streets, ways, etc., we will define its boundaries on the plat by courses, distances, and monuments, natural or otherwise. The plat also should identify the surrounding lands and other natural or manmade features that aid in locating the property.

When the land is part of a subdivision, we will obtain a copy of the subdivision plat, or the section in which the land is located.

⁴ See 757 DM 1.2C. and 2.7C.
11/21/14 #3992
New

We will use a common scale on an orthophotograph and superimpose the boundary details (bearings and distances) from the survey of the land being acquired or managed. If the land being acquired, conveyed or managed is part of a larger tract, we will show the larger tract and any successive diminishing tracts on the orthophotograph.

Caution: The BAC should not have exceptions to “parties in possession” or to “matters which would be revealed by a land survey,” which are standard exceptions in most title insurance policies. To do so would effectively exclude the value of the certificate as providing a sense of comfort concerning the presence or absence of, for example, unrecorded leases, rights-of-way, conflicting land surveys, and unauthorized use or occupancy. If the CIP reveals there may be third parties who have rights to use the land, or there may be potential boundary location conflict(s), provide copies of any available unrecorded documents, facts derived from the CIP and investigation, and a diagram showing their relative locations.

B. Land Surveyor Report (LSR)

1. Land Description Review: An essential component of boundary evidence is a clear, unambiguous and conflict-free land description. There are three general types of land descriptions:
 - i. Lands described by legal subdivisions (aliquot part or government lot) based upon rectangular surveys.
 - ii. Lands described by lot and block (minor or major subdivision).
 - iii. Lands described by distance and direction measurements or by naming their boundaries or both (metes-and-bounds).

The bureau or office will make a thorough review of the land description documents early in the transaction, acquisition, conversion, transfer, partition, or management activity process. The Authorized Officer (AO) will prepare an LSSR, in collaboration with the DOI Land Surveyor, which should include the bureau or office’s boundary evidence, and submit it to a CILS as early in the project planning as practicable.

Copies of a bureau or office land status report or other title evidence should be included with the request. If not included, the AO will consult with the DOI Land Surveyor and, if need be, legal counsel, to determine what documents are required.

2. Chain of Surveys: A compendium of successive land surveys, or other forms of boundary and corner identification, location, or opinion, concerning the location of a particular parcel of land, arranged consecutively, from the government or original land survey down to the present. This enables the examining surveyor to often identify boundary conflicts and location inconsistencies. The role of the surveyor, in conjunction with the acquiring or managing bureau or office, is to identify those defects, conflicts, and ambiguities to the boundary location which may be waived administratively. A waiver will not be issued unless it is clear, beyond a reasonable doubt, that a defect to the boundary location will not preclude the bureau or office from administering the property for the purposes for which it is conveyed or managed.

Whenever possible obtain the land surveys of the land and surrounding land early in the transaction, acquisition, conversion, transfer, partition, or management activity process. The AO will prepare an LSSR, in collaboration with the DOI Land Surveyor, which should include the bureau or office's boundary evidence, and submit it to a CILS as early in the transaction planning as practicable.

The LSR-COS should contain every known land survey document, including documents claiming an opinion on the location of a corner or boundary line affecting the boundary and corners of the land described. No attempt is made in this discussion to specify all items which should be shown, but the following will be shown as they appear in the records, the survey plat title block; the dates, certificates, and filing notations of public plats and field notes; and the dates, certificates if any, and location/repository of non-public plats and field notes. Where boundaries to separate parcels are derived from a common preceding LSR, prepare a master LSR and supplement it by individual LSRs.

If, after investigation, you believe land survey records are lost, destroyed, cannot be found, or are otherwise unavailable, supplement the LSR-COS by a statement describing the situation and that competent land surveyors and title examiners in the community commonly acknowledge the nonexistence or absence of the record(s). If a significant number of survey monuments of record are lost, obliterated, or in conflict, and that fact is not apparent on the face of the records obtained, supplement the LSR-COS by a statement of the fact that competent land surveyors and title examiners in the community commonly acknowledged the significant obliteration of original monuments or conflicts between survey monuments or boundary lines.

C. Certificate of Inspection and Possession (CIP)

All subject matter experts contributing to the CIP should contact the surveyor for information about the location of the land boundaries. The surveyor should show the boundaries to the experts or describe them to such an extent that they can locate the boundaries on-the-ground.

The relationship between an area and the true boundary line is potentially an encroachment, trespass, unauthorized use or occupancy.

The three most critical components of secondary boundary evidence are:

1. A search of the title (land) records.
2. A search of the land survey records.
3. A physical inspection of the boundary.

Each can independently reveal evidence of possible defects, conflicts, ambiguities, and adverse claims of use or ownership and without linkage, may not reveal the same.

Normally an investigation is made and a CIP issued immediately prior to the closing of a transaction. In some instances, you may obtain an early investigation and CIP to ascertain conditions on the land at that time. In condemnation actions, conduct an inspection and inquiry immediately in advance of the date of taking if possible, or otherwise, as soon as the court grants the right of possession. The DOJ forms, currently *Standards for the Preparation of Title Evidence in Land Acquisitions by the United States 2001* (DOJ forms attached and available at <http://www.usdoj.gov>) will document the CIP. Other forms of CIP are not acceptable. We encourage the use of referenced attachments which provide further explanations and clarifications of the boundaries.

If needed, promptly order a field investigation required for a boundary CIP conducted under the direction of a CILS. The CIP does not take into account off-record facts, rights, claims not disclosed by the LSSR, land survey work, or by an inquiry and physical inspection of the land.

Both DOJ forms anticipate that you can and often will attach additional information to the CIP, especially if the inspection or inquiry reveals possible possessory rights or claims of others in the property, or confused or ambiguous boundary location, such as those caused by conflicting land surveys or placement of improvements. Bureau and office inspectors may find it convenient and economical to coordinate their cultural, engineering, historical, hazardous, or environmental matters or inquiries with the boundary CIP.

Determine the interest or claim of any person(s) other than the record owner(s) occupying or using any part of the lands prior to closing or commencement of a transaction. In addition, gather evidence of an overlap of boundaries or a gap between boundaries, or questionable or uncertain boundary locations, prior to the closing or commencement of a transaction. Consideration will be given as to whether, under the circumstances of the transaction, acquisition, conversion, transfer, partition, or management activity, the use, occupancy, interest, boundary overlap, gap, confused, or uncertain location will interfere with the contemplated use of the land.

Eliminate claims, encroachments, and questionable or conflicting boundaries which are not compatible by obtaining disclaimers, agreements, quitclaim deeds, etc. Based upon the advice of the surveyor, we may use these devices to deal with potential interests or conflicts and make them compatible as they exist or if modified. For example, by obtaining boundary line clarification, or term agreements from tenants with unrecorded leases, or by agreeing to grant a private right-of-way pipeline easement with specific terms and an agreed-to location and dimension, we could obtain, in return, the claimant's agreement to quitclaim any poorly defined easement which may have been acquired by prescription.

D. Boundary Assurance Certificate (BAC)

A BAC is issued only after (a) an LSSR is submitted, and (b) we have issued LSR (-LDR and COS) and CIP Certificates. Generally, BACs will be acceptable when in a form approved by the CILS. The CILS is the responsible person who approves the BAC.

A BAC is based upon the findings of the three boundary evidence components (LSR (-LDR and COS) and CIP). It cannot take into account any other boundary evidence findings unless clearly noted. The BAC should not be mistaken for a land survey. The BAC is only as good as the boundary evidence it is built upon.

4. REQUEST AND CERTIFICATES

The LSSR can be used to request or receive any of the three SBE Certificates. The LSR and CIP address separate aspects of boundary evidence, each providing a portion of the total boundary assurance process. The BAC is used in those cases where all three boundary evidence components have been evaluated, and when we can authorize an assurance on the boundary location. The SBE process includes the following request, report, and certificates.

A. Land Survey Services Request (LSSR)

The LSSR is acceptable to request SBE Certificates. The Request should contain all of the relevant information known to the submitting bureau or office. Depending upon the needs of the bureau or office, the SBE Certificate(s) can provide a number of informational services. The Request should be filled out in collaboration with the DOI Land Surveyor.

B. Land Surveyor Report (LSR)

During the SBE process, land description and land survey evidence often is evaluated simultaneously. For this reason they can be combined in the LSR. The LSR consists of four parts: the LSSR, the land description evaluation (if applicable), the land survey evaluation (if applicable), and the Report. Depending upon the needs of the bureau or office, the LSR may provide a number of informational services, including:

1. The review of boundary description(s) of land and/or interests in land, including surrounding interests when necessary;
2. The condition of the corner monuments, boundary line markings, and the sufficiency of the boundaries for the intended land use, based upon:
 - i. minimal research to provide a general summary,
 - ii. a search of Federal records, local public records, and private records, and
 - iii. a field inspection;
3. The CadNSDI location reliabilities of the tract corners and boundaries;
4. Reporting of the area as shown on the official plat(s) (GLO/BLM);
5. Reporting of area based upon other sources;
6. The review of land surveys and other boundary location information on the location of the corners and boundary lines of land and/or interest in land

described, out to the controlling corners and lines, from the original survey to date;

7. A history of corner recovery, a description of every corner:
 - i. without a field visit, or
 - ii. with a field visit;
8. A history of lines, a description of every record or computed measurement between corners;
9. The sufficiency of the corners and/or lines for the intended land use; and/or
10. Other related information (after a discussion between the AO and surveyor).

The land description review will require a search of all possible sources of title and related documents. The land survey evaluation will require a search of all possible sources of land surveys and related documents, including recorded and unrecorded, Federal, tribal, State, local, and private records. A DOI Land Surveyor or CFedS compiles and evaluates an LSR under the direction and control of a CILS.

C. Certificate of Inspection and Possession (CIP)

A CIP consists of two parts: the LSSR and one of the two forms of the CIP from the Department of Justice. These latter forms are contained in the *Standards for the Preparation of Title Evidence in Land Acquisitions by the United States 2001* (DOJ forms attached and available at: <http://www.usdoj.gov>). See the DOJ Title Standards for use of the forms for title evidence purposes. The DOJ forms are the only acceptable forms. We encourage attachments providing further explanations and clarifications for boundary evidence CIP.

Form #1 is designed to be completed by one individual. Form #2 is designed to be completed by two individuals. For boundary evidence purposes, the forms are to be adopted to report on-the-ground inspection of the boundary and corners by a DOI Land Surveyor or CFedS, under the direction of a CILS for acquisitions, exchanges, withdrawals, leases, permits, conversions, transfers, partitions, rights-of-way, transactions, and other activities.

Bureau and office inspection personnel for cultural, engineering, historical, hazardous, or environmental matters should coordinate their inquiries and inspections with the boundary CIP.

D. Boundary Assurance Certificate (BAC)

Subject to the limitations stated in section 3D, a BAC consists of an LSSR, LSR, and CIP, and a statement of known boundary location defects, conflicts, ambiguities, gaps, overlaps, unwritten rights, and failure of land descriptions, land surveys, use and occupancy, and other boundary evidence for a tract of land, compiled by and signed by a DOI Land Surveyor or CFedS. A CILS approves the BAC.

CAUTION: A BAC is not a land survey, and will not be used in lieu of a land survey. An actual land survey may reveal further evidence or clarify the proper use of existing evidence thereby resulting in a different corner or boundary location than certified to in the BAC.

Land Survey Services Request
United States Department of the Interior - [Bureau/Office]
[Field Office/Entity]
[Location/Address]

To:

Through:

From:

Please review the attached deed(s), land survey(s), and reference document(s) for the parcel(s) identified below.

Project Name _____ Contact Name _____
Project Number _____ Contact Number _____
Installation _____ Date Requested by _____
Unit/Division _____

State ____ County _____ District _____ Town _____
Book ____ Page ____ Parcel/Tax ID _____
PM ____ Tp. ____ Range ____ Section ____ Aliquot _____
Subdivision _____ Block _____ Lot _____
Description(s) of Land _____

Request for land survey services is for:

- Acquisition (Land Description Review/Land Survey Tract Review)
- Adverse Claims (Trespass/unauthorized use)
- Boundary posting/management
- Certificate of Inspection (CIP)
- Construction/Maintenance Project Consultation
- Control Survey/Mapping
- Disposal
- Leasing
- Rights-of-way
- Withdrawal
- Other - _____

Project Description (optional): _____

Cost Code: [charge code and WBS Code, if relevant]

Authorized Officer:

<i>Name:</i>	<i>Office, Title and Contact Information:</i>	<i>Date:</i>
[Signature]		

Date Received By Survey Office: _____ Received By: _____

Attachments:

This request is to be retained in the official case file.

NOTE: Before completing and submitting, completely review this request and schedule a meeting with your surveyor responsible for preparing a SBE Certificate(s). Each transaction or project may have specific and unique requirements to be met. Many times, with the help of the surveyor, the request can be completed at the meeting.

Land Surveyor Report

Final Determination by the Certified DOI Land Surveyor:

A review of the above request has been completed and the following determination(s) has been made by the DOI Land Surveyor or Certified Federal Surveyor:

(Check one)

	The [land description / land surveys] is/are acceptable for the stated purpose, see comments below.
	The [land description / land surveys] has/have potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
	The [land description / land surveys] has/have potential problems and should not be used for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this/these [land description / land surveys] should be used.
	A boundary survey is required. (See cost/time estimate below)

Recommendations/Comments/Concerns/Corrections:

I certify that the parcel described on the attached document(s) contains _____ acres.

This report correctly represents the records and documents evaluated by me or under my direct supervision in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

<i>Name: DOI Land Surveyor, or Certified Federal Surveyor</i>	<i>Office, Title and Contact Information:</i>	<i>Date:</i>
<i>[Signature]</i>		

11/21/14 #3992
New

This report correctly represents the records and documents evaluated under my direction and control and in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

<i>Name: Certified DOI Land Surveyor</i>	<i>Contact Information:</i>	<i>Date:</i>
<i>[Signature]</i>		

Authorized Officer:

- I concur with the above recommendation(s) and:
 - Additional funding is not required.
 - Funding for the recommended action(s) is authorized in the amount of \$_____.
Cost code: _____
 - Funding for the recommended action(s) will be provided at a later date.
- I do not accept the above recommendation(s) for the following reason(s):

Comment:

<i>Authorized Officer Name:</i>	<i>Office, Title and Contact Information:</i>	<i>Date:</i>
<i>[Signature]</i>		

This report is to be retained in the official case file.

Parcel Review Check List

The items checked below are requested to be evaluated and analyzed during the Standards for Boundary Evidence (SBE) Review. Dependent upon the conditions found, the review may include additional items. (NOTE: Specify when patent or deed language includes the terms “exception,” “reserve,” and/or “subject to” that could possibly affect the transaction or project.)

Standards for Boundary Evidence Certificate(s)

- Standards for Boundary Evidence (SBE) Certificate
- Certificate of Inspection and Possession (CIP)

General Information

- What is the status of the parcel, surface and/or subsurface (e.g., public domain, acquired, fee, restricted fee, trust; under appraisal, signed purchase agreement, preliminary inquiry)?
- What is the legal description reference (title report # / deed reference)?
- What documents were used in this review?
- Type of transaction or project (realty, fee, easement, resource, construction, etc.).

Location and Physical Attributes

- Are there special locational or physical attributes beyond the general location (Township, Range, Section / Town, County, State)?
- Is the parcel within a special unit boundary?
- Is the parcel bounded by natural and/or artificial features?

Accuracy and Sufficiency of the proposed land description

- Does the land description describe the entire parcel intended and only that parcel?
- Is it consistent with the vesting deed?
- Does it contain blunders such as wrong lot or section numbers, missing words or phrases?
- Does it close mathematically?
- Does it contain correct and sufficient bounding and monument calls?
- Is the form and language clear?
- Is the description in harmony with adjoining parcels?
- Has the land description changed from previous documents for the same parcel?

Area

- What is the computed area of the land description?
- How does the computed area compare with area figures given by other record sources?
 - GLO/BLM surveys
 - Other surveys
 - County Assessors
 - Aerial imagery / combined GIS
- What is the approved area for use as the parcel acreage?

Access

- What type of access is there to this parcel (e.g., fee, easement, unwritten, RS 2477)?

11/21/14 #3992

New

- Where is the access located?
- Is the access covered in its entirety by written conveyances?
- If the access is via a written document:
 - What is the width of the access?
 - Does the establishing document contain limitations (e.g., access only, access and utilities, administrative use only)?

Exceptions

- Special Exceptions listed on a Title Report or Policy.
 - Do they all relate to the subject parcel?
 - Where are they located and what effect do they have?
 - Are there any missing exceptions?

Encumbrances

- Encumbrances evident from imagery, record sources, or verbal communication.
 - What are the apparent uses, e.g., fence encroachment, agricultural trespass, etc.?
 - Where are they located?
 - What are the possible effects on the parcel?

Boundary Status

- Has the parcel been surveyed; the corners monumented; the boundaries marked?
- Quality of the GCDB, error estimates.
- Have the adjoining parcels been surveyed?
- Do the surveys appear to be correct?
- Are there conflicts in the survey records, such as disputes over controlling corners?
- Do the survey records disclose discrepancies between occupation and the lines of written title?

Land Survey

- No land survey anticipated.
 - Existing land survey(s) is/are sufficient.
 - Inholding.
 - Natural boundary.
 - Active acquisitions on adjoining parcels.
- Limited land survey: Retracement of existing land survey(s).
 - Posting recommendations.
- Land Survey anticipated for intended purpose.
 - Create legal land division.
 - Create acceptable land description.
 - Determine actual acreage.
 - Monument and post high risk/high priority boundary.

CERTIFICATE OF INSPECTION AND POSSESSION
(Form # 1)

This form relates to an acquisition of the following described land, or an interest therein, by the United States of America.

A. Property and project information:

1. The acquiring federal agency is: *[name the agency]*
2. The name and address of the owner(s) of the property is:
[name and address of owner]
3. The property is identified and/or described as follows:
[insert some or all of the following: agency parcel number and project name, street address, acreage, common name of property or other reference sufficient to identify it; plus the name of the county and state where it is located; plus, if available, a legal description here or on an attached exhibit]
4. The estate(s) to be acquired is/are:
[insert and identify estate (ex: fee simple, utility easement)]
5. The condemnation proceeding name and civil action number are:
[if applicable, insert the condemnation proceeding name and civil action number]

B. Certification: I hereby certify that on [date] _____, I made a personal examination and inspection of that certain tract or parcel of land identified above, and that I am fully informed as to the boundaries, lines and corners of said tract. I spoke with the above-named owner(s) and with any other occupants (identified below) of said land. On the basis of my inspection and inquiry, I hereby certify that the following statements are accurate, or, if one or more statements is not accurate I have marked it/them and I have indicated on this sheet or on an attachment my findings which vary from the statement:

(date)

(signature)

(print name, title, address and telephone number)

1. No work or labor has been performed or any materials furnished in connection with the making of any repairs or improvements on said land within the past _____ months that would entitle any person to a lien upon said premises for work or labor performed or materials furnished.
2. There are no persons or entities (corporations, partnerships, etc.) which have, or which may have, any rights of possession or other interest in said premises adverse to the rights of the above-named owner(s) or the United States of America.
3. There is no outstanding unrecorded deed, mortgage, lease, contract, or other instrument adversely affecting the title to said premises.
4. There are no vested or accrued water rights for mining, agricultural, manufacturing, or other purpose; nor any ditches or canals constructed by or being used thereon under authority of the United States, nor any exploration or operations whatever for the development of coal, oil, gas or other minerals on said lands; and there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.
5. There are no outstanding rights whatsoever in any person or entity (corporation, partnership, etc.) to the possession of said premises, nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records, as revealed by the government's title evidence.
6. Said premises are now wholly unoccupied and vacant except for the occupancy of the following, from whom disclaimer(s) of all right, title and interest in and to said premises, executed on [date] _____ has (have) been obtained:

**This CIP form is taken from the Department of Justice Title Standards 2001 (December 29, 2000; reprint March 23, 2001).
This certificate is to be retained in the official case file.**

11/21/14 #3992
New

CERTIFICATE OF INSPECTION AND POSSESSION
(Form # 2)

This relates to an acquisition of the following described land, or an interest therein, by the United States of America.

A. Property and project information:

1. The acquiring federal agency is: *[name the agency]*
2. The name and address of the owner(s) of the property is:
[name and address of owner]
3. The property is identified and/or described as follows:
[insert some or all of the following: agency parcel number and project name, street address, acreage, common name of property or other reference sufficient to identify it; plus the name of the county and state where it is located; plus, if available, a legal description here or on an attached exhibit]
4. The estate(s) to be acquired is/are:
[insert and identify estate (ex: fee simple, utility easement)]
5. The condemnation proceeding name and civil action number are:
[if applicable, insert the condemnation proceeding name and civil action number]

B. Certification (physical inspection): I hereby certify that on [date] _____ I made a personal examination and inspection of that certain tract or parcel of land identified above, and that I am fully informed as to the boundaries, lines and corners of said tract. On the basis of my inspection, I hereby certify that the following statements are accurate, or, if one or more statements is not accurate I have marked it/them and I have indicated on this sheet or on an attachment my findings which vary from the statement:

(date)

(signature)

(print name, title, address and telephone number)

1. No work or labor has been performed or any materials furnished in connection with the making of any repairs or improvements on said land within the past _____ months that would entitle any person to a lien upon said premises for work or labor performed or materials furnished.
2. There are no persons or entities (corporations, partnerships, etc.) which have, or which may have, any rights of possession or other interest in said premises adverse to the rights of the above-named owner(s) or the United States of America.
3. There are no vested or accrued water rights for mining, agricultural, manufacturing, or other purpose; nor any ditches or canals constructed by or being used thereon under authority of the United States, nor any exploration or operations whatever for the development of coal, oil, gas or other minerals on said lands; and there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.
4. There are no outstanding rights whatsoever in any person or entity (corporation, partnership, etc.) to the possession of said premises, nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records, as revealed by the government's title evidence.
5. Said premises are now wholly unoccupied and vacant except for the occupancy of the following, from whom disclaimer(s) of all right, title and interest in and to said premises, executed on [date] _____ has (have) been obtained:

C. Certification (owner inquiry): I hereby certify that on [date] _____
I spoke with the above-named owner(s) and with any other occupants (identified below) of said land. On the basis of my inquiry, I hereby certify that the following statements are accurate, or, if one or more statements is not accurate I have marked it/them and I have indicated on this sheet or on an attachment my findings which vary from the statement:

(date)

(signature)

(print name, title, address and telephone number)

1. No work or labor has been performed or any materials furnished in connection with the making of any repairs or improvements on said land within the past _____ months that would entitle any person to a lien upon said premises for work or labor performed or materials furnished.
2. There are no persons or entities (corporations, partnerships, etc.) which have, or which may have, any rights of possession or other interest in said premises adverse to the rights of the above-named owner(s) or the United States of America.
3. There is no outstanding unrecorded deed, mortgage, lease, contract, or other instrument adversely affecting the title to said premises.
4. There are no vested or accrued water rights for mining, agricultural, manufacturing, or other purpose; nor any ditches or canals constructed by or being used thereon under authority of the United States, nor any exploration or operations whatever for the development of coal, oil, gas or other minerals on said lands; and there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.
5. There are no outstanding rights whatsoever in any person or entity (corporation, partnership, etc.) to the possession of said premises, nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records, as revealed by the government's title evidence.
6. Said premises are now wholly unoccupied and vacant except for the occupancy of the following, from whom disclaimer(s) of all right, title and interest in and to said premises, executed on [date] _____ has (have) been obtained:

**This CIP form is taken from the Department of Justice Title Standards 2001 (December 29, 2000; reprint March 23, 2001).
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11/21/14 #3992
New

DISCLAIMER

Bureau/Office _____

County/Borough/Parish _____

ss:

State of _____

We (I) _____ being first duly sworn, depose and say (deposes and says) that we are (I am) occupying all (a part) of the land (proposed to be) (conveyed/managed] by the United States of America from _____, described as _____ acres, Tract No. _____, lying in _____ County/Borough/Parish, State of _____; that we are (I am) occupying said land as the tenants (tenant) of _____; that we (I) claim no right, title, lien or interest in and to the above-described premises or any part thereof by reason of said tenancy or otherwise and that we (I) will vacate said premises upon demand for the possession of said lands by the United States of America.

Dated this _____ day of _____, _____.
(Month) (Year)

(Tenant)

(Tenant)

Witnesses:

This document is to be retained in the official case file.

11/21/14 #3992
New

Boundary Assurance Certificate
Department of the Interior - [Bureau/Office]
[Field Office/Entity]
[Location/Address]

Boundary Assurance Certificate No. _____
RE: Office, Organization Code, and Serial Case File Identifier:

To: [Bureau/Office]
Attention:

From: [Certified DOI Land Surveyor]

Subject: Boundary Assurance Certificate (BAC)

Subject to the exceptions, conditions and stipulations, listed in Schedule B, I, _____ [Print Name] _____, DOI Land Surveyor/Certified Federal Surveyor, certify that critical records have been examined and boundaries have been inspected, and as of the Date of Boundary Assurance shown in Schedule A, assure that the Department of the Interior or its bureaus and offices will not sustain or incur a loss or damage, except as noted, based upon the stated purpose of the land or interest in land shown in Schedule A, by reason of:

1. Land Surveyor Report; and
2. Certificate of Inspection and Possession.

DOI Land Surveyor or Certified Federal Surveyor

Date

This Boundary Assurance Certificate correctly represents the records and documents compiled under my direction and control and in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

Certified DOI Land Surveyor
[] Office

Date

CONDITIONS AND STIPULATIONS

1.

This certificate is to be retained in the official case file

5. LIST OF DEFINITIONS AND USAGE OF TERMS:

The following definitions and terms are specific to the Department of the Interior *Standards for Federal Lands Boundary Evidence: A Cadastral Business Practice Standard*.

Ambiguity

Indistinct or uncertain meaning of information presented in a written instrument, including a survey plat, or extrinsic to a written instrument. See Latent Ambiguity and Patent Ambiguity.

American Land Title Association/American Congress on Surveying and Mapping Land Title Survey (ALTA/ACSM Land Title Survey)

A survey that is consistent with the minimum standard detail requirements for an ALTA/ACSM Land Title Survey. See Local Survey and Department of Justice Title Standards.

Asset

An item that is owned and has value.

Assurance

A declaration tending to inspire added confidence; not a warranty.

Authorized Officer

Any employee of the Department of the Interior who has been delegated the authority to perform the duties described as affected transactions in this chapter.

Boundary

1. Every natural and/or artificial demarcation of the bounds or territorial extent of a Federal interest asset. **2.** Limits or marks of enclosures if possession is not based upon written title, or the boundaries or limits stated in title deed if possession is pursuant to a written title.

Boundary Assurance

1. Identification of any defects, ambiguities, unwritten rights, conflicts, gaps, overlaps, possession, and failure of legal descriptions, surveys, and other boundary evidence for a tract of land, subject to stated exceptions and caveats. **2.** An assurance on potential loss or damage resulting from heretofore unknown or hidden defects or failure of boundary or land description to a particular parcel of realty, or from the enforcement of unwritten rights existing against it. See Boundary Assurance Certificate.

Boundary Assurance Certificate (BAC)

1. Official written representation by a Certified DOI Land Surveyor of defects, ambiguities, unwritten rights, conflicts, gaps, overlaps, possessions, and failure of land descriptions and other boundary evidence for a tract of land at the time of the boundary assurance. **2.** An assurance of the validity of the land description and boundary location, subject to stated exceptions and caveats. See Boundary Assurance.

Boundary Description

See Land Description.

11/21/14 #3992

New

Boundary Evidence

1. Authenticated documentation, (derived from congressional authorization, treaties, executive orders, etc.) natural features and artificial markers used to describe and fix a natural or artificial/political separation that delineates and identifies a tract of land sufficient to ascertain the actual location of the land on-the-ground. **2.** A deed or other document describing the boundary to property, or a land survey or other document locating the boundary to property, or an action or behavior upon the land determining the boundary to property. **3.** Boundary evidence is typically presented through a LSR and/or CIP Certificate. See Boundary and Evidence.

Boundary Examination

Examination and evaluation by a qualified surveyor of the completeness and accuracy of boundary location documents affecting a particular tract of Federal interest land with certification of the findings.

Boundary Location

1. The designation of the boundaries of a tract of land, either in documentation or on the land itself. **2.** The finding and marking out the bounds of a particular tract of land, upon the land itself, in conformity to a certain description contained in an entry, grant, map, etc. See Boundary.

Boundary Opinion

A statement of the sufficiency of the boundary to land for the purpose(s) for which the property is being conveyed or managed. See Sufficiency of Boundary and Title Opinion.

Cadastral National Spatial Data Infrastructure (CadNSDI)

The NSDI is the framework data sets that provide a basis to support decision-making and encourage the broad use of geographic information. The Cadastral components of the NSDI, called the CadNSDI, are the core or essential elements of cadastral information that provide the framework for building and using cadastral (land records) information nationwide.

Cadastral Survey

The process by which a parcel of land (described by a land description) is measured, its location on the face of the earth determined, and its relationship to surrounding parcels of land (also described by land descriptions) ascertained; also a statement of the result of such survey, with a narrative of process and evaluation of the evidence, including descriptions of corners and monuments, use and occupancy, courses and distances, spatial conflicts, and the quantity of land. See Official Survey and Land Survey.

Certificate

A written assurance or official representation that some act or event has or has not occurred, or of compliance with some legal formality.

Certificate of Inspection and Possession (CIP)

1. A form of boundary evidence. **2.** Official written representation by a Certified DOI Land Surveyor that there are no known unrecorded third party rights, the boundary and corners are

11/21/14 #3992

New

conflict-free, in conformance with the land description, and complete and accurate (or otherwise, as stated). See Department of Justice Title Standards.

Certified Department of the Interior Land Surveyor (CILS)

A DOI Land Surveyor who has (a) interim authority to approve Standards for Boundary Evidence (SBE) Certificates that terminates 12 months after the first SBE Certification training certificate is issued, or (b) successfully completed the Department's SBE Certification training.

Certified Federal Surveyor (CFedS)

A State licensed land surveyor who has successfully completed the certification process established by the BLM Cadastral Survey Program and is in good standing. A CFedS will perform a wide range of land survey services within the State(s) he or she is licensed to practice land surveying. Certain services will be under the direction and control of the appropriate Certified DOI Land Surveyor.

Chain of Surveys (COS)

1. A form of boundary evidence. 2. Successive land surveys, or other forms of boundary or corner information/opinion, affecting a particular parcel of land, arranged consecutively, from the government or original survey down to the latest survey or other record. See Land Surveyor Report, Local Survey, Official Survey, and Land Survey.

Chain of Title

Successive conveyances, or other forms of alienation, affecting a particular parcel of land, arranged consecutively, from the government or original source of title down to the present holder. See Department of Justice Title Standards.

Convey

To transfer a right or property; including, but not limited to, acquired, converted, divided, exchanged, partitioned, reconveyed, sold, or transferred.

Department of Justice Standards for the Preparation of Title Evidence in Land Acquisitions by the United States 2001 (DOJ Title Standards)

The mandatory guide for the preparation of evidence of title, used in connection with all acquisitions of land or interests in land by the Federal Government, whether by purchase, donation, exchange, condemnation, or in settlement of litigation. Note: These Title Standards also provide guidance for title disposal transactions.

Department of the Interior Land Surveyor (DOI Land Surveyor)

An employee of the Department of the Interior assigned to the Office of Personnel Management 1373 series performing Standards for Federal Lands Boundary Evidence work. This includes those employees who are qualified as a 1373 land surveyor, but who may be employed in another series.

Estate

The amount, degree, nature, and quality of an interest in land.

Evidence

1. Any medium of proof that furnishes or tends to furnish proof of a fact. In a court of law, the location of a land boundary constitutes an issue of fact. **2.** Any type of proof or probative matter, legally presented and admissible in a court of law through the medium of witnesses, documents, data, or tangible things, for the purpose of inducing belief in the minds of the court or jury as to their contention.

Evidence of Boundary

See Boundary Evidence.

Evidence of Title

See Title Evidence.

Federal Interest Land

Refers to any lands in which the United States holds title, an estate, or other interest, including that with a (probable) future Federal interest.

Field Investigation

1. The physical examination, inspection, and inquiry of the boundaries and corners, related local records, and of occupants of a tract of land by a DOI land surveyor or CFedS. **2.** An on-the-ground comparison of the land description and surveys of the boundaries and corners with the actual physical condition of the boundaries and corners, related local records, and occupation of a tract of land. **3.** A written report and opinion, typically expressed on the DOJ CIP form, if appropriate. See Certificate of Inspection and Possession.

Future Interest

1. A property interest in which the privilege of possession or of other enjoyment is future and not present. **2.** A future interest can exist in either the grantor (as with a reversion) or the grantee (as with a remainder or executor interest).

High Risk Boundary

High risk boundary means any boundary line or corner of Federal interest land not clearly marked on-the-ground by an official survey or acceptable local survey, e.g., unsurveyed, surveyed but not marked with regulation posts and line markers, often referred to as an antiquated boundary or antiquated survey.

High Risk Land

High risk land means any Federal interest land with high market or nonmarket value(s), e.g., adjoining highly developed non-Federal property, or with coal, oil and gas, or timber, or special area set aside for wilderness characteristics, sensitive species, plants, or views, and with a high risk boundary.

Interest

An interest in land is an estate, right, title, claim, or legal share that includes the advantages accruing from land ownership.

Land Description

That part of the transaction document of land or interest in land, which identifies the land or interest to be affected. See Land Description Review.

Land Description Review (LDR)

1. A form of boundary evidence. **2.** To examine the land descriptions of a conveyance, acquisition, conversion, transfer, transaction, or partition of land or interest in land. **3.** Examination of the land descriptions, including all exceptions, exclusions, reservations, subject to, and reversions, back to patent if necessary, of the subject tract and all surrounding tracts for the purpose of identifying patent ambiguities and actual or potential boundary conflicts. See Land Description and Land Surveyor Report.

Land Surveyor Report (LSR)

1. Official written representation by a Certified DOI Land Surveyor that the land description and/or land surveys is/are complete and accurate (or otherwise, as stated). **2.** An assurance that the land description and/or land surveys is/are free from significant error, patent ambiguities and other void or voidable conditions, subject to stated exceptions and caveats. See Chain of Surveys, Land Description Review and Patent Ambiguity.

Land Survey

1. The art of measuring and locating lines, angles, and elevations on the surface of the earth, within underground workings, and on the beds of bodies of water. **2.** Of land, the procedure by which to ascertain corners, boundaries, divisions, with distances and directions, and areas included within defined boundaries. **3.** An official survey or a local survey. See Survey.

Latent Ambiguity

Hidden; concealed; dormant; that does not appear upon the face of a thing. A latent ambiguity in a land description exists when the land description, clear on its face, is sown by some extraneous fact to present an equivocation by being susceptible to two or more possible meanings. See Ambiguity and Patent Ambiguity.

Legal Description

See Land Description.

Local Survey

Any survey of land boundaries that is not an official survey. Local surveys include (not an exclusive list): ALTA/ACSM Land Title Surveys, surveys conformal to State requirements, administrative survey. See ALTA/ACSM Land Title Survey, Official Survey, and Land Survey.

May

Gives permission to do it; discretionary.

Must

Implies required by a higher authority or a physical need; it is imperative and you feel compelled to do it.

Non-Licensed Surveyor

An individual who is practicing land surveying in a State without a survey license issued by that State.

Office Investigation

1. The examination, inspection, and inquiry of the documents describing the boundaries and corners of a tract of land by a DOI land surveyor or CFedS, without physically visiting the tract.
2. A written report and opinion, typically expressed on the LDR and/or COS certificate, if appropriate. See Land Surveyor Report.

Official Survey

1. The highest form of boundary evidence available to the Federal Government and trust beneficiaries; proof of the geographic limits of the Federal interest. 2. A formal decision by the Federal Government, subject to administrative or judicial appeal, as to the physical limit of the Federal land or interest in land. 3. The sole type of land survey to be used for the land description portion of a patent. Creates, or reestablishes, marks, and defines boundaries of tracts of land. In the general plan, of disposing of the public domain and making all needful rules and regulations in respect thereto; this is a land survey under the direction and control of the BLM State Office Chief Cadastral Surveyor, and includes the elements of a request for survey, special instructions, assignment instructions, field note record of the observations, measurements, monuments, and descriptive of the work performed; a plat that represents the official survey; all subject to review and approval of the Director, Bureau of Land Management, and officially filed in the official records of the United States. See 43 U.S.C. §§ 2 and 1737(c), and 25 U.S.C. § 176. See, by comparison, Local Survey.

Patent Ambiguity

On the surface; that appears upon the face of a thing. In real property boundary law, a patent ambiguity describes a situation in which the land description language employed is unclear and unintelligible and suggests more than a single meaning; creates a necessity for some extrinsic fact or extraneous evidence for an interpretation or a choice among two or more possible meanings; a description not plain and ambiguous so that it will fit different pieces of property, or fit the property in two or more locations or configurations. See Ambiguity and Latent Ambiguity.

Practice

Repeated or customary action; habitual performance; a succession of acts of similar kind; habit; custom; usage; application of science to the wants of human beings; the exercise of any profession.

Reversion

A future interest in land arising by operation of law whenever an estate owner grants to another a particular estate but does not dispose of the entire interest.

Shall

Required with legal connotation, i.e., Congress, court decision.

11/21/14 #3992

New

Should

Implies an obligation; discretionary.

Standard

A type, model, or combination of elements accepted as correct or perfect. Stability, general recognition, and conformity to established practice.

Standards for Boundary Evidence (SBE)

Standards for secondary sources of boundary evidence; these three sources are (1) land description review, (2) chain of surveys review, and (3) a physical inspection of the land, including inquiries as to possible unrecorded possessory and other off-record interests. Execution of SBE processes is intended to identify defections in the boundary, give guidance to managers to manage risks associated with transactions or projects.

Sufficiency of Boundary

For DOI Standards for Boundary Evidence purposes; when the boundary to the land or interest in the subject land is sufficient for the intended purpose of the transaction.

Sufficiency of Title

For Department of Justice Title Standards purposes, when the title to the land or interest in land to be purchased is sufficient for the purposes for which the Federal Government is acquiring the property. The statutory standard required before public money may be expended to purchase land or any interest in land, unless the Attorney General gives prior written approval. 40 U.S.C. § 3111(a).

Survey

See Chain of Surveys, Local Survey and Official Survey.

Title

In real property law it is the means whereby the owner of lands has the just possession of his/her property. The union of all the elements which constitute ownership. Title means the vested right or evidence of the vested right of ownership of property. See Department of Justice Title Standards.

Title Evidence

A deed or other document establishing the title to property. See Department of Justice Title Standards, Evidence and Title.

Title Examination

An examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Federal interest land with certification of the findings.

Title Insurance

1. Insurance against loss or damage resulting from defects or failure of title to a particular parcel of realty, or from the enforcement of liens existing against it at the time of the insurance. **2.** This

11/21/14 #3992

New

form of insurance is taken out by a purchaser of the property, or one loaning money, secured by a mortgage, and is furnished by companies specially organized for the purpose, and which keep complete sets of abstracts or duplicates or records, employ expert title-examiners, and prepare conveyances and transfers of all sorts. **3.** Warrants the validity of the title in any and all events, subject to standard exceptions. See Title and Title Insurance Policy.

Title Insurance Policy

An insurance policy issued by a title insurance company against loss or damage resulting from defects or failure of title to a particular parcel of realty, or from the enforcement of liens existing against it at the time of the insurance. The maximum limit of liability is fixed by the policy. The liability does not extend to exclusions and exceptions from coverage. See Title and Title Insurance.

Title Insurance Policy Exceptions

An exclusion of one or more risks; from the coverage of a title insurance policy. Two exceptions commonly included in title policies (but coverage can be purchased for both) are exceptions to “parties in possession” (no protection from unrecorded right-of-ways or vested unwritten (adverse possession) rights), and “matters which would be revealed by a survey” (typically a latent defect in a boundary location or an erroneous assumption of a boundary location). See Title Insurance Policy.

Title Opinion

A statement, customarily prepared by an attorney-at-law for a client, as to the sufficiency of the title to land for the purposes for which the property is being conveyed or managed. See Boundary Opinion.

Transaction

Any activity involving a present or future Federal interest asset.

Waiver

The procedure through which a designated bureau official voluntarily excepts a transaction (case-by-case basis) or a succession of transactions (programmatic basis) from the SBE process.

Will

1. (*verb*) Required by a regulation or policy, to have something done with a definite probability that it happens. **2.** (*noun*) A written instrument legally executed by which a person makes disposition of his or her estate to take effect after death.

6. LIST OF ACRONYMS:

List of Acronyms used in the Department of the Interior *Standards for Federal Lands Boundary Evidence*.

ACSM	American Congress on Surveying and Mapping
ALTA	American Land Title Association
AO	Authorized Officer
BAC	Boundary Assurance Certificate
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
CadNSDI	Cadastral National Spatial Data Infrastructure
CFedS	Certified Federal Surveyor
CILS	Certified DOI Land Surveyor
CIP	Certificate of Inspection and Possession
COS	Chain of Surveys
DM	Departmental Manual
DOI	Department of the Interior
DOJ	Department of Justice
FGDC	Federal Geographic Data Committee
FWS	Fish and Wildlife Service
GIS	Geographic Information System
GLO	General Land Office
ICCC	Interagency Cadastral Coordination Council
LDR	Land Description Review
LSSR	Land Survey Services Request
LSR	Land Surveyor Report

11/21/14 #3992

New

MLB	Management of Land Boundaries
NPS	National Park Service
OIG	Office of Inspector General
OMB	Office of Management and Budget
OPM	Office of Personnel Management
PLSS	Public Land Survey System
SBE	Standards for Boundary Evidence
SOI	Secretary of the Interior
U.S.	United States
U.S.C.	United States Code