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Subject

H-9600-1 – CADASTRAL SURVEY HANDBOOK (P)  
Management of Land Boundaries

1. Explanation of Material Transmitted: This Handbook provides guidance for Management of Land Boundary (MLB) services and Standards for Boundary Evidence (SBE) processes. The services and processes include cost recovery in commercial projects; when to increase the scope of a cadastral survey; high risk lands with high risk boundaries projects; and marking and posting the boundaries of BLM-administered lands.

The origins of the guidance include Washington Office Instruction Memoranda:

Chapter I	IM No. 2011-122
Chapter II	IM No. 2012-060
Chapter III	IM No. 2012-095
Chapter IV	IM No. 2012-178
Chapter V	IM No. 2014-015
Chapter VI	IM No. 2006-113

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3. Material Superseded: None.

4. Filing Instructions: Insert pages as instructed below.

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All of Rel. No. 9-404  
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**Table of Contents**

**Chapter 1. Providing Adequate Cadastral Survey of Boundary Evidence Prior to the Approval of Significant Land and Resource Transactions and Commercial Projects..I-1**

A. Introduction.....I-1

B. Background.....I-2

C. Process for Significant Land and Resource Transactions and Commercial Projects .....I-4

D. Frequently Asked Questions .....I-7

E. Worksheets and Certificates .....I-12

**Chapter 2. Guidance for Use of Three Action Codes in Legacy Re-host 2000 to Demonstrate Compliance ..... II-1**

**Chapter 3. Cost Recovery of Cadastral Program Services in Commercial Projects ..... III-1**

A. Introduction..... III-1

B. Process for Commercial Projects ..... III-2

C. Standard Stipulation – Protection of Survey Corner and Boundary Line Markers ..... III-4

D. Frequently Asked Questions ..... III-4

**Chapter 4. When to Increase the Scope of Benefiting Activity and Reimbursable Cadastral Surveys and How to Fund Expanded Surveys.....IV-1**

**Chapter 5. Request for Nominations of High Risk Lands with High Risk Boundaries V-1**

A. Introduction..... V-1

B. OIG High Risk Land / High Risk Boundary General Guidance ..... V-2

C. OIG High Risk Land / High Risk Boundary Nomination Questionnaire ..... V-4

D. OIG High Risk Land / High Risk Boundary Project Completion Questionnaire ..... V-6

**Chapter 6. Marking and Posting of Bureau of Land Management Property and Jurisdictional Boundaries .....VI-1**

## **Chapter 1. Providing Adequate Cadastral Survey of Boundary Evidence Prior to the Approval of Significant Land and Resource Transactions and Commercial Projects**

### **A. Introduction**

This chapter provides guidance to ensure adequate cadastral survey review of boundary evidence prior to the approval of significant land and resource transactions and commercial projects.

The following policies and procedures apply to significant land and resource transactions and to significant commercial projects (a) by the Bureau of Land Management (BLM), (b) by others through land and resources administrated by the BLM, and (c) on non-BLM lands that impact BLM-administered lands. These policies and procedures are consistent with the Department of the Interior (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, 2009 (OIG Report) including the BLM response of April 2, 2010, and the Assistant Secretary for Land and Minerals Management (ASLM) supplemental response of August 6, 2010. When in conflict, Departmental Manual, Public Land Policy, *Standards for Federal Lands Boundary Evidence* (600 DM 5) supersedes these instructions and directives on the technical subjects contained therein.

This policy clarifies existing BLM duties and responsibilities to administer, coordinate, and protect public lands. Additionally, this policy outlines steps to carry out these duties and responsibilities including the use of “Standards for Boundary Evidence” (SBE) principles and a risk-based approach to management of land boundaries (MLB) procedures associated with significant land and resource transactions and commercial projects.

Prior to the approval of significant land and resource transactions and commercial projects, the responsible field office will provide the necessary documents to the respective State Office Chief Cadastral Surveyor as defined in this policy. Within 15 work days of receipt of the required information, the State Office Chief Cadastral Surveyor will provide a response with a recommended plan of action. If an SBE Certificate will suffice in managing the boundary risk at acceptable levels, without additional field work activity(s), this certificate will be provided within an additional 10 work days.

Section C provides instructions for implementation of this chapter for processing significant land and resource transactions and commercial projects.

Section D is a list of frequently asked questions (FAQ).

Section E provides the worksheets requesting Cadastral Survey’s review of the boundary evidence and the certificates documenting the review in carrying out this policy (the worksheets and the LDR and COS certificates have been superseded, see 600 DM 5 for appropriate documents):

Land Description Review (LDR) Worksheet	LDR Certificate
Chain of Surveys (COS) Worksheet	COS Certificate
Certificate of Inspection and Possession (CIP) Worksheet	CIP
Boundary Assurance Certificate (BAC) Worksheet	BAC

## **B. Background**

The OIG found that land and resource “. . . transactions on lands with unreliable boundary surveys and high value resources were routinely processed and approved without the benefit of boundary evidence review by Cadastral Survey personnel,” and that “using proper risk management procedures, less expensive cadastral services, and other procedures can make this work very cost effective.”

The OIG further reported “that the BLM’s Cadastral Survey program was missing the opportunity to identify and perform surveys on high risk lands where significant potential revenues could be collected by the Department or Indian Tribes. . . . This revenue could result from the collection of fees or royalties from identifying (a) unauthorized uses including rights-of-way violations and (b) the improper removal of oil, gas, timber, or other resources from Federal or Indian lands. The Cadastral Survey program, however, has not developed an adequate system to identify high risk lands or attributes in need of survey.” The BLM also expects savings to its budget and increase to Federal revenues, as trespass, encroachments, related litigation, and loss of public land and resources will be identified and prevented.<sup>1</sup>

The OIG reported that a BLM-Bureau of Indian Affairs (BIA) practice promised to be less costly and time-consuming cadastral services as documented in the Departmental Manual chapter “Standards for Indian Trust Lands Boundary Evidence” (303 DM 7).<sup>2</sup> The SBE reviews can be completed at substantially less cost than an Official Survey, thus providing additional resources for land, resource, and project management.

The OIG Report made nine recommendations related to management of land boundaries. The BLM response to Recommendation 4 stated that some examples of transactions with high valued attributes are (1) sites proposed for renewable energy leases involving significant investment and capital improvements, (2) the disposal of high valued resources such as timber and minerals, and (3) the management of high resource value treasured landscapes regardless of market value. The BLM will apply the best practices described in 303 DM 7 to the BLM’s significant land and resource transactions. The BLM response to Recommendation 5 stated that the BLM will develop an Instruction Memorandum to institute this new policy on Cadastral Survey involvement in commercial projects requiring that Cadastral Survey evaluate the boundary risk

<sup>1</sup> The OIG Report’s conclusion is that, with proper survey and management of high risk lands with antiquated surveys, there is the potential to generate hundreds of millions of dollars in revenue from lands with valuable surface and subsurface resources.

<sup>2</sup> The Standards for Boundary Evidence for Indian trust, restricted, and fee lands were developed in concert with the Department’s Fiduciary Trust Model (FTM) and has been successfully implemented. The accompanying BLM Manual and Handbook, 9672 and H-9672-1 have been finalized.

attributes of all significant commercial projects and develop plans to mitigate the risks associated with any high risk boundary attributes. See Chapter 3. The BLM will apply the best practices described in 303 DM 7 to commercial projects.<sup>3</sup>

While the BLM has the necessary authority to survey Federal interest lands, including special use and future interest boundaries, Official Surveys<sup>4</sup> can be expensive relative to the value of the land and resource transaction and to the risks associated with uncertain legal boundary location, and are therefore an inefficient solution. For this reason, a secondary source of Boundary Evidence, i.e., less costly with relatively quick turnaround, has been developed to quantify the risk in a timely manner for the field manager. The final decision to proceed with transactions and commercial projects remains with the Field Manager/Authorized Officer.

When an SBE Certificate is requested via a Worksheet, a permanent file is created to formalize and standardize the subsequent decision-making process. Additional research and analysis may be performed prior to including land or resources in a transaction or commercial project area of interest, depending on the risk associated with the value of the asset(s) and on the condition of the boundary and markers. The analysis will take into consideration the appropriateness of continuing with the transaction or commercial project versus improving an antiquated land boundary, and the potential level of interference with regard to existing programs and operations and project objectives.

Mostly, implementation of a significant land and resource transaction or commercial project is discretionary. Land use plans and associated National Environmental Policy Act (NEPA) documents should be reviewed for consistency, and all available information on the condition of the boundary and markers should be considered when providing recommendations on the SBE Certificate.

This policy was coordinated with ASLM, BLM field offices, Division of Lands, Realty and Cadastral Survey (WO-350), and the Solicitor's Office.

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<sup>3</sup> OIG Recommendation 4: Develop and implement a plan to ensure Cadastral Survey reviews the adequacy of boundary evidence prior to the approval of significant land and resource transactions. BLM Response: The BLM concurred with this recommendation and will develop an Instruction Memorandum requiring Cadastral Survey program certification of all legal descriptions, the adequacy of boundary infrastructure, and the records of survey for all high valued land and resource transactions.

OIG Recommendation 5: The original OIG Recommendation 5 was: Develop and implement a plan to ensure Cadastral Survey has oversight of all significant commercial projects. The BLM did not concur with the recommendation as written. The BLM agreed that the Cadastral Survey Program should play a more central role in significant commercial projects; however, the BLM did not believe that Cadastral Survey should assume an oversight role and that the oversight should remain with the BLM project manager to ensure that the necessary elements of these transactions are coordinated and completed, while at the same time requiring that the Cadastral Survey component is a mandatory part of the process. The OIG concurred with BLM's response and revised the recommendation to require that project managers coordinate with Cadastral Survey on all significant commercial projects. The final OIG Recommendation 5 is: Develop and implement a plan to ensure that project manager's coordinate with Cadastral Survey on all significant commercial projects to evaluate boundary risks.

<sup>4</sup> In this chapter, the terms "official surveys," "Federal authority surveys," and "cadastral surveys" have the same meaning and are used interchangeably.

## C. Process for Significant Land and Resource Transactions and Commercial Projects

### 1. General Guidance

*Land transaction* (transaction) typically involves land disposals, exchanges, withdrawals, designations, and acquisitions.

*Resource transaction* (transaction) includes the sale of resources such as timber, sand, and gravel, and also the sale or lease of coal and oil and gas extraction. Additionally, resource transactions involve the permitting of rights-of-way for solar and wind projects for energy transmission.

*Significant land and resource transaction* (significant transaction) is any transaction involving \$10,000 or more in land and/or resource value.

Each significant transaction will, as early in the transaction planning stage as practicable, include a Cadastral Survey review of the sufficiency of the boundary evidence for the intended purpose where any part of the transaction is within 1/4 mile of a boundary.

*Commercial Project* (project) typically involves rights-of-way, transmission corridors, extraction of oil, gas, or other valuable minerals, and permanent capital improvements, e.g., structures and utilities infrastructure, by a commercial entity at the invite of an agency or by self-initiative.

*Significant commercial project* (significant project) is any commercial project involving \$10,000 or more in land, resource, and/or capital improvement.

Each significant commercial project will, as soon as practicable after the Authorized Officer (AO) receives notice, include a Cadastral Survey review of the sufficiency of the boundary evidence for the intended purpose where any part of the project is within 1/4 mile of a boundary.

All transactions and projects within a protraction diagram or potentially impacting a body of water will include a Cadastral Survey review. Interstate transactions and projects requiring a Cadastral Survey review will be submitted to Cadastral Survey for each state. For interstate projects, the Cadastral Survey Office in the lead BLM state office for the project will be designated the lead for SBE processes and related purposes.

*Boundary* is any demarcation, surface or subsurface, fee, administrative, or special, between (a) fee ownerships, or (b) areas governed by different management or ownership regime, e.g., land subject to mineral entry adjoining land with special designation such as National Landscape Conservation System (NLCS) or withdrawal boundaries.

*Cadastral Survey* is used to mean the BLM State Office Chief Cadastral Surveyor and his or her delegate with jurisdiction where a transaction or project is located.

Early in the planning of any transaction or project, a determination of the value will be made and documented in the serial case file. This determination is made by the AO. Upon the determination that a transaction or project is significant, a completed SBE Worksheet signed by the AO will be submitted to Cadastral Survey. For transactions and projects that are determined to be not significant, the documentation will be filed in the serial case file with a copy to Cadastral Survey.

The “Department of the Interior Standards for Federal Lands Boundary Evidence” (600 DM 5) supersedes all instructions and guidance in this Handbook on the technical subjects contained therein. The “Department of the Interior Standards for Indian Trust Lands Boundary Evidence” (303 DM 7) and the accompanying BLM Manual and Handbook, 9672 and H-9672-1, will be followed as closely as practicable, except where superseded on subjects contained in this Handbook.

If the land description of the significant transaction or project does not conform to the Public Land Survey System (PLSS), a land description will be agreed to by the AO and Cadastral Survey for SBE Worksheet purposes.

Costs associated with preparation of the SBE Worksheets and Certificates will be determined in accordance with Cost Recovery regulations and the accounts set up thereunder, benefiting activity, or commercial entity(s). It is expected special accounts will be utilized to cover the costs when appropriate.

The AO will ensure compliance with the NEPA and other legal and policy requirements. The BLM is reluctant to direct survey resources in those geographical areas previously surveyed adequately for land management purposes. The protective and preserving process outlined in the standard stipulation will support enduring maintenance of the PLSS and preserve BLM administered land boundaries and areas after surface disturbances have taken place.

## **2. Standard Stipulation – Protection of Survey Corner and Boundary Line Markers<sup>5</sup>**

The responsible party will identify and protect evidence of the PLSS and related Federal property boundaries<sup>6</sup> prior to commencement of any ground-disturbing activity.<sup>7</sup> Contact

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<sup>5</sup> The costs to replace PLSS monuments can vary substantially, and in extreme cases could cost as much as \$10,000 per single monument. One PLSS corner can determine the location of boundary lines from two to two dozen parcels (in developed and high value areas more than two dozen separate land parcels). It is difficult to quantify damages to the public and private landowners because a PLSS corner has been obliterated or lost, or when transactions or projects are based on approximate boundaries. The damage done is often in direct proportion to the amount of capital investment/value of natural resources and capital investment on each parcel.

<sup>6</sup> As directed in 43 CFR 3809.420 – Surface Management – (b)(9) *Protection of survey monuments*. To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.

BLM Cadastral Survey to coordinate data research, evidence examination and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence, the responsible party shall immediately report the incident, in writing, to the AO. BLM Cadastral Survey will determine how the marker is to be restored. In rehabilitating or replacing the evidence, the responsible party will reimburse the BLM for costs or, if instructed to use the services of a Certified Federal Surveyor, procurement shall be per qualification-based selection.<sup>8</sup> All surveying activities will conform to the Manual of Surveying Instructions and appropriate State laws and regulations. Cadastral Survey will review local surveys before being finalized or filed in the appropriate State or county office. The responsible party will pay for all survey, investigation, penalties, and administrative costs.<sup>9</sup>

In light of changing resource values, new information, and policy, the preparation of the SBE Worksheet and Certificate may involve site visits by Cadastral Survey to supplement or validate existing data (including information related to ongoing activities) or to gather new information in order to make an informed Worksheet/Certificate.

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<sup>7</sup> It is unlawful for the unauthorized alteration or removal of any Government survey monument or marked trees: “Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined under this title or imprisoned not more than six months, or both” (108 Stat. 1796, 2146; 18 U.S.C. 1858). The willful destruction of monuments and corners of an official mineral survey is within the purview of this statute.

<sup>8</sup> Procurement of surveying services shall be per the Federal Acquisition Regulations and the Brooks Act governing Federal procurement of certain architectural and engineering services.

<sup>9</sup> Applicable to collection of costs from responsible parties is indirect costs. Each year a new indirect cost rate is determined that typically ranges from 17-23 percent. This cost is applied to all collections related to cadastral survey service oversight of commercial projects and unauthorized use.

## **D. Frequently Asked Questions**

### What are the Standards for Boundary Evidence (SBE)?

The SBE provides a standardized risk-based system of identifying and documenting boundary evidence for BLM administered lands. We designed the SBE to assist BLM managers in determining that the boundary evidence is sufficient for the intended land and resource transaction or commercial project.

### What will change?

You will be requested to complete the SBE Worksheet in coordination with your Cadastral Surveyor. You will then be given an opinion on the condition of the boundary evidence in the area of interest of land and resource transactions and commercial projects.

### Why now?

With this change in MLB policy, the BLM will resolve and implement Recommendations 4 and 5 of the DOI OIG 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 ASLM (August 6, 2010) (OIG Report).

### How do SBE work?

The SBE takes the complex work of the MLB and breaks it down into the basic legal and practical components. The SBE use expertise of field and program managers, realty and resource specialists, transaction and project managers, and land surveyors working in a collaborative manner to identify and assess errors and misrepresentation in the public record. Land tenure professionals work together and report their boundary evidence findings via standardized and formalized documentation, known as the SBE, to meet BLM’s MLB responsibilities and obligations.

### Who will benefit?

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

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

Title Standards seek to identify and eliminate title defects. Cadastral Surveys perform the same functions with respect to boundary defects that may cloud title. The SBE helps to identify when

a cadastral survey is not necessary for a successful land and resource transaction or commercial project.

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

No. Transactions and projects with less than \$10,000 in value or more than 1/4 mile from a boundary, except those in a protraction diagram or against a body of water, do not have to go through the SBE process. When not required, the SBE does not change current governing policies.

Why is the threshold for a significant transaction and a significant commercial project \$10,000?

Although this number is somewhat arbitrary, a \$10,000 threshold for determining exactly which transactions and projects are significant will generate the appropriate number of cases with potential high revenue/value to be handled. 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 is it known that a \$10,000 threshold will generate a manageable number of cases?

Evidence from the OIG Report suggests that \$10,000 is an appropriate threshold amount for a significant transaction and project. While this value is low, relative to the value of most pieces of land and their respective resources and to commercial projects, a large portion of cases will be handled without the need of an Official Survey or SBE Certificate(s). The OIG reports that 50 percent of all boundaries have fair to high reliability, meaning that they were last surveyed since 1910. Cases involving these boundaries will likely be handled using only *records* of these particular boundaries. It is likely that only 50 percent or less of cases may require field verification.

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

The value of transactions and projects will be estimated by the AO. There are principles by which value is typically determined. Resources have a market rate which will be used in determining their value, and land, much the same, has a market rate. Income from commercial projects can be estimated. In addition to the market rate for land, non-resource factors, such as aesthetic value, wildlife, etc., will also be analyzed in determining the proper value for any given transaction.

What is provided?

The AO is provided an SBE Certificate(s). The certificate(s) addresses the type of risk associated with the transaction or project caused by ancient, antiquated, or obliterated boundaries, excluding those matters which can only be determined by survey. The investigation of the boundary evidence is conducted by a cadastral surveyor or CFedS.

What is new?

The standardization of existing work processes and formalized documentation of the work product is established. 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 Bureau of Indian Affairs (BIA) Regions and BLM Field Offices.

Who is responsible for a safe and efficient transaction or project?

The AO is in charge and ultimately responsible for the outcome. The SBE provide, in some cases, more efficient and cost effective tools than a cadastral survey to accomplish the transaction or project in the most efficient and safe manner.

With the Standards will I ever need a survey?

Yes. There will be cases where the SBE Certificate(s) will describe higher risks to the transaction or project than a prudent manager will want to assume. After consultation with Cadastral Survey about what the limitations in the certificate(s) mean and your knowledge of the intended transaction or project, you may decide you need to know more details that can only be revealed by an official survey. In some transactions or projects, the need for an unambiguous land description or corner and boundary markers does require an official survey.

If I know I want a Cadastral Survey will I have to go through the SBE process?

No. The SBE is not mandatory when an AO requests an official survey just as they could before, but the BLM Cadastral Survey Program, based upon research conducted prior to every survey, may provide the AO with a less expensive or faster solution, e.g. SBE Certificate(s).

If I have a local or administrative survey, how will the SBE benefit me?

The SBE provides a tool for Cadastral Survey to review local and administrative (unofficial) surveys. The Chain of Surveys Certificate can alert you to risks to transactions and projects associated with such surveys.

How will the SBE benefit Field Offices, Land and Resource Program Managers, and Commercial Project Managers?

The SBE provide a standardized process and documentation for the exchange of information between the offices and managers (those who deal with the transaction or project “what” and “who”) and the boundary experts (those who deal with the “where” of the transaction or project). Surveyors are trained to identify latent ambiguities in legal descriptions and boundary encroachments. Surveyors interpret survey and land description records 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 and/or trespass.

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

A surveyor brings the unique knowledge combination of title records, survey records, and physical boundary evidence. A surveyor is trained to distinguish between ownership corner markers and spurious boundary markers. In most cases, but not in every case, the surveyor can tell by inspection, with records research, whether a fence or other use or occupancy line is the true boundary.

What is a Standards for Boundary Evidence (SBE) Certificate?

An SBE Certificate is a management tool for BLM transaction and project managers. An SBE Certificate is not a land survey. An SBE Certificate is a non-survey alternative which can be used by the BLM and companies for the purpose of assuring that the boundary evidence is sufficient for the intended transaction or project.

How is a SBE Certificate prepared?

The SBE Certificate process is the result of the latest innovative and advanced land boundary management techniques supported by automated survey and land records, photography, mapping, and computer software that provides BLM managers and public land users with sufficient detail to satisfy their transaction and project spatial requirements.

Is it a survey?

No. While it is true that the SBE process cannot furnish the kind of detail that would be available through an Official Survey, it is sufficiently specific and detailed to satisfy the AO's land boundary management requirements for many transactions and projects.

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

Ongoing field office discussions with Federal stakeholders and the public must emphasize that an SBE Certificate is not an Official Survey and does not satisfy the needs that can only be fulfilled by an Official Survey. An SBE Certificate can be sufficient to quantify the risk associated with transactions and projects related to boundary location. SBE Certificates are permanently filed for future reference.

What is the estimated cost savings?

By maximizing Cadastral Survey's limited and specialized expertise, the savings will be significant. It is estimated that with implementation of the SBE process, a savings of 8 percent in direct land boundary management costs and 6 percent in work months per year can be achieved. This is equivalent to eight additional cadastral survey projects a year being completed. The potential savings in litigation avoidance is difficult to estimate but could also be significant. Some cases, however, are less obvious but have the potential for recovering millions of dollars in

revenue from unauthorized rights-of-way and/or the unauthorized extraction of oil, gas, or other valuable minerals.<sup>10</sup>

Where is the increased capacity?

The SBE process allows the BLM to increase its cadastral services capacity without sacrificing quality.

Can the SBE process be changed?

Yes. The SBE process will be subject to amendment as experience teaches us how to improve them.

Who bears the cost for the SBE process?

The program, commercial entity, or land owner requesting the work is responsible for the cost. Costs associated with preparation of the SBE Worksheet and Certificate(s) will be determined in accordance with cost recovery regulations and the accounts set up there under, benefiting activity, or commercial entity(s). It is expected that special accounts will be utilized to cover the costs when appropriate.

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

The subdivision of a protracted section is not allowed. However, there may be an exception if the transaction or project is in a township with an Amended Protraction Diagram. For more details, contact your Chief Cadastral Surveyor.

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

Consult with your Chief Cadastral Surveyor.

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<sup>10</sup> OIG Final Audit Report, “Department of the Interior’s Management of Land Boundaries” (C-IN-MOA-0001-2009), July 2010.

## E. Worksheets and Certificates

### Standards for BLM Administrated Lands Boundary Evidence<sup>11</sup> Worksheets and Certificates

#### Land Description Review (LDR) Worksheet, LDR Certificate, Chain of Surveys (COS) Worksheet, COS Certificate, Certificate of Inspections and Possession (CIP) Worksheet, CIP, Boundary Assurance Certificate (BAC) Worksheet, and BAC

The LDR, COS, and CIP each address a separate important component that make up boundary evidence. A BAC can be issued only where all three, LDR, COS, and CIP, have been compiled. However, in many cases only one or two of the SBE certificates are needed. A brief explanation of each follows (the worksheets and the LDR and COS certificates have been superseded, see 600 DM 5 for appropriate documents):

#### 1. Land Description Review (LDR)

The LDR consists of two parts: the LDR Worksheet and the LDR Certificate. The worksheet should contain all of the relevant information known to the submitting official or entity. Depending upon the needs of the field office (FO) or AO, the LDR can provide a number of informational services, including:

- a. The review of boundary description(s) of land and/or interests in land, including surrounding interests when necessary;
- b. The condition of the corner monuments and boundary line markings, and the practicability of the boundaries for the intended land use based upon:
  - a. minimal research to provide a general summary,
  - b. a search of official records within the BLM Cadastral Survey Office, or
  - c. a search of official records, other Federal records, local public records, private records, and a field inspection;
- c. The condition of the Geographic Coordinate Data Base (GCDB) or the Cadastral Geographic Information System (CGIS) on the tract corners and boundaries;
- d. Reporting of the official area (area returned based upon the official plat);
- e. Reporting of area based upon other sources; and/or
- f. Other related information (after a discussion between the AO and Cadastral Survey).

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<sup>11</sup> When in conflict, reference should be made to Departmental Manual, Public Land Policy, *Standards for Federal Lands Boundary Evidence* (600 DM 5). When not in conflict, reference should be made to Departmental Manual Indian Trust Responsibilities, *Standards for Indian Trust Lands Boundary Evidence* (303 DM 7). BLM's Manual 9672 and Handbook H-9672-1 supplement 600 DM 5 and 303 DM 7.

The LDR will require a search of all possible sources of title and related documents. A Cadastral Surveyor or a CFedS conducts an LDR under the direction and control of the State Office Chief Cadastral Surveyor.

## **2. Chain of Surveys (COS)**

The COS consists of two parts: the COS Worksheet and the COS Certificate. The worksheet should contain all of the relevant information known to the submitting official or entity.

Depending upon the needs of the FO or AO, the COS can provide a number of informational services, including:

- a. 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;
- b. A history of corner recovery, a description of every visit to a corner:
  - a. without a field visit, or
  - b. with a field visit;
- c. A history of lines, a description of every record or computed measurement between corners;
- d. The practicability of the corners and/or lines for the intended land use based upon the COS; and/or
- e. Other related information (after a discussion between the AO and Cadastral Survey).

The COS will require a search of all possible sources of surveys and related documents, including official and local, recorded and unrecorded, public and private records. A Cadastral Surveyor or a CFedS conducts a COS under the direction and control of the State Office Chief Cadastral Surveyor.

## **3. Certificate of Inspection and Possession (CIP)**

A CIP consists of worksheets and the two forms of CIP from the Department of Justice (DOJ). These forms are contained in the “*Standards for the Preparation of Title Evidence in Land Acquisitions by the United States 2001.*” The DOJ forms are attached and are also available at <http://www.usdoj.gov>. See the DOJ Title Standards for use of the forms for title evidence. The DOJ forms are the only acceptable forms. Referenced attachments providing further explanations and clarifications are encouraged.

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 corners and boundary lines by a Cadastral Surveyor or CFedS, under the direction and control of the State Office Chief Cadastral Surveyor for acquisitions, exchanges, withdrawals, leases, permits, conversions, transfers, partitions, rights-of-ways, land and resource transactions, commercial projects, and other activities.

FOs and AOs are encouraged to have the persons who are to inspect the property for among other things cultural, engineering, historical, hazardous, or environmental matters, coordinate their inquiries and inspections with the boundary evidence examination.

#### **4. Boundary Assurance Certificate (BAC)**

Subject to limitations, a BAC consists of a statement of known boundary location defects, conflicts, ambiguities, gaps, overlaps, unwritten rights, and failure of legal descriptions, surveys, use and occupancy, and other boundary evidence for a tract of land, certified to by a Cadastral Surveyor or CFedS. The State Office Chief Cadastral Surveyor approves and signs the BAC.

**CAUTION:** A BAC is not an official survey or a local survey, and should not be used in lieu thereof. An actual survey may reveal further evidence or clarify the proper use of existing evidence thereby resulting in a different corner or boundary location than indicated in the BAC.

**Land Description Review Worksheet**  
 United States Department of the Interior - Bureau of Land Management  
 [Field Office/Entity] [Location]

To: [State Office] Cadastral Survey  
 Attention: [Chief Cadastral Surveyor]

By: [Print - Cadastral Surveyor or Certified Federal Surveyor]

Subject: Land Description Review (LDR) Worksheet

<b>BLM LAND AREA CODE:</b>	<b>TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:</b>	<b>PURPOSE:</b>

Please review the land description(s) in the attached document(s) for the purpose identified above. Complete the attached interoffice memo and return them for filing in the official case file [when applicable]. The purpose for the LDR is:

In addition, report upon (check box(s), and within the brackets circle the service(s)):

- Condition of corner monuments based upon (existing knowledge or office investigation or field investigation).
- Condition of boundary line marking based upon (existing knowledge or office investigation or field investigation).
- Practicability of the boundaries for compliance with the stated purpose based upon (existing knowledge or office investigation or field investigation).
- Condition of Geographic Coordinate Data Base (GCDB).
- Acres determined from GLO/BLM records.
- Acres determined by other means.
- Other - \_\_\_\_\_.

The LDR Certificate is needed by: [Insert Date]

Authorized Officer:

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

Date Received By Cadastral Survey: \_\_\_\_\_ Received By: \_\_\_\_\_

Attachments:

*This worksheet is to be retained in the official case file.*

**Land Description Review Certificate**

United States Department of the Interior - Bureau of Land Management  
 [Field Office/Entity]  
 [Location]

To: [Field Office or Other]  
 Attention:

From: [Chief Cadastral Surveyor]  
 [State Office]

Subject: Land Description Review (LDR) Certificate

BLM LAND AREA CODE:	TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:	PURPOSE:

By LDR Worksheet received by this office on [Date from Worksheet], the land description(s) as stated in the attached document(s) for the above referenced action has been reviewed. The following determination has been made:

*(Check one!)*

<input type="checkbox"/>	The land description is acceptable as written and presented for the stated purpose, see comments below.
<input type="checkbox"/>	The land description has potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
<input type="checkbox"/>	The land description has potential problems and should not be used as written for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this description should be used.

Sufficiency of the land description for the stated purpose:

Comments/Concerns/Corrections:

Condition of corner monuments:

Condition of boundary line marking:

Condition of Geographic Coordinate Data Base (GCDB):

I certify that the parcel described on the attached conveyance document contains the following acreage(s):  
 \_\_\_\_\_ acres determined from GLO/BLM official records.

\_\_\_\_\_ acres determined by \_\_\_\_\_.

Certification: This Land Description Review correctly represents the records and documents compiled by me or under my direct supervision in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.

<i>Name: Cadastral Surveyor or Certified Federal Surveyor</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature]		
[Print Name]		

Certification: This Land Description Review correctly represents the records and documents compiled under my direction and control and in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.

<i>Name: Chief Cadastral Surveyor</i>	<i>Contact Information:</i>	<i>Date:</i>
[Signature]		
[Print Name]		

Attachments:

*This certificate is to be retained in the official case file.*

**Chain of Surveys Worksheet**

United States Department of the Interior - Bureau of Land Management  
 [Field Office/Entity] [Location]

To: [State Office] Cadastral Survey  
 Attention: [Chief Cadastral Surveyor]

By: [Print - Cadastral Surveyor or Certified Federal Surveyor]

Subject: Chain of Surveys (COS) Worksheet

<b>BLM LAND AREA CODE:</b>	<b>TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:</b>	<b>PURPOSE:</b>

With reference to the land description(s) in the attached document(s) for the purpose identified above, complete the attached interoffice memo and return them for filing in the official case file [when applicable]. The purpose for the COS is:

In addition, report upon (check box(s), and within the brackets circle the service(s)):

- A history of corners (without a field visit or with a field visit).
- A history of lines and measurements.
- Practicability of the corners (and/or) boundaries for the stated program purpose based upon the chain(s) of surveys certification.
- Other - \_\_\_\_\_.

The COS Certificate is needed by: [Insert Date]

Authorized Officer:

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

Date Received By Cadastral Survey: \_\_\_\_\_ Received By: \_\_\_\_\_

Attachments:

*This worksheet is to be retained in the official case file.*

**Chain of Surveys Certificate**

United States Department of the Interior - Bureau of Land Management  
 [Field Office/Entity]  
 [Location]

To: [Field Office or Other]  
 Attention:

From: [Chief Cadastral Surveyor]  
 [State Office]

Subject: Chain of Surveys (COS) Certificate

BLM LAND AREA CODE:	TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:	PURPOSE:

By COS Worksheet received by this office on [Date from Worksheet], the chain of surveys for the attached land description(s) for the above referenced action has been compiled. The following determination has been made:

*(Check one!)*

	The land surveys are acceptable for the stated purpose, see comments below.
	The land surveys have potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
	The land surveys 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 the surveys should be used.

Sufficiency of the surveys for the stated purpose:

Comments/Concerns/Corrections:

Corner History:

Line and Measurement History:

Certification: This Chain of Surveys correctly represents the records and documents compiled by me or under my direct supervision in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.

<i>Name: Cadastral Surveyor or Certified Federal Surveyor</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature]		
[Print Name]		

Certification: This Chain of Surveys correctly represents the records and documents compiled under my direction and control and in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.

<i>Name: Chief Cadastral Surveyor</i>	<i>Contact Information:</i>	<i>Date:</i>
[Signature]		
[Print Name]		

Attachments:

*This certificate is to be retained in the official case file.*

**Certificate of Inspection and Possession Worksheet**  
 United States Department of the Interior - Bureau of Land Management  
 [Field Office/Entity]  
 [Location]

To: [State Office] Cadastral Survey  
 Attention: [Chief Cadastral Surveyor]

By: [Print - Cadastral Surveyor or Certified Federal Surveyor]

Subject: Certificate of Inspection and Possession (CIP) Worksheet

<b>BLM LAND AREA CODE:</b>	<b>TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:</b>	<b>PURPOSE:</b>

With reference to the land description(s) in the attached document(s) for the purpose identified above, complete the attached interoffice memo and return them for filing in the official case file [when applicable]. The purpose for the CIP is:

In addition, report upon what is known about (check box(s)):

- Condition of corner monuments.
- Condition of boundary line marking.
- Practicability of the boundaries for compliance with the stated purpose.
- Other - \_\_\_\_\_.

The CIP is needed by: [Insert Date]

Authorized Officer:

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

Date Received By Cadastral Survey: \_\_\_\_\_ Received By: \_\_\_\_\_

Attachments:

*This worksheet is to be retained in the official case file.*

**Certificate of Inspection and Possession**  
(Form # 1)

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:** 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 also 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:

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*This certificate is to be retained in the official case file.*

**This CIP form is taken from the Department of Justice Title Standards 2001.**

**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:

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**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:

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*This certificate is to be retained in the official case file.*

This CIP form is taken from the Department of Justice Title Standards 2001.

**Disclaimer**

Reservation/Tribe(s)/Administrative Unit \_\_\_\_\_

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:  
  
\_\_\_\_\_

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

**Boundary Assurance Certificate Worksheet**  
 United States Department of the Interior - Bureau of Land Management  
 [Field Office/Entity]  
 [Location]

To: [State Office] Cadastral Survey  
 Attention: [Chief Cadastral Surveyor]

By: [Print - Cadastral Surveyor or Certified Federal Surveyor]

Subject: Boundary Assurance Certificate (BAC) Worksheet

<b>BLM LAND AREA CODE:</b>	<b>TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:</b>	<b>PURPOSE:</b>

With reference to the land description(s) in the attached document(s) for the purpose identified above complete the attached interoffice memo and return them for filing in the official case file [when applicable]. The purpose for the BAC is:

The Boundary Assurance Certificate is needed by: [Insert Date]

Authorized Officer:

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

Date Received By Cadastral Survey: \_\_\_\_\_ Received By: \_\_\_\_\_

Attachments: For the land identified above, copies of the Land Description Review Certificate, Chain of Surveys Certificate, and Certificate of Inspection and Possession signed by the Chief Cadastral Surveyor, with the case file for each.

*This worksheet is to be retained in the official case file*

**Boundary Assurance Certificate**

United States Department of the Interior - Bureau of Land Management  
[Field Office/Entity]  
[Location]

Boundary Assurance Certificate No. \_\_\_\_\_

To: [Field Office or Other]  
Attention:

From: [Chief Cadastral Surveyor]  
[State Office]

Subject: Boundary Assurance Certificate (BAC)

Certification: Subject to the exceptions, conditions and stipulations, listed in Schedule B, I, \_\_\_\_\_ [Print Name] \_\_\_\_\_, Cadastral 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 Bureau of Land Management will not sustain or incur a loss or damage, based upon the stated purpose of the land or interest in land shown in Schedule A, by reason of:

1. Land Description Review;
2. Chain of Surveys; and
3. Certificate of Inspection and Possession.

\_\_\_\_\_  
Cadastral Surveyor or Certified Federal Surveyor

\_\_\_\_\_  
Date

Certification: This Boundary Assurance Certificate correctly represents the records and documents compiled under my direction and control and in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.

\_\_\_\_\_  
Chief Cadastral Surveyor  
[ ] State Office

\_\_\_\_\_  
Date

**Schedule A**

[File No. ] Boundary Assurance Certificate No.

Date of Boundary Assurance \_\_\_\_\_ [at a.m./p.m.]

1. Name of Authorized Officer:
  
2. The land or interest in land referred to in this Boundary Assurance is described as follows:
  
3. The boundary of the land or interest in land which is covered by this Boundary Assurance is:
  
4. The stated purpose for use of the land or interest in land is:

**Schedule B**

[File No. ] Boundary Assurance Certificate No.

**EXCEPTIONS FROM BOUNDARY ASSURANCE COVERAGE**

This Boundary Assurance Certificate does not cover loss or damage which arise by reason of:

1. [BOUNDARY ASSURANCE MAY INCLUDE REGIONAL EXCEPTIONS IF SO
2. DESIRED BY ISSUING CHIEF CADASTRAL SURVEYOR]
3. [VARIABLE EXCEPTIONS SUCH AS UNCERTAIN CONDITIONS, ETC.]

**CONDITIONS AND STIPULATIONS**

*This certificate is to be retained in the official case file.*

## Chapter 2. Guidance for Use of Three Action Codes in Legacy Re-host 2000 (LR2000) to Demonstrate Compliance

Three action codes must be used in conjunction with Chapter 1.

These action codes track accomplishments associated with SBE review. Each review request will result in the issuance of 1 to 4 certificates. The action codes are now found in the Corporate Metadata Repository (CMR), Data Element Dictionary 2910.

The codes are as follows:

AC 981 - CAD REVIEW NOT REQUIRED	01 ENTER DATE DETERMINED 02 NO CADASTRAL REVIEW NEEDED 03 MAY BE USED ON ALL CASE TYPES
AC 982 - CAD REVIEW REQUESTED	01 ENTER DATE CADASTRAL REVIEW 02 WAS REQUESTED 03 MAY BE USED ON ALL CASE TYPES
AC 983 - CAD CERTIFICATE ISSUED	01 ENTER DATE STANDARDS FOR BOUNDARY 02 EVIDENCE CERTIFICATE(S) ISSUED 03 MAY BE USED ON ALL CASE TYPES

Existing LR2000 data standards will be modified to reflect the following requirements:

Action Code 981 is mandatory for any existing pending application and any new application received on all case types that involve land and resource transactions and commercial projects where SBE review is not requested or not required. Action Codes 982 and 983 are mandatory for any existing pending application and any new application received on all case types that involve significant land and resource transactions and commercial projects in order to track when a review is requested and completed.

These action codes will be used in conjunction with Program Element AQ, Boundary Standard Documents Produced, to determine the number of SBE certificates produced on Federal interest lands and in conjunction with the special interest project code for High Risk Resource Boundaries (HRRB).

Please utilize these action codes with any qualifying existing pending applications and all new applications.

The OIG found that land and resource “. . . transactions on lands with unreliable boundary surveys and high value resources were routinely processed and approved without the benefit of boundary evidence review by Cadastral Survey personnel . . .” Consequently, the OIG recommended that, “BLM implement a plan to ensure Cadastral Survey reviews the adequacy of boundary evidence prior to the approval of significant land and resource transactions” and BLM

concurrent. This policy was subsequently issued providing guidance designed to tackle these deficiencies. Use of the above-described action codes are mandatory for each case recordation to demonstrate that the responsible official has complied with the OIG recommendation.

The BLM Corporate Meta Data Repository now contains the action codes within the 2910 data element dictionary. Consistent with this policy, these new action codes have been added to the Consolidated Lands and Realty Program Data Standards document.

### **Chapter 3. Cost Recovery of Cadastral Program Services in Commercial Projects**

#### **A. Introduction**

This chapter provides guidance on the policy of cost recovery for oversight to ensure adequate Cadastral Program review of Boundary Evidence on significant commercial projects.

Prior to approval of any commercial project application, the responsible FO will ensure adequate Cadastral Program review of Boundary Evidence by the respective State Office Chief Cadastral Surveyor and as described in Chapter 1. This review should not be confused with an on-the-ground cadastral survey but is an assessment of the Boundary Evidence for a particular commercial activity.

The responsible AO will provide access to the relevant project documents for a boundary assessment analysis to the respective State Office Chief Cadastral Surveyor. Upon receipt of the required information, and within an agreed upon time, the State Office Chief Cadastral Surveyor will provide a response with recommended plan of action. The recommended plan of action will include a cost estimate to conduct cadastral services.

BLM costs associated with performing the boundary risk assessments required by Chapter 1 are appropriately considered direct costs and should be incorporated into all cost recovery determinations and agreements.

The documentation of the condition of the Boundary Evidence and the risk management procedures must be in conformance with Chapter 1, whenever applicable.

The BLM has authority under the Federal Land Policy and Management Act<sup>12</sup> (FLPMA) to establish fees with respect to transactions involving the public lands to recover the reasonable cost of services that provide a special benefit not shared by the general public to an identifiable recipient.<sup>13</sup> Because Congress expects services provided by Federal agencies to be self-sustaining to the extent possible,<sup>14</sup> and the Office of Financial Management Accounting Handbook mandates cost recovery whenever possible, the BLM has an obligation to establish fees for all services for which it has cost recovery authority.

This chapter addresses the BLM's cost recovery efforts. It clarifies that when preparing estimates for the processing cost recovery category determination and cost recovery agreements for the proposal, ensure that work necessary to comply with Chapter 1 is included in the hours estimate and, for Processing Category 6 determinations, included in the estimated costs in the cost recovery agreement.

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<sup>12</sup> 43 U.S.C. §§ 1734, 1735, and 1740.

<sup>13</sup> Office of Management and Budget Circular No. A-25 Revised.

<sup>14</sup> Independent Offices Appropriation Act, 31 U.S.C. 9701.

The July 16, 2010, OIG report, Final Audit Report No. C-IN-MOA-0001-2009<sup>15</sup> (OIG Report), found that significant commercial projects on Federal interest lands with high value resources and unreliable boundary surveys were routinely processed and approved without the benefit of SBE review by Cadastral Survey personnel. The OIG Report made nine recommendations related to management of land boundaries. The Director's response through the ASLM to Recommendation 6<sup>16</sup> stated, "[t]he BLM will develop guidance to establish the policy for cost recovery of Cadastral Survey services in commercial projects. This cost recovery will use existing regulatory authority to the extent possible or the BLM will pursue additional authority where needed."

For commercial projects requiring entry into the LR2000, action codes have been established and must be used for documenting these Cadastral Program boundary assessments. These codes include 981 – Cadastral Review Not Required; 982 – Cadastral Review Requested; and 983 – Cadastral Certificate Issued.

## **B. Process for Commercial Projects**

A *Commercial Project* (project) typically involves rights-of-way, transmission corridors, extraction of oil, gas, or other valuable minerals, and permanent capital improvements, e.g., structures and utilities infrastructure, by a commercial entity at the invitation of an agency or by self-initiative.

A *Significant Commercial Project* (significant project) is any commercial project estimated by the Field Manager/Authorized Officer (FM/AO) to involve \$10,000 or more in land, resource, and/or capital improvement.

Each significant project will, as soon as practicable after the Authorized Officer receives notice, include an assessment by Cadastral Survey of the adequacy of Boundary Evidence where any part of the project is within 1/4 mile of a boundary.

All projects within a protraction diagram or potentially impacting a meanderable body of water will include an assessment by Cadastral Survey.

For interstate projects, the Cadastral Survey Office in the lead BLM state office for the project will be designated the lead for "Providing Adequate Cadastral Survey of Boundary Evidence Prior to the Approval of Significant Land and Resource Transactions and Commercial Projects" (Chapter 1) and related purposes.

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<sup>15</sup> Entitled "Department of the Interior's Management of Land Boundaries," including the Assistant Secretary for Land and Minerals Management supplemental response of August 6, 2010. For copy see: [http://www.blm.gov/wo/st/en/prog/more/cadastralsurvey/cadastral\\_review\\_of.html](http://www.blm.gov/wo/st/en/prog/more/cadastralsurvey/cadastral_review_of.html)

<sup>16</sup> OIG Recommendation 6: "Require that costs for oversight of significant commercial projects be recovered from the commercial entities."

*Authorized Officer* means any employee of the BLM to whom has been delegated the authority to perform the duties described to be performed by the AO.

A *Boundary* is any demarcation (surface or subsurface, fee, administrative, or special) between (a) fee ownerships or (b) areas governed by different ownership or management regime, e.g., land subject to mineral entry adjoining land with special designation such as the NLCS and other withdrawal boundaries.

The *Cadastral Program* means the BLM State Office Chief Cadastral Surveyor and his or her delegate with jurisdiction where a project is located.

Early in the planning of any project, the FM/AO will determine the value and document it in the serial case file. Upon the determination that a project is significant, the FO will submit a completed SBE Worksheet, signed by the FM/AO, to Cadastral Survey. For projects that are determined to be not significant, the FO will file the documentation in the serial case file with a copy, signed by the FM/AO, to the Cadastral Program.

The FOs will follow the instructions and guidance in the “Department of the Interior Standards for Federal Lands Boundary Evidence” (600 DM 5), BLM Manual and Handbook 9672 and H-9672-1 “Standards for Indian Trust Lands Boundary Evidence.” And the instructions and guidance in the “Providing Adequate Cadastral Survey Review of Boundary Evidence Prior to the Approval of Significant Land and Resource Transactions and Commercial Projects” (Chapter 1), as closely as practicable.

The FM/AO and Cadastral Survey will agree on a land description for SBE Worksheet purposes if the land description of the project does not conform to the PLSS.

The BLM will determine costs associated with preparation of the SBE Worksheets and Certificates in accordance with cost recovery regulations and cost recovery accounts benefiting the activity or commercial entity(s). Special accounts will cover the costs when appropriate.

In light of changing resource values, new information, and policy, the preparation of the SBE Worksheet and Certificate may involve site visits by the Cadastral Program to supplement or validate existing data (including information related to ongoing activities) or to gather new information in order to produce an informed Worksheet/Certificate.

The AO will ensure compliance with the NEPA and other legal and policy requirements.

The protective and preservation process outlined in the standard stipulation, when included in the project contract/agreement, will support enduring maintenance of the PLSS and preserve BLM-administered land boundaries and areas after surface disturbances have taken place.

**C. Standard Stipulation – Protection of Survey Corner and Boundary Line Markers:<sup>17</sup>**

The responsible party will identify and protect evidence of the PLSS and related Federal property boundaries<sup>18</sup> prior to commencement of any ground-disturbing activity.<sup>19</sup> Contact BLM Cadastral Survey to coordinate data research, evidence examination and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence, the responsible party shall immediately report the incident, in writing, to the AO. BLM Cadastral Survey will determine how the marker is to be restored. In rehabilitating or replacing the evidence, the responsible party will reimburse the BLM for costs or, if instructed to use the services of a Certified Federal Surveyor, procurement shall be per qualification-based selection.<sup>20</sup> All surveying activities will conform to the Manual of Surveying Instructions and appropriate State laws and regulations. Cadastral Survey will review local surveys before being finalized or filed in the appropriate State or county office. The responsible party will pay for all survey, investigation, penalties, and administrative costs.<sup>21</sup>

**D. Frequently Asked Questions**Why now?

With this policy on the management of land boundaries, the BLM will resolve and implement Recommendation 6 of the DOI OIG Final Audit Report (OIG Report), “Department of the Interior’s Management of Land Boundaries.”

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<sup>17</sup> The costs to replace PLSS monuments can vary substantially, and in extreme cases could cost as much as \$10,000 per single monument. One PLSS corner can determine the location of boundary lines from two to two dozen parcels (in developed and high value areas more than two dozen separate land parcels). It is difficult to quantify damages to the public and private landowners because a PLSS corner has been obliterated or lost, or when transactions or projects are based on approximate boundaries. The damage done is often in direct proportion to the amount of capital investment/value of natural resources and capital investment on each parcel.

<sup>18</sup> As directed in 43 CFR 3809.420 – Surface Management – (b)(9) *Protection of survey monuments*. To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration, or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.

<sup>19</sup> It is unlawful for the unauthorized alteration or removal of any Government survey monument or marked trees: “Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined under this title or imprisoned not more than six months, or both” (108 Stat. 1796, 2146; 18 U.S.C. 1858). The willful destruction of monuments and corners of an official mineral survey is within the purview of this statute.

<sup>20</sup> Procurement of surveying services shall be per the Federal Acquisition Regulations and the Brooks Act governing Federal procurement of certain architectural and engineering services.

<sup>21</sup> Applicable to collection of costs from responsible parties is indirect costs. Each year a new indirect cost rate is determined that typically ranges from 17-23 percent. This cost is applied to all collections related to cadastral survey service oversight of commercial projects and unauthorized use.

Who will benefit?

The BLM, public, and commercial entities will benefit. The policy will minimize delays, conflicts, litigation, and other costs caused by ancient, antiquated, or obliterated land boundaries. The policy will enable a savings to the BLM, public, and commercial entities by timely documentation of the condition of the boundaries that could affect the project.

Will every project have to go through the policy process?

No. Projects less than \$10,000 in value or more than 1/4 mile from a boundary, except those in a protraction diagram or against a body of water, do not have to go through the policy process.

Why is the threshold for a significant commercial project \$10,000?

Although this number is somewhat arbitrary, a \$10,000 threshold for determining exactly which projects are significant will generate the appropriate number of cases with potential high revenue/value for the BLM to handle. Given limited resources, the BLM cannot examine all projects, so a threshold must exist so that the BLM can analyze high revenue/value cases and manage the workload.

How is it known that a \$10,000 threshold will generate a manageable number of cases?

Evidence from the OIG Report suggests that \$10,000 is an appropriate threshold amount for a significant project. While this value is low, relative to the value of most parcels and their respective resources and to commercial project investments, the BLM will handle a large portion of cases without the need of an Official Survey or SBE Certificate. The OIG reports that 50 percent of all boundaries have fair to high reliability, meaning that they were last surveyed since 1910. The BLM will handle cases involving these boundaries using only *records* of these particular boundaries, without direct evidence of an obliterated or confused boundary. It is likely that only 50 percent or less of cases may require field verification.

How is/are the value determined?

The FM/AO will estimate the project value of projects. The market rate will determine the value of resources and land. Investment and income from commercial projects will be estimated. In addition to the market rate for land, non-resource factors, such as aesthetic value, wildlife, etc., will also be analyzed in determining the value for any given project.

What is provided?

The Chief Cadastral Surveyor will provide the FM/AO with a SBE Certificate. The certificate addresses the type of risk associated with the project caused by ancient, antiquated, or obliterated boundaries, excluding those matters which can only be determined by survey. The boundary assessment is conducted by a cadastral surveyor or CFedS.

What is new?

The type of work is not new, but the systematization of the business processes is new. Many programs and offices have been informally operating under this policy and using cadastral services for boundary and/or land description evaluation prior to land and resource transactions, and commercial projects of any value. This policy standardizes work processes and formalizes the documentation of the work product.

Who is responsible for a safe and efficient project?

The FM/AO is in charge and ultimately responsible for the outcome. The policy provides efficient and cost-effective tools to accomplish the project.

How will the Policy benefit Field Offices, Land and Resource Program Managers, and Commercial Project Managers?

The policy provides a standardized process and documentation for the exchange of information between the offices and managers (those who deal with the project's "what" and "who") and the boundary experts (those who deal with the "where" of the project).

Why should I have a Surveyor conduct a Certificate of Inspection and Possession?

A surveyor brings the unique knowledge combination of title records, survey records, and physical Boundary Evidence. A surveyor is trained to distinguish between ownership corner markers and spurious boundary markers. In most cases, but not in every case, the surveyor can tell by inspection, with records research, whether a fence or other use or occupancy line is the true boundary or is close enough to protect the public's land and resources, and the commercial entity's investment.

What is an SBE Certificate?

An SBE Certificate is a management tool for BLM project managers. An SBE Certificate is not a land survey. An SBE Certificate is a non-survey alternative which can be used by the BLM and commercial entities for the purpose of assuring that the boundary evidence is adequate for the intended project.

Is an SBE Certificate a survey?

No. While it is true that the SBE process cannot furnish the accuracy and kind of detail that would be available through an Official Survey, it is sufficiently specific and detailed to satisfy, in those instances where the Boundary Evidence has been modernized, the FM/AO's management of land boundary requirements for a project.

Will the Commercial Entities and the Public be misled?

Ongoing field office discussions with commercial entities and the public must emphasize that an SBE Certificate is not an Official Survey and does not satisfy the needs that can only be fulfilled by an Official Survey. An SBE Certificate can be sufficient to quantify the risk associated with projects related to boundary location. Certificates are permanently filed for future reference.

What do I do if I am uncertain of the condition of the project boundaries and description?

Consult with your Chief Cadastral Surveyor.

#### **Chapter 4. When to Increase the Scope of Benefiting Activity and Reimbursable Cadastral Surveys and How to Fund Expanded Surveys**

This chapter establishes that the BLM state and field offices will increase the scope of a cadastral survey and will identify funding or revenue to execute expanded cadastral surveys.

An expanded cadastral survey occurs when:

- (1) High risk land<sup>22</sup> is identified,
- (2) The expanded land boundary(s) is outside the scope of the original request for survey, and
- (3) The estimated potential resultant rent, royalties, bonuses, damages prevented, and/or other receipts and penalties are equivalent to or nearly equivalent to the estimated expenditures to fund the increased scope of the cadastral survey.

It is expected cadastral surveyors conducting surveys will identify and report high risk lands.

For BLM-managed lands, when an expanded cadastral survey has been identified, the state and field office will assist the impacted program(s) to identify funding and revenue to execute the expanded cadastral survey to include identifying the appropriate service charges, deposits, and forfeitures functional area(s), e.g., L5101, L5320, etc., and benefiting functional area(s), e.g., L1300, L1600, L6300, etc.

For non-BLM managed lands, when an expanded cadastral survey has been identified, the BLM will provide assistance in identifying opportunities where high valued resources may provide potential revenue opportunities to the agency, tribe, individual Indian, Alaska native corporation, or Alaska native. The requesting agency or entity may use an appropriate functional area account or equivalent to meet funding needs.

The responsible office(s) and/or agency/entity will provide the necessary information to the respective State Office Chief Cadastral Surveyor. Upon receipt of the required information, the State Office Chief Cadastral Surveyor will coordinate a response with an MLB Plan, to include a Plan of Action (POA). The MLB Plan will describe what makes the area of interest high risk land outside the scope of the original request for survey, and include a cost estimate to conduct

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<sup>22</sup> High risk land means any Federal interest land with high market or nonmarket value(s) and a high risk boundary, e.g., Federal interest land with high value resources (e.g., coal, oil and gas, right-of-way, timber, etc.), adjoining highly developed non-Federal property, or Federal interest land that is set aside for special management (e.g., units of the National Park System, units of the National Wildlife Refuge System, Wilderness Areas, Wilderness Study Areas, National Monuments, areas of critical environmental concern, etc.). High risk boundary means any boundary line or corner of Federal interest land not clearly marked on-the-ground by an official survey, e.g., unsurveyed, surveyed but not marked with regulation posts and line markers, often referred to as an antiquated boundary or antiquated survey.

cadastral services and related administrative costs as well as an estimate of revenues to be recovered or damages to be prevented.<sup>23</sup>

The POA will outline the extent of the field and office work necessary for executing recovery or protection of Federal land and/or resources. The final decision to proceed with the POA remains with the FM/AO in administrative charge of the area of the expanded cadastral survey.

Where an expanded cadastral survey is executed, the BLM expects savings to its budget and increased Federal revenues as trespass, encroachments, settlements, related litigation, and loss of public land and resources are identified, prevented, and recovered.

The policies and procedures in this chapter are consistent with the DOI OIG Final Audit Report, “Department of the Interior’s Management of Land Boundaries”<sup>24</sup> (Audit No. C-IN-MOA-0001-2009), July 16, 2010 (OIG Report), including the BLM response of April 2, 2010, and the ASLM supplemental response of August 6, 2010. OIG Recommendation 2: “Develop and implement a plan to increase the scope of (benefiting activity and) cost reimbursable cadastral surveys to include evaluating significant boundary risk attributes.”

The chapter will require offices to evaluate land status features in greater detail during survey planning. When non-BLM land managers are reluctant to pay for the increased scope where there is a high potential for undiscovered Federal revenue, the BLM will identify potential funding source(s).

The ASLM and the Director concurred with the OIG Report recommendation and agreed that the BLM will (1) pursue review of funding for surveys with significant boundary risk attributes, and (2) develop budget directives for benefiting programs to contribute to these high risk survey projects. The planned actions in this Handbook addresses the concerns raised in the OIG Report with which DOI concurred.

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<sup>23</sup> The preparation of the MLB Plan will be funded from an appropriate functional area, e.g., 5000 series, or cost recovery account(s).

<sup>24</sup> The OIG audit report found that the “BLM’s Cadastral Survey program has been missing the opportunity to identify and perform surveys on high risk lands where significant potential revenues could be collected by the Department of Indian tribes.” The report noted that “[t]his revenue could result from collection of fees or royalties from identifying (a) unauthorized uses including rights-of-way violations and (b) the improper removal of oil, gas, timber, or other resources from Federal or Indian lands.”

## **Chapter 5. Request for Nominations of High Risk Lands with High Risk Boundaries**

### **A. Introduction**

The policy in this chapter requires the states to canvass their jurisdictions each fiscal year to identify high valued DOI-managed lands or resources that are at risk because of antiquated surveys, and errors and misrepresentations in the land tenure records. In addition, states are to nominate high valued lands or at-risk resources to the Washington Office (WO) for possible funding of necessary cadastral services using the “OIG High Risk Land / High Risk Boundary Nomination Questionnaire.” Funding will be set aside, as available, for this effort each year in the Planning Target Allocations (PTA) process. State and field offices are encouraged to contribute to leverage limited funds or resources.

The DOI OIG Final Audit Report, “Department of the Interior’s Management of Land Boundaries” (Audit No. C-IN-MOA-0001-2009), July 16, 2010 (OIG Report), including the BLM response of April 2, 2010, and the ASLM supplemental response of August 6, 2010, states that the BLM could generate significant revenue from high valued lands having antiquated surveys. These lands, for example, may have damaged or removed resources through unauthorized activity. The OIG Report states revenues are lost due to the absence of fundamental cadastral services. This effort addresses this finding through identifying and collecting undiscovered revenues and through protecting lands from future damage or loss. Consequently, each office will identify high value land or revenues at risk resulting from antiquated surveys. Offices must coordinate efforts among program staff, law enforcement, and BLM Indian Lands Surveyors in an effort to conduct a comprehensive evaluation of potential lost or damaged resources using the guidance provided in the section, “OIG High Risk Land / High Risk Boundary General Guidance.”

The offices will also work with other DOI land management agencies to identify high risk lands using the same guidance. Nominations for non-BLM lands will not be BLM-funded without a written agreement.

Offices will forward nominations, using the nomination questionnaire, to their State Director and provide a copy to their State Office Chief Cadastral Surveyor. During the project identification and submission process, the office manager and/or program lead will coordinate with the State Office Chief Cadastral Surveyor in an effort to produce clear and detailed nominations. The State Office Chief Cadastral Surveyor will also coordinate with resource, realty, and law enforcement staffs, and when appropriate, other bureaus and offices, tribes, and the Solicitor’s Office to provide nominations. The Chief Cadastral Surveyor will produce a Condition of Survey map for each nomination. The offices will provide the required materials to the WO. All nominations must include estimated or actual quantified values, market and nonmarket, of undiscovered revenues or damages recoverable and the location where offices will deposit such revenues.

A WO panel will consider nominations and determine those with the most merit. The panel will represent a cross-section of disciplines and directorates. The panel will give priority to projects with the greatest potential for recovery of revenues followed by those which greatly improve protection against future loss or damage. In addition, the panel will give preference to projects with contributed funding.

After selection and project completion, the office must complete the Project Completion Questionnaire within 45 days of field completion. Administrative costs recovered in the completion of these projects will be deposited in the Damaged Lands Accounts established under the authority of Federal Land Policy and Management Act Section 305 when appropriate. State, district, and field offices should examine accounts, including L5310 and L5320, for funding availability to support administrative actions, including survey and realty activities, to co-fund the nomination.

High risk lands and resources occur where value lands or significant revenues are at risk because of antiquated surveys. The Director and ASLM have told the OIG that the BLM will identify and conduct management of land boundary services on Federal interest and Indian lands having the highest value.

## **B. OIG High Risk Land / High Risk Boundary General Guidance**

### **1. Guidance**

- a) All programs may submit nominations under this chapter.
- b) Nominations may include both lands managed by the BLM and by other Federal bureaus and offices or federally recognized tribes. Nominations from other agencies or tribes will be accepted when funding is provided.
- c) Nominations may include recommendations for any of the available, BLM-provided, cadastral and trespass resolution services that effectively meet the intent of this effort.
- d) The State Office Chief Cadastral Surveyor and the Chief Realty Officer responsible for the jurisdictional area affected will coordinate nominations.
- e) Parties should complete the Nomination Questionnaire in its entirety for each request. Use additional space between questions if required.
- f) The State Office Chief Cadastral Surveyor will provide a Condition of Survey Map. The WO may request additional information after receipt of nominations.
- g) Nominations with the greatest merit will be panel reviewed.
- h) All field work must be completed no later than the end of the fiscal year the nomination is funded.
- i) Eligible nominations completed under this initiative are, as defined in CFR 2808.11, 2920.1-2 and 9239.1-3, administrative actions which concentrate on unauthorized use. Correspondingly unauthorized users are liable for reimbursing the BLM for these

administrative costs. Follow-up actions to these cases must, when appropriate, include collection of these administrative expenses with receipts deposited into functional area L5310 for Oregon & California Grant lands and L5320 for Public Domain lands.

- j) For each nomination, availability of co-funding from L5310, L5320, and other applicable cost recovery accounts to support the recommended services will be identified and noted in the nomination.
- k) All expenses, regardless of funding source, will be charged using special interest project code HRRB.
- l) The responsible state office realty lead will follow completed projects and complete actions necessary for the recovery of any revenues, administrative fees, penalties, and other collections which are recoverable.
- m) The Project Completion Questionnaire must be completed within 45 days of field completion to the extent practicable. Subsequent Project Completion Questionnaire(s) will be completed upon significant case development and in full upon final case resolution.

## **2. Purpose for Providing Services**

- a) The OIG asserts that revenues have been lost due to uncertain boundary location. This effort is intended to demonstrate results in discovering these revenues that have gone uncollected.
- b) Demonstrate results to the OIG in collecting undiscovered revenues, including fines and penalties, in cases that involve the unauthorized removal of resources.
- c) Demonstrate results to the OIG in collecting undiscovered revenues including fines and penalties, in cases that involve unauthorized utilities, roads, or other infrastructure on federally managed lands.
- d) Demonstrate results to the OIG in protecting resources that have potential to be lost or damaged as a result of antiquated or uncertain boundary location.
- e) Demonstrate results to the OIG in collecting revenues for the repair of lands damaged through unauthorized use.

## **3. Definitions**

High risk land means any Federal interest land with high market or nonmarket value(s), e.g., adjoining highly developed non-Federal properties or special area set aside for its wilderness characteristics, and with a high risk boundary.

High risk resource means any Federal resource, other than land, with significant market or nonmarket value(s), e.g., coal, oil and gas, timber, or special area set aside for sensitive species, plants, or views, and with a 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, e.g., unsurveyed or surveyed but not marked with regulations posts and line markers, often referred to as an antiquated boundary or antiquated survey.

### C. OIG High Risk Land / High Risk Boundary Nomination Questionnaire

(Expand the space between questions as needed to allow room for your answers.)

(See General Guidance for complete listing of required materials.)

- 1) Provide project name, description of the property, general location, and the Bureau of Land Management (BLM) field offices affected. Provide coordinating programs, bureaus, or offices. Provide Federal bureau or office or tribe affected, if applicable.
- 2) Name and contact information of field office staff knowledgeable of this project.
- 3) Is this project included within your current state office planning target allocations?
- 4) Are there other program's plans that could be impacted by the boundaries?
- 5) Provide the following funding amounts:
  - a) Total requested
  - b) Contributed funding
    - Name of each contributor, i.e., field office, agency, municipality
    - Amount from each contributor
    - Include amount from each functional area associated with benefiting program(s) (see #4)
    - Amount available from Damaged Lands Accounts (L5310 and/or L5320)
  - c) Total cost of necessary cadastral services and trespass resolution (must equal totals of letters a and b)
- 6) Provide a general description of the issue along with historical background. Include any of the following:
  - a) Description of encroachment/unauthorized use
  - b) Estimate of when the encroachment/unauthorized use began
  - c) Serialized case number
  - d) Pending litigation
  - e) Presence of hazardous materials
  - f) Description of how stakeholders are affected
  - g) Description of adjoining lands as they pertain to the case
- 7) Description of undiscovered revenues:

- a) Describe possible loss of significant resources (submit supporting documents including appropriate maps and photos). Please provide estimated or actual values. If none are presumed lost, proceed to #8.
  - b) What is the estimate of total collectable revenues including penalties, fines, administrative charges, and other fees that would be recovered? Please provide an estimated value for each revenue category.
  - c) Is it likely that undiscovered revenue, including penalties, fines, rehabilitation costs, administrative fees, and other collections, will be recovered if identified?
  - d) What actions would be required to facilitate the recovery of undiscovered revenues? What is the estimated cost to recover revenues? Time to recover same?
- 8) Are there any resources at risk of loss or damage due to antiquated surveys and uncertain boundary location? If yes, provide an estimated value of these resources.
- 9) Are there any unauthorized utilities within the proposed project area? If yes, is there possibility of recovering lost rents? Provide estimate of lost rents. Where applicable, provide estimate of future rents, etc.
- 10) (State Office Cadastral Survey Program) Due to the large number of nominations received each year, only those with the greatest merits are eventually presented for panel review. For each nomination approved for panel review, a condition of survey map will be required to accompany. In lieu of requiring this map at this point in the process, please provide a general description of the monumentation, e.g., pre-1910, 1911-1973, post-1973. Other management of land boundary tools, including GCDB reliability diagrams that help bring clarity to the issue, is encouraged.
- 11) Describe any services, and associated cost, that are needed from *other* programs or disciplines to assist in the recovery of undiscovered revenues, e.g., Realty, Right-of-Way, Geographical Information Systems (GIS) Specialist, Solicitor, and Law Enforcement. Provide target units of accomplishment if applicable.
- 12) Provide narrative of recommended plan of action for identification of undiscovered revenues or revenues at risk:
- a) Include recommended first steps
  - b) Provide estimated target units of accomplishment for cadastral services
  - c) Provide breakout of costs for each component of recommended services
  - d) Provide total cost
- 13) Describe any additional factors that apply including vegetation, wildlife, timber activities, special areas, and mining/drilling/leasing/construction activities.

- 14) Describe any funding already invested by the Department of the Interior. For example, if Land and Water Conservation Fund lands are part of this proposal, at what costs were these lands acquired?
- 15) Management of Land Boundary services performed to identify unauthorized use and support recovery of undiscovered revenues is an administrative action. Costs associated with these actions are recoverable and deposited into Repair of Damaged Lands accounts, L5310 for Oregon & California Grant lands, and L5320 for public domain lands (see section I of attachment 1). Please provide an estimate of recoverable costs associated with these administrative actions for deposit into these accounts. Also, if applicable, provide an estimate of recoverable fees associated with rehabilitation of damaged lands for deposit into these accounts.
- 16) Describe any community impacts and/or impacts to sensitive species.
- 17) Describe other positive, tangible outcomes possible from completing the recommended services.
- 18) If undiscovered revenue is recoverable, what is the projected date of recovery?

#### **D. OIG High Risk Land / High Risk Boundary Project Completion Questionnaire**

(Expand the space between questions as needed to allow room for your answers.)

(See General Guidance for complete listing of required materials.)

(Some of this information will be found in the Nomination Questionnaire.)

- 1) Provide project name, description of the property, general location, and the Bureau of Land Management (BLM) field offices affected. Provide coordinating programs, bureaus, or offices. Provide Federal bureau or office or tribe affected, if applicable.
- 2) Name and contact information of field office staff knowledgeable of this project.
- 3) Provide a general description of the issue along with historical background. Include any of the following:
  - a) Description of encroachment/unauthorized use
  - b) Estimate of when the encroachment/unauthorized use began
  - c) Serialized case number
  - d) Pending litigation
  - e) Presence of hazardous materials
  - f) Description of how stakeholders are affected
  - g) Description of adjoining lands as they pertain to the case
- 4) Provide the following funding amounts:
  - a) Total expended

- b) Contributed funding
    - Name of each contributor, i.e., field office, agency, municipality
    - Amount from each contributor
    - Include amount from each functional area associated with benefiting program(s) (see #4)
    - Amount from Damaged Lands Accounts (L5310 and/or L5320)
  - c) Total cost of cadastral services and trespass resolution (must equal totals of letters a and b)
- 5) Description of discovered revenues:
- a) What is the value of discovered revenues and where were the receipts are deposited? Provide a breakout of revenues by category including penalties, fines, administrative charges and other fees that have been or are expected to be recovered? If these receipts have not been collected to date, please provide an estimate. If none were discovered, proceed to #6.
  - b) If recovery has not occurred, what actions would be required to facilitate the recovery? What is the estimated cost to recover revenues? Time to recover same?
- 6) Were any resources at risk of loss or damage due to antiquated surveys and uncertain boundary location? If yes, provide an estimated value of these resources.
- 7) Are there any unauthorized utilities within the project area? If yes, were undiscovered rents recovered? If applicable, provide estimate of discovered past and future rents.
- 8) Describe any services, and associated cost, that were needed from *other* programs or disciplines to assist in the recovery of undiscovered revenues, e.g., Realty, Right-of-Way, Geographical Information Systems (GIS) Specialist, Solicitor, and Law Enforcement. Provide target units of accomplishment if applicable. Are any services still needed?
- 9) Describe any additional factors that apply including vegetation, wildlife, timber activities, special areas, and mining/drilling/leasing/construction activities.
- 10) Management of Land Boundary services performed to identify unauthorized use and support recovery of undiscovered revenues is an administrative action. Costs associated with these actions are recoverable and deposited into Repair of Damaged Lands accounts, L5310 for Oregon & California Grant lands, and L5320 for public domain lands (see section I of attachment 1). Please provide the value of receipts associated with these administrative actions for deposit into these accounts. Also, provide the value of receipts associated with rehabilitation of damaged lands deposited into these accounts.
- 11) Describe any community impacts and/or impacts to sensitive species.

- 12) Describe other positive, tangible outcomes possible that resulted through providing these services.
- 13) If discovered revenue has not been collected to date, what is the projected date of recovery?

## **Chapter 6. Marking and Posting of Bureau of Land Management Property and Jurisdictional Boundaries**

This chapter provides BLM policy which states that property boundaries and jurisdictional boundaries must be determined in their correct location before they are marked and posted. Properly identified and marked boundaries minimize legal proceedings and adverse publicity that occurs when these boundaries are incorrectly identified and marked.

Land management activities require accurate boundary identification to prevent implying a false property boundary to the adjoining landowner or the public, and assure that BLM activities do not encroach onto adjoining lands.

The BLM's Cadastral Surveyors are the subject matter experts for Federal boundary identification. Bureau employees, contractors, or agents must consult with their respective Cadastral Survey Program before they take any action to identify or mark a BLM property boundary. This includes, but is not limited to the following situations:

- Utilization or manipulation of Federal resources along or near boundaries (i.e., energy development, rights-of-way, timber harvesting, fencing, special area boundary, fire rehabilitation, vegetation restoration, sage grouse initiatives);
- Cost recovery achieved by a cooperative agreement with adjoining landowner to mark common boundaries;
- Pending litigation or assertion of title claim; or
- Suspicion of encroachment or unauthorized activity.

The BLM manager responsible for the direction and oversight of activities on the Federal land will consult with the Cadastral Survey Program to evaluate existing title, survey, and use records, determine when boundaries require identification, to select an appropriate method for identifying the boundary.

Do not circumvent this policy by “backing off the line” (offsetting from a theoretical or uncertain position of the boundary line) to place boundary signs or marks at an approximate boundary location.

Any BLM sign indicating or stating that it marks the boundary of: 1) a property line between the BLM and an adjacent landowner, or 2) an administrative line between Federal interest land and withdrawn land must be placed within 1 foot of the true boundary.

Costs associated with performing management of land boundary functions are transaction costs and are incorporated into cost recovery determinations and agreements. Unreliable or approximated boundaries, especially those with high value resources, result in the loss of millions of dollars of uncollected revenue and loss of value in special areas.

The Federal Land Policy Management Act of 1976, Section 201(b), 43 U.S.C. § 1711(b), requires the Secretary of the Interior to ascertain the boundaries of the public lands and provide means of their public identification, including signs. When an approximation or an inaccurate marking or posting of Federal boundaries occurs, it misleads the public and can undermine the Federal interest in its resources. The creation of conflict-free and positively identified Federal boundaries is essential to total resource management.