

Frequently Asked Questions

What are the Standards for Boundary Evidence (Standards)?

The Standards provide a standardized risk-based system of identifying and documenting boundary evidence for Bureau of Land Management (BLM) administered lands. They are designed to assist BLM managers in determining that boundaries are adequate for the intended land and resource transaction or commercial project.

What will change?

BLM managers are requested to fill out a form to Cadastral Survey for a quick opinion on the condition of surveys in the area of interest of new land and resource transactions and commercial projects.

Why now?

With a change in policy on the management of land boundaries BLM will resolve and implement Recommendations 4 and 5 of the Department of the Interior (DOI) Office of Inspector General Final Audit Report (OIG Report), "Department of the Interior's Management of Land Boundaries."

How do they work?

The Standards take the complex work of land boundary management and break it down into the basic legal and practical components. The Standards utilize the expertise of field and program managers, realty and resource specialists, project managers, and surveyors working in a collaborative manner. The BLM's responsibilities and obligations are met when land tenure professionals work together and report their findings via standardized and formalized documentation.

Who will benefit?

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

For acquisitions of new lands, we have Department of Justice Title Standards; why have Standards for Boundary Evidence, 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 Standards for Boundary Evidence help 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 Standards 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 Standards process. When not required, the Standards do 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, not all transactions and projects can be examined, so a threshold must exist so that the high revenue/value cases to be analyzed and it is feasible for employees to 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 Boundary Evidence Certificate. 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 Authorizing Official (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 a Boundary Evidence Certificate. The certificate 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 Certified Federal Surveyor (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 Standards are 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 Standards 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 Boundary Evidence Certificate 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 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 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 Standards process?

No. The Standards are not mandatory. The AO can still request 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. Standards for Boundary Evidence Certificate.

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

The Standards provide 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 Standards benefit Field Offices, Land and Resource Program Managers, and Commercial Project Managers?

The Standards 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 Boundary Evidence Certificate?

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

How is a Boundary Evidence Certificate prepared?

The Boundary Evidence 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 Standards for Boundary Evidence 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 a Boundary Evidence Certificate is not an Official Survey and does not satisfy the needs that can only be fulfilled by an Official Survey. A Boundary Evidence Certificate can be sufficient to quantify the risk associated with transactions and projects related to boundary location. 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 Standards, 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.¹

Where is the increased capacity?

The Standards allow the BLM to increase its cadastral services capacity without sacrificing quality.

Can the Standards be changed?

¹ OIG Final Audit Report, "Department of the Interior's Management of Land Boundaries" (C-IN-MOA-0001-2009), July 2009.

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

Who bears the cost for the Standards process?

The program, commercial entity, or land owner requests the work is responsible for the cost. Costs associated with preparation of the Boundary Evidence Worksheets and Certificates 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 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.