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EXPLANATION OF MATERIAL TRANSMITTED:

In collaboration with the Bureau of Land Management (BLM), the Office of the Special Trustee for American Indians, and with representatives from certain tribes and Alaska Native Corporations, Bureau of Indian Affairs (BIA) provides this handbook to assist with the implementation of the trust boundary standards as they pertain to the establishment and protection of Indian trust boundaries as required in Departmental Manual 303 DM 7. This publication is meant to supplement the DM.

Boundary Standards provide a standardized system of identifying and documenting boundary evidence for trust and restricted lands. They assist BIA, BLM, and tribal managers in determining that activities, rights, and boundaries are located correctly on trust and restricted lands for the benefit of Trust Beneficiaries. The Standards enable a more accurate accounting of trust funds by improved documentation of the location of activities and rights within appropriately located trust boundaries.

This handbook provides guidance for the preparation of four certificates which document and formalize the collection and analysis of boundary evidence relating to Indian trust assets:

1. Land Description Review (LDR) Certificate
2. Chain of Surveys (COS) Certificate
3. Certificate of Inspection and Possession (CIP)
4. Boundary Assurance Certificate (BAC)



Michael Black
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

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STANDARDS FOR INDIAN TRUST LANDS BOUNDARY EVIDENCE HANDBOOK



OFFICE OF TRUST SERVICES

In collaboration with the Bureau of Land Management and
the Office of the Special Trustee for American Indians

52 IAM 2 - H

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CHAPTER 1 INTRODUCTION

In collaboration with Bureau of Land Management (BLM), the Office of Special Trustee for American Indians (OST), and representatives from certain Indian tribes and Alaska Native Corporations, this Bureau of Indian Affairs (BIA) handbook was written to provide guidance in the development and preparation of four certificates: 1. **Land Description Review (LDR) Certificate**; 2. **Chain of Surveys (COS) Certificate**; 3. **Certificate of Inspection and Possession (CIP)**; and 4. **Boundary Assurance Certificate (BAC)**. This guidance is not intended to supersede any Department of the Interior (DOI) Manual of the same subject matter. Should any conflicts arise, DOI Manuals will govern. This publication is meant to supplement Departmental Manual 303 DM 7, Standards for Indian Trust Lands Boundary Evidence.

A. Purpose and Objective.

1. The primary purpose of the handbook is to publish guidance concerning four certificates integral to documenting and formalizing the collection and analysis of boundary evidence relating to Indian trust land.
2. The objective of the handbook and these certificates is to satisfy the Secretary's trust responsibility concerning Indian trust assets.

B. Review and assignment of worksheets. Upon determination of a need to clarify a realty boundary issue, the Bureau of Indian Affairs (BIA) will:

1. Submit a Boundary Evidence Worksheet and supporting documentation (see section 4.5) to the BLM for action.
2. Gather any additional requested information and submit to BLM within 15 days of the original Worksheet.

“Days” means calendar days; except when the last day of any time period specified falls on a Saturday, Sunday, or a federal holiday, the period shall carry over to the next business day.

C. Resources for support information. These documents were created in conjunction with this handbook and may be beneficial in understanding and implementing the Standards for Indian Trust Lands Boundary Evidence.

1. Department of the Interior Manual, Part 303, Chapter 7, Standards for Indian Trust Lands Boundary Evidence (303 DM 7).
2. Bureau of Indian Affairs Manual, Part 52, Chapter 2, Standards for Indian Trust Lands Boundary Evidence (52 IAM 2).
3. Bureau of Land Management Manual, MS-9672, Standards for Indian Trust Lands Boundary Evidence.
4. Bureau of Land Management Handbook, H-9672-1, Standards for Indian Trust Lands Boundary Evidence Handbook.

5. Bureau of Land Management Manual, MS-9687, *Certified Federal Surveyor (CFedS) Program Manual.*

6. Bureau of Land Management Handbook, H-9687-1, *Certified Federal Surveyor (CFedS) Program Manual.*

CHAPTER 2 ACRONYMS AND DEFINITIONS

ACSM – American Congress on Surveying and Mapping.

Administrative Law Judge (ALJ)

An administrative law judge or other employee of the DOI Office of Hearings and Appeals (OHA) upon whom authority has been conferred by the Secretary to conduct hearings in accordance with 43 CFR Part 4 Subpart D.

Administrative Survey

1. Administrative surveys are not based on necessary statutory authority to establish or reestablish the boundaries of federal lands, and they do not result in the filing of field notes and plats in the public land records. They do not establish legal ownership boundaries for title and/or taxation purposes. In general, administrative surveys are made to identify boundary lines of ownership previously established by a cadastral survey (federal) or property line survey executed under the laws of a State or other authorized political entity. No legal property corner monuments are established or reestablished by the administrative process. **2.** A local survey executed by a federal employee or an agent of a federal agency. See American Land Title Association/American Congress on Surveying and Mapping (ALTA/ACSM) Land Title Survey, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, LOCAL SURVEY, OFFICIAL SURVEY, STATE AUTHORITY SURVEY, AND SURVEY.

ALTA U.S. Policy – 9/28/91

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

Ambiguity

1. Doubtfulness; doubleness of meaning. Duplicity, indistinctness, or uncertainty of meaning of an expression used in a written instrument, including a survey plat. **2.** Want of clarity or definiteness; difficult to comprehend or distinguish. – ambiguous. See LATENT AMBIGUITY AND PATENT AMBIGUITY.

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

1. A local survey; almost always a state authority survey. **2.** When title insurance companies are asked to insure title to land without exceptions as to the many matters which might be discoverable from survey and inspection and not be evidenced by the public records. **3.** Defined by the current, Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as adopted by American Land Title Association, American Congress on Surveying and Mapping and National Society of Professional Surveyors. **4.** The highest form of boundary evidence available to the federal government by contract. **5.** American Land Title Association (ALTA) U.S. Policy - 9/28/91. Per the Department of Justice Standards A Guide for the Preparation of Title Evidence in Land Acquisitions by the United States 2001 (Title Standards), “The required form of title insurance policy.” See ADMINISTRATIVE SURVEY, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE

TITLE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, LOCAL SURVEY, OFFICIAL SURVEY, STATE AUTHORITY SURVEY, SURVEY, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, AND TITLE OPINION.

Assurance

A pledge, guaranty, or surety. A declaration tending to inspire full confidence.

Assure

To make certain and put beyond doubt. In real property documents it means a warranty.

BIA – Bureau of Indian Affairs.

BIAM – (Historic) Bureau of Indian Affairs Manual.

BLM – Bureau of Land Management.

BLM Indian Lands Surveyor (BILS)

A BLM Cadastral Surveyor that will facilitate the execution of cadastral survey services for the BIA Regional Director. These services include assisting in requesting official cadastral surveys, boundary survey review, land ownership clarification, legal description review, and other legal and technical survey matters within the BIA Region. The BILS will communicate with BIA, Tribes, and the general public through the protocol established by the BIA Regional Office. Generally, the BILS will be BLM’s initial contact person for the BIA and Tribal Offices concerning boundary surveys, boundary standards, land status, and other legal and technical matters involving trust and restricted fee lands within his/her assigned BIA Region. The BILS acts under the direction and control of a Chief Cadastral Surveyor.

Boundary

1. Every separation, natural or artificial, which marks the confines or line of division of two contiguous estates. **2.** Limits or marks of enclosures if possession is without title, or the boundaries or limits stated in title deed if possession be under a title. See BOUNDARY ASSURANCE, BOUNDARY ASSURANCE CERTIFICATE, BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION, BOUNDARY LOCATION, BOUNDARY OPINION, CLEAR BOUNDARY, AND CLEAR BOUNDARY OF RECORD.

Boundary Assurance

1. A statement of all defects, ambiguities, unwritten rights, conflicts, gaps, overlaps, possession, and failure of legal descriptions, surveys, and other boundary evidence for a tract of land. **2.** Assurance against loss or damage resulting from heretofore unknown or hidden defects or failure of boundary or land description to a particular parcel of realty, or from the enforcement of unwritten rights existing against it at the time of the assurance. **3.** This form of assurance is requested by the agency or tribe, trustee or beneficiary, and is furnished by Cadastral Survey or Certified Federal Surveyors for acquisitions, conversions, transfers, partitions, and resource management activities of all sorts. See BOUNDARY, BOUNDARY ASSURANCE

CERTIFICATE, BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION, BOUNDARY LOCATION, AND BOUNDARY OPINION.

Boundary Assurance Certificate (BAC)

1. The formal expression by a Cadastral Surveyor or a Certified Federal Surveyor of all defects, ambiguities, unwritten rights, conflicts, gaps, overlaps, possessions, and failure of legal descriptions and other boundary evidence for a tract of land at the time of the boundary assurance. The compiler is liable only for a want of care, skill, or diligence, conducted under the direction and control of the State Office Chief Cadastral Surveyor. **2.** Warrants the validity of the boundary and land description in any and all events, subject to stated deficiencies. See BOUNDARY, BOUNDARY ASSURANCE, BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION, BOUNDARY LOCATION, AND BOUNDARY OPINION.

Boundary Description

That part of the conveyance document of land, or interest in land, which identifies the land or interest to be affected. This term is synonymous with land description.

Boundary Evidence

1. Authenticated documentation (derived from congressional authorization, treaties, executive orders, etc.) used to describe a natural or artificial/political separation that delineates and identifies a tract of land sufficient to ascertain the actual location of the land on the ground. **2.** A deed or other document describing the boundary to property, or a survey or other document locating the boundary to property, or an action or behavior upon the land determining the boundary to property. **3.** Boundary evidence is typically presented through LDR, COS, and CIP. See BOUNDARY, BOUNDARY ASSURANCE, BOUNDARY ASSURANCE CERTIFICATE, BOUNDARY INSPECTION AND POSSESSION, BOUNDARY LOCATION, BOUNDARY OPINION, CERTIFICATE OF INSPECTION AND POSSESSION, CHAIN OF SURVEYS, AND EVIDENCE.

Boundary Evidence Worksheet

A term synonymous with LDR, COS, CIP and BAC worksheets. The boundary evidence worksheet initiates the boundary review and requires an opinion from the Chief Cadastral Surveyor as a response. A worksheet is filled out in collaboration between the Authorized Officer and the Cadastral Surveyor or Certified Federal Surveyor and signed by the Authorized Officer.

Boundary Inspection and Possession

1. A form of boundary evidence. **2.** Merely the formally expressed professional opinion of a Cadastral Surveyor or a Certified Federal Surveyor that the boundary and corners are conflict free, in conformance with the land description, and complete and perfect (or otherwise, as stated), conducted under the direction and control of a Chief Cadastral Surveyor. **3.** Warrants the validity of the boundaries free from possession, use, or more than one location; in conflict with the land description, subject to stated exceptions and caveats. See BOUNDARY EVIDENCE, CERTIFICATE OF INSPECTION AND POSSESSION, AND FIELD INVESTIGATION.

Boundary Location

1. The designation of the boundaries of a tract of land, either upon record or on the land itself. **2.** The finding and marking of the bounds of a particular tract of land, upon the land itself, in conformity to a certain description contained in an entry, grant, map, etc. See BOUNDARY, BOUNDARY ASSURANCE, BOUNDARY ASSURANCE CERTIFICATE, BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION, AND BOUNDARY OPINION.

Boundary Opinion

A statement of the sufficiency of the boundary to land for the purposes for which the property is being conveyed or managed. See BOUNDARY, BOUNDARY ASSURANCE, BOUNDARY ASSURANCE CERTIFICATE, BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION, BOUNDARY LOCATION, AND TITLE OPINION.

Cadastral Survey

1. The highest form of boundary evidence available to the federal government and trust beneficiaries; proof of the geographic limits of the federal interest. **2.** A formal decision by the federal government, subject to appeal, as to the limit of the federal land or interest in land on the surface of the earth. **3.** Creates (or reestablishes), marks, and defines boundaries of tracts of land. In the general plan this is a survey under the direction and control of a Chief Cadastral Surveyor, and includes the elements of; a request for survey, special instructions, assignment instructions, field note record of the observations, measurements, monuments and description of the work performed, a plat that represents the official survey, all subject to review and approval of the Director, BLM, and officially filed. See 43 U.S.C. § 2 and 25 U.S.C. § 176. **4.** The sole type of land survey to be used for the land description portion of a patent. This term is synonymous with official survey and federal authority survey. See FEDERAL AUTHORITY SURVEY, OFFICIAL SURVEY AND PATENT.

Cadastral Surveyor

Unless qualified, means a land surveyor employed by the BLM, with an OPM 1373 series, who has the authorization to perform surveys of boundaries of federal interest lands, nonfederal interest lands and Indian interest lands, under the direction and control of a State Office Chief Cadastral Surveyor.

Certificate

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

Certificate of Inspection and Possession (CIP)

1. A form of boundary evidence. **2.** The formally expressed professional opinion of a Cadastral Surveyor or a Certified Federal Surveyor that the boundary and corners are conflict free, in conformance with the land description, and complete and perfect (or otherwise, as stated), conducted under the direction and control of a Cadastral Surveyor. **3.** Warrants the validity of the boundaries free from possession, use, or more than one location; in conflict with the land description, subject to stated exceptions and caveats. See BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION.

Certified Federal Surveyor (CFedS)

A state licensed land surveyor who has successfully completed the certification process established by the BLM Cadastral Survey Program. The certification process consists of a comprehensive training and testing package. Tribal and Agency surveyors will be encouraged to become Certified Federal Surveyors. These surveyors may perform survey services under the direction and control of BLM. These surveyors will provide more avenues for accomplishing cadastral services for trust boundary surveys in compliance with federal standards.

Certified Title Status Report

A report issued after a title examination which shows the proper legal description of a tract of Indian land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on record; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office. See TITLE CERTIFICATE, TITLE EXAMINATION, TITLE INSURANCE, AND TITLE INSURANCE POLICY.

CFR – Code of Federal Regulations.

CGIS – Cadastral-based Geographic Information System.

Chain of Surveys (COS)

1. A form of boundary evidence. **2.** Successive surveys, or other forms of boundary or corner information/opinion, affecting a particular parcel of land, arranged consecutively, from the government or original survey down to the latest survey or other record. See ADMINISTRATIVE SURVEY, American Land Title Association/American Congress on Surveying and Mapping (ALTA/ACSM) Land Title Survey, BOUNDARY EVIDENCE, CHAIN OF SURVEYS CERTIFICATE, LOCAL SURVEY, OFFICIAL SURVEY, STATE AUTHORITY SURVEY, AND SURVEY.

Chain of Surveys Certificate

1. The formally expressed professional opinion of a Cadastral Surveyor or a CFedS that the COS is complete and perfect (or otherwise, as stated), and the land surveyor is liable only for a want of care, skill, or diligence, conducted under the direction and control of a Chief Cadastral Surveyor. **2.** Warrants the validity of the boundary free from conflicting or erroneous survey records, subject to stated exceptions and caveats. See ADMINISTRATIVE SURVEY, AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF SURVEYS, LOCAL SURVEY, OFFICIAL SURVEY, STATE AUTHORITY SURVEY, AND SURVEY.

Chain of Title

Successive conveyances, or other forms of alienation, affecting a particular parcel of land, arranged consecutively, from the government or original source of title down to the present holder. See ALTA U.S. POLICY – 9/28/91, CLEAR TITLE, DEPARTMENT OF JUSTICE TITLE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS, AND TITLE OPINION.

Chief Cadastral Surveyor

The BLM state office official with the delegated authority to approve surveys, resurveys, and protraction diagrams of the lands within their administrative jurisdiction. See OFFICIAL SURVEY.

Clear Title

Clear title, good title, merchantable title and marketable title are synonymous; “clear title” meaning that the land is free from encumbrances, “good title” being one free from litigation, palpable defects, and grave doubts, comprising both legal and equitable titles and fairly deducible of record. See ALTA U.S. POLICY – 9/28/91, CHAIN OF TITLE, DEPARTMENT OF JUSTICE TITLE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS, AND TITLE OPINION.

Condemnation Proceedings

1. Judicial proceedings to determine and declare that certain property (esp. land) is assigned to public use, and subject to reasonable compensation. **2.** The exercise of eminent domain by a governmental entity.

Context Map

A map showing the roads, waterways, cities and other important features as they flow or continue from point to point, allowing a person to follow a route or stream from connected point to connected point. Showing how all the features on the map are woven together and interact. Most commonly associated with road or utility construction projects that require the acquisition of multiple rights-of-way, this is a letter-sized map that shows allotted trust and tribal trust lands in relation to adjoining parcels affected by a proposed project area. Each parcel is labeled with essential title information. The broad view provides a means to visually track and account for each ownership from one end of the project area to the other, making it easier to graphically mark progress in document processing, to detect omissions, to avoid redundancy, and to become familiar with ownership, status, parcel names and tract numbers. Because of the scale restriction, a context map normally does not contain data for the dimension of easement areas or the location and extent of easement lines.

Convey

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

Deciding Official

The official with the delegated authority to make a decision on a probate matter. This may include a BIA Regional Director, agency superintendent, field representative, or an Office of Hearings and Appeals (OHA)-Administrative Law Judge or other OHA designated official.

DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES 2001, Used in

connection with all acquisitions of land or interests in land by the federal government, whether by purchase, donation, exchange, condemnation or in settlement of litigation. This is the mandatory guide for the preparation of evidence of title. See EVIDENCE OF TITLE.

DM – Departmental Manual.

DOI – Department of the Interior.

DOJ – Department of Justice.

Evidence

Any type of proof, or probative matter, legally presented and admissible at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

Evidence of Boundary

1. Authenticated documentation (derived from congressional authorization, treaties, executive orders, etc.) used to describe a natural or artificial/political separation that delineates and identifies a tract of land sufficient to ascertain the actual location of the land on the ground. **2.** A deed or other document describing the boundary to property, or a survey or other document locating the boundary to property, or an action or behavior upon the land determining the boundary to property. **3.** Boundary evidence is typically presented through a LDR, COS, and/or CIP. See BOUNDARY, BOUNDARY ASSURANCE, BOUNDARY ASSURANCE CERTIFICATE, BOUNDARY EVIDENCE, BOUNDARY INSPECTION AND POSSESSION, BOUNDARY LOCATION, BOUNDARY OPINION, CERTIFICATE OF INSPECTION AND POSSESSION, CHAIN OF SURVEYS, AND EVIDENCE.

Evidence of Title

A deed or other document establishing the title to property. See ALTA U.S. POLICY – 9/28/91, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS, AND TITLE OPINION.

Exchange

A land exchange is a real estate transaction where the disposal (sale) and acquisition (purchase) are combined in the same transaction or series of transactions.

Executive Order

An order issued by or on behalf of the President of the United States, usually intended to direct or instruct the actions of executive agencies or government officials, or to set policies for the executive branch to follow.

Federal Authority Survey

1. The highest form of boundary evidence available to the federal government and trust

beneficiaries; proof of the geographic limits of the federal interest. **2.** A formal decision by the federal government, subject to appeal, as to the limits of the federal land or interest in land on the surface of the earth. **3.** Creates (or reestablishes), marks, and defines boundaries of tracts of land. In the general plan this is a survey under the direction of a Chief Cadastral Surveyor and includes the elements of; a request for survey, special instructions, assignment instructions, field note record of the observations, measurements, and monuments descriptive of the work performed, a plat that represents the official survey, all subject to review and approval of the Director, BLM, and officially filed; synonymous with Cadastral or Official Survey. See 43 U.S.C. § 2 and 25 U.S.C. § 176. **4.** The sole type of land survey to be used for the land description portion of a patent. See ADMINISTRATIVE SURVEY, AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CADASTRAL SURVEY, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, LOCAL SURVEY, OFFICIAL SURVEY, STATE AUTHORITY SURVEY, AND SURVEY.

Field Investigation (Boundary Inspection and Possession)

1. The physical examination, inspection and inquiry of the boundaries and corners of a tract of land by a Cadastral Surveyor or CFedS. **2.** An on-the-ground comparison of the land description of the boundaries and corners with the actual physical condition of the boundaries and corners of a tract of land. **3.** A written report and opinion, typically expressed on the DOJ CIP form, if appropriate. See BOUNDARY ASSURANCE, BOUNDARY EVIDENCE, BOUNDARY OPINION, CERTIFICATE OF INSPECTION AND POSSESSION, AND OFFICE INVESTIGATION.

GCDB – Geographic Coordinate Data Base.

GLO - General Land Office.

Good Title

Clear title, good title, merchantable title and marketable title are synonymous; “clear title” meaning that the land is free from encumbrances, “good title” being one free from litigation, palpable defects, and grave doubts, comprising both legal and equitable titles and fairly deducible of record. See ALTA U.S. POLICY – 9/28/91, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE TITLE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, DESCRIPTION REVIEW AND LAND DESCRIPTION REVIEW CERTIFICATE.

IAM – Indian Affairs Manual.

IIM – Individual Indian Monies account managed by the OST.

Indian Land

Indian land is an inclusive term describing all lands held in trust or “restricted” by the United States for individual Indians or tribes, or all lands titles, to which are held by individual Indians

or tribes, subject to federal restrictions against alienation or encumbrance, or all lands which are subject to the rights of use, occupancy in/or benefit of certain tribes. For purposes of this part, the term Indian land also includes land for which the title is held in fee status by Indian tribes, and U.S. Government owned land under 25 CFR 150.2(h).

Indian Lands Surveyor

See BLM INDIAN LANDS SURVEYOR.

Interest (in land)

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

Land Description

That part of the conveyance document of land or interest in land, which identifies the land or interest to be affected. Term is synonymous with Legal Description. See LAND DESCRIPTION REVIEW CERTIFICATE.

Land Description Review (LDR)

1. A form of boundary evidence. **2.** To examine the land descriptions of a conveyance, acquisition, conversion, transfer, or partition of land or interest in land. **3.** Examination of the land descriptions, including all exceptions, exclusions, reservations, and reversions, back to patent if necessary, of the subject tract and all surrounding tracts for the purpose of identifying patent ambiguities and actual or potential boundary conflicts. See BOUNDARY EVIDENCE, LAND DESCRIPTION, AND LAND TITLE INSURANCE POLICY EXCEPTIONS, AND TITLE OPINION.

Land Description Review Certificate

1. The formally expressed professional opinion of a Cadastral Surveyor, a Certified Federal Surveyor, or a Pre-approved Agency or Tribal Official or Agent (PATO) that the land description is complete and perfect (or otherwise, as stated), and the land surveyor is liable only for a want of care, skill, or diligence, conducted under the direction and control of the State Office Chief Cadastral Surveyor. **2.** Warrants the validity of the land description free from patent ambiguities and other void or voidable conditions, subject to stated exceptions and caveats. See LAND DESCRIPTION AND LAND DESCRIPTION REVIEW.

Land History Report

A report generated from the Trust Asset Accounting Management System (TAAMS) that reflects the history of all conveyances for a specified section, township, and range.

Latent Ambiguity

In real property boundary law, a latent ambiguity is where the legal description language employed is clear and intelligible and suggests but a single meaning, but some extrinsic fact or extraneous evidence creates a necessity for interpretation or a choice among two or more possible meanings, as where a description apparently plain and unambiguous is shown to fit different pieces of property, or fit the property in two or more locations or configurations. Hidden; concealed; dormant; that does not appear upon the face of a thing. See AMBIGUITY

AND PATENT AMBIGUITY.

Legal Description

That part of the conveyance document of land or interest in land which identifies the land or interest to be affected. This term is synonymous with land description.

Local Survey

An opinion on the location of a federal, Trust, or Restricted interest boundary that does not contain every element of an official or federal authority survey. Local surveys include Administrative Surveys, ALTA land title surveys, and state authority surveys (not an exclusive list). See ADMINISTRATIVE SURVEY, AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND AND TITLE SURVEY, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, FEDERAL AUTHORITY SURVEY, OFFICIAL SURVEY, STATE AUTHORITY SURVEY, AND SURVEY.

LTM – Land Title Mapper.

LTRO –Land Title and Records Office, Bureau of Indian Affairs.

Map

A representation on a plane surface, at an established scale, of the physical features (natural, artificial, or both) of a part or the whole of the earth's surface, by means of signs and symbols, and with the means of orientation indicated.

Marketable Title

Clear title, good title, merchantable title and marketable title are synonymous; “clear title” meaning that the land is free from encumbrances, “good title” being one free from litigation, palpable defects, and grave doubts, comprising both legal and equitable titles and fairly deducible of record. This term is synonymous with Clear Title and Merchantable Title.

Merchantable Title

Clear title, good title, merchantable title and marketable title are synonymous; “clear title” meaning that the land is free from encumbrances, “good title” being one free from litigation, palpable defects, and grave doubts, comprising both legal and equitable titles and fairly deducible of record. This term is synonymous with Clear Title and Marketable Title.

Non-registrant

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

Office Investigation

1. The examination, inspection and inquiry of the boundaries and corners of a tract of land by a Cadastral Surveyor, or Certified Federal Surveyor, without physically visiting the tract. **2.** A comparison of the land description of the boundaries and corners with the condition of the boundaries and corners of a tract of land as evidenced by documents and records only. **3.** A

written report and opinion. See BOUNDARY ASSURANCE, BOUNDARY EVIDENCE, BOUNDARY OPINION, AND FIELD INVESTIGATION.

Official Survey

1. The highest form of boundary evidence available to the federal government and trust beneficiaries; proof of the geographic limits of the federal interest. **2.** A formal decision by the federal government, subject to appeal, as to the limit of the federal land or interest in land on the surface of the earth. **3.** Creates (or reestablishes), marks, and defines boundaries of tracts of land. In the general plan this is a survey under the direction of the State Office Chief Cadastral Surveyor, and includes the elements of; a request for survey, special instructions, assignment instructions, field note record of the; observations, measurements, and monuments descriptive of the work performed, a plat that represents the official survey, all subject to review and approval of the Director, BLM, and officially filed. See 43 U.S.C. § 2 and 25 U.S.C. § 176. **4.** The sole type of land survey to be used for the land description portion of a patent. This term is synonymous with cadastral survey and Federal Authority Survey. See ADMINISTRATIVE SURVEY, AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CADASTRAL SURVEY, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, FEDERAL AUTHORITY SURVEY, LOCAL SURVEY, STATE AUTHORITY SURVEY, AND SURVEY.

OHA – Office of Hearings and Appeals.

OHA – ALJ – Office of Hearing and Appeals, Administrative Law Judge

Opinion of Boundary

A boundary opinion prepared by a Cadastral Surveyor or CFedS.

OPM – Office of Personnel Management.

Patent

A land grant made patent by the sovereign lord over the land in question. To make such a grant “patent”, such a sovereign lord (proprietary landowner) must document the land grant, securely sign and seal the document (patent) and openly publish the same to the public for all to see. An official land patent is the highest evidence of right, title, or interest to a specifically defined tract of land; usually granted by a central, federal or state government to an individual or private company.

Patent Ambiguity

In real property boundary law, a patent ambiguity is where the legal description language employed is unclear and unintelligible and suggests more than a single meaning; creates a necessity for some extrinsic fact or extraneous evidence for an interpretation or a choice among two or more possible meanings; a description not plain and unambiguous so that it will fit different pieces of property, or fit the property in two or more locations or configurations. See AMBIGUITY AND LATENT AMBIGUITY.

Plat

As used technically by the BLM, the drawing which represents the particular area included in a survey, such as a township, private land claim or mineral claim, and the lines surveyed, established, retraced or resurveyed, showing the direction and length of each such line; the relation to the adjoining official surveys; the boundaries, descriptions, and area of each parcel of land subdivided; and, as nearly as may be practicable, a representation of the relief and improvements within the limits of the survey.

Practice

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

Pre-approved Agency or Tribal Official or Agent (PATO)

An agency or tribal official or agent who has successfully completed the certification program to be established within the DOI. These officials and agents will perform legal description review under the direction and control of a Chief Cadastral Surveyor in order to streamline trust asset transactions.

Restricted Land

Land to which the title is held by an individual Indian, tribe which can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations contained in the conveyance instrument pursuant to federal law or because of a federal law directly imposing such limitations.

Secretary – Secretary of the Interior

Standard

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

State Authority Survey

1. A local survey executed within a state by a land surveyor registered to practice land surveying in that state that conforms to the laws and regulations governing boundary surveys in that state.
2. As to federal lands; evidence of the limits of the federal interest. See ADMINISTRATIVE SURVEY, AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, LOCAL SURVEY, OFFICIAL SURVEY, AND SURVEY.

Sufficient Title

The statutory standard required before public money may be expended to purchase land or any interest in land unless the Attorney General gives prior written approval, to the land for the purposes for which the federal government is acquiring the property. 40 U.S.C. § 3111(a).

Survey

1. The process by which a parcel of land (described by a land description) is measured, its

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

2. The art of measuring and locating lines, angles, and elevations on the surface of the earth, within underground workings, and on the beds of bodies of water. **3.** Of land, to ascertain corners, boundaries, divisions, with distances and directions, and areas included within defined boundaries. See ADMINISTRATIVE SURVEY, AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF SURVEYS, CHAIN OF SURVEYS CERTIFICATE, LOCAL SURVEY, OFFICIAL SURVEY, AND STATE AUTHORITY SURVEY.

TAAMS – Trust Asset Accounting Management System.

Title

In real property law it is the means whereby the owner of lands has the just possession of his/her property. Title means the vested right or evidence of the vested right of ownership of land. 25 CFR 150.2(s) (Proposed reg.). See ALTA U.S. POLICY – September 28, 1991, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS, AND TITLE OPINION.

Title Abstract

A condensed history of the title to land, consisting of a synopsis or summary of the material or operative portion of all the conveyances, of whatever kind or nature, which in any manner affect said land, or any estate or interest therein, together with a statement of all liens, charges, or liabilities to which the same may be subject, and of which it is in any way material for purchasers to be apprised. See ALTA U.S. POLICY – September 28, 1991, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS AND TITLE OPINION.

Title Certificate

The formally expressed professional opinion of a title insurance company's examiner that the title is complete and perfect (or otherwise, as stated), and the company is liable only for a want of care, skill, or diligence on the part of its examiner. See CERTIFIED TITLE STATUS REPORT, ALTA U.S. POLICY – September 28, 1991, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE EVIDENCE, TITLE EXAMINATION, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS AND TITLE

OPINION.

Title Evidence

A deed or other document establishing the title to property. See AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE TITLE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE INSURANCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS AND TITLE OPINION.

Title Examination

1. An examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Indian land with certification of the findings by the Manager of the Land Titles and Records Office. **2.** A statement of the sufficiency of title to land for the purposes for which the property is being conveyed, or managed. **3.** A title opinion by an attorney for his/her client, embodying his/her understanding of the law as applicable to a statement of facts submitted to or determined by him/her for that purpose. See AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE OPINION, TITLE INSURANCE POLICY, AND TITLE INSURANCE POLICY EXCEPTIONS.

Title Insurance

1. Insurance against loss or damage resulting from defects or failure of title to a particular parcel of realty, or from the enforcement of liens existing against it at the time of the insurance. **2.** This form of insurance is taken out by a purchaser of the property or by one loaning money on mortgage, and is furnished by companies specially organized for the purpose, which keep complete sets of abstracts or duplicates of the records, employ expert title-examiners, and prepare conveyances and transfers of all sorts. **3.** Warrants the validity of the title in any and all events, subject to standard exceptions. See AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE POLICY, TITLE INSURANCE POLICY EXCEPTIONS, TITLE OPINION, AND TITLE STATUS REPORT.

Title Insurance Policy

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

TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY EXCEPTIONS, TITLE OPINION, AND TITLE STATUS REPORT.

Title Insurance Policy Exceptions

An exclusion of one or more risks; loss or damage resulting from a title policy exception is not insured. Two exceptions commonly included in title policies (but coverage can be purchased for both) are exceptions to “parties in possession” (no protection from unrecorded rights-of-way or vested unwritten (adverse possession rights), and “matters which would be revealed by a survey” (typically a latent defect in a boundary location or an erroneous assumption of a boundary location). See AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE INSURANCE, TITLE INSURANCE POLICY AND TITLE OPINION.

Title Opinion

1. A statement of the sufficiency of title to land for the purposes for which the property is being conveyed, or managed. **2.** A title opinion by an attorney for his/her client, embodying his/her understanding of the law as applicable to a statement of facts submitted to or determined by him/her for that purpose. See AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ALTA/ACSM) LAND TITLE SURVEY, CHAIN OF TITLE, CLEAR TITLE, DEPARTMENT OF JUSTICE STANDARDS 2001 A GUIDE FOR THE PREPARATION OF TITLE EVIDENCE IN LAND ACQUISITIONS BY THE UNITED STATES, TITLE, TITLE ABSTRACT, TITLE CERTIFICATE, TITLE EVIDENCE, TITLE EXAMINATION, TITLE INSURANCE, TITLE INSURANCE POLICY, AND TITLE INSURANCE POLICY EXCEPTIONS.

Title Status Report (TSR)

A report issued after a title examination which shows the proper legal description of a tract of Indian land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on record; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in an LTRO. See CERTIFIED TITLE STATUS REPORT, TITLE CERTIFICATE, TITLE EXAMINATION, TITLE INSURANCE, AND TITLE INSURANCE POLICY.

Treaty

An agreement formally signed, ratified, or adhered to between two nations or sovereigns.

Trust Land

Land to which the title is held in trust by the United States for an individual Indian or Tribe. See INDIAN LAND AND RESTRICTED LAND.

Unofficial Survey - See Administrative Survey.

U.S. – United States.

USC – United States Code.

CHAPTER 3 FREQUENTLY ASKED QUESTIONS

What are the Standards for Boundary Evidence (Standards)?

The Standards provide a standardized system of identifying and documenting boundary evidence for trust and restricted lands. They are designed to assist the Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM) and tribal managers in determining that activities, rights, and boundaries are located correctly on trust and restricted lands.

How do they work?

The Standards take the complex work of boundary management and break it down into basic components. They require the involvement of managers, realty and resource specialists, and surveyors working in a collaborative manner. The trust obligation is reached by land tenure professionals working together and reporting their findings via uniform documentation.

Who will benefit?

Trust Beneficiaries will benefit as The Standards can reduce costly conflicts, reduce litigation, and reduce the number of land surveys. They enable a more accurate accounting of trust funds by improved documentation of the location of activities and rights within appropriately located trust boundaries.

Who else will benefit?

Federal and tribal governments will benefit by obtaining an alternative to land surveys in cases where a boundary location is uncertain. The Boundary Assurance alternatives, in many but not in all cases, will cost less and can be completed more quickly than a land survey.

We have Department of Justice Title Standards now; why have Standards for Boundary Evidence too?

Title Standards seek to identify and eliminate title defects. Surveys perform the same functions with respect to boundary defects. The Standards for Boundary Evidence help to identify boundary locations in those cases when a land survey is not necessary.

Will every transaction and resource management activity have to go through the Standards process?

No. The Standards do not change existing BIA or tribal policy that govern when boundary assurance or an official survey for a past, current, future transaction, or Indian trust asset management activity are conducted.

What is provided?

The authorized officer is provided a written assurance (or non-assurance) certificate about the boundary location based upon an evidentiary investigation conducted by a cadastral surveyor or certified Federal surveyor. The certificate addresses the type of assurance authorized, excluding those matters which can only be determined by a land survey.

What is new?

The standardization of existing work processes and the uniform documentation of a derived work product. The type of work is not new, but the systematization of the business processes is. The Standards are a compilation of best practices taken from BIA Regions and BLM State Offices.

Will I have to consult with the BLM Cadastral Survey Program on every transaction or resource activity?

No. The BIA or tribal manager is in charge and ultimately responsible for the outcome. The Standards provide, in some cases, more efficient and cost effective tools than a land survey to get the job done.

With the Standards will I ever need a land survey?

Yes. There will be cases where the Boundary Assurance report will contain caveats bearing higher risks than a prudent manager will want to assume. After consultation with your Cadastral Surveyor about what the caveats mean and your knowledge of the intended land use or purpose, you may decide you need to know the details which can only be revealed by an official survey. In some cases the need for survey monuments or new land descriptions simply requires an official survey.

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

No. The Standards are not mandatory. The authorized officer can still request an official survey just as they could before the Standards. But BLM Cadastral Survey Program, based upon their preliminary research conducted for every survey, may come back and consult with you about a less expensive or timelier solution.

But if I request an Administrative Survey, will the Standards benefit me?

The Standards provide a tool for BLM to use to review administrative (unofficial) surveys. The report of the review can alert you to concerns about the surveys. In other words you can seek a second opinion in those cases when it is prudent.

How will the Standards benefit BIA and tribal title experts?

The Standards provide a standardized process and documentation for the exchange of information between the title experts (those who deal with the “who” and the “what” about the land) and the boundary experts (those who deal with the “where” of the land). Surveyors are trained to identify latent ambiguities in legal descriptions and boundary encroachments. Surveyors interpret survey 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.

How will the Standards benefit BIA and Tribal resource and facilities managers?

The Standards provide a standardized process and documentation for the exchange of information between the resource and facilities managers (those who deal with the land resources and land uses) and the boundary experts (those who deal with the “where” of the land). Surveyors are trained to identify latent ambiguities in legal descriptions and boundary encroachments. Surveyors interpret survey 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.

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

A surveyor brings the unique knowledge combination of title records, survey records, and boundary location evidence. A surveyor is trained to distinguish between corner monuments and spurious corners. In many cases, but not in all cases, the surveyor can tell by inspection, after some preliminary research, whether a fence or other use is the true boundary line.

What is Boundary Assurance?

Boundary Assurance is a land boundary management tool for trust and restricted land transactions and resource activities. Boundary Assurance is not a land survey. Boundary Assurance is a non-survey alternative which can be used by BIA, tribes, individual Indians, individual Alaska Natives, and BLM for the purpose of assuring the boundary evidence either prior to or after a transaction and resource activity.

How is a Boundary Assurance performed?

The Boundary Assurance process is the result of the latest innovative and advanced boundary management techniques supported by automated survey and land records, photography, GIS, mapping, and computer software, which provides the BIA or tribe with sufficient detail to satisfy their boundary management requirements.

Is it a survey?

No. While it is true that the Boundary Assurance process cannot furnish the kind of detail that would be available through an official survey, it is sufficiently specific and detailed to satisfy the BIA or tribe’s boundary management requirements in many cases.

Will beneficiaries be misled?

The BIA and BLM’s discussions with tribes and allottees emphasize that Boundary Assurance is not an official survey and does not satisfy the needs that can only be fulfilled by an official survey. Boundary Assurance can be sufficient to meet BIA or the tribe’s own internal transactions and resource activities related to boundary location. It is permanently filed by the BIA and BLM for future reference.

Has a cost analysis been made?

Yes. Due to better utilization of limited and specialized expertise the savings should be significant. It has been estimated with implementation of the Standards, a savings of 8% in direct costs and 6% in surveyor work months per year can be achieved. This is equivalent to 7 additional survey projects a year being completed, based upon fiscal year 2011 appropriated dollars. The potential savings in litigation avoidance is difficult to estimate but could also be significant.

What is a Certified Federal Surveyor (CFedS)?

A CFedS is a state licensed land surveyor who has successfully completed the certification process established by the BLM Cadastral Survey Program. Tribal and agency surveyors will be encouraged to become state licensed land surveyors and federally certified. A CFedS will perform a wide range of cadastral services within the state(s) in which he or she is licensed to practice land surveying. Certain services, however, will be under the direction and control of the appropriate Chief Cadastral Surveyor.

What is a Pre-approved Agency or Tribal Official or Agent (PATOA)?

A PATOA is an individual who has successfully completed a certification process established by the BLM Cadastral Survey Program. PATOA will perform land description reviews. They will provide more trained personnel for accomplishing land description reviews in order to streamline Indian trust asset transactions.

Where is the increased capacity?

The Standards allow the Department or BLM/BIA to increase its cadastral services capacity without sacrificing quality. Tribal members and BIA employees are encouraged to become licensed land surveyors that also are federally certified. The PATOA Program uses trained personnel. Tribal members and BIA employees will be encouraged to become proficient in legal description creation and review, and be federally pre-approved.

Can the Standards be changed?

Yes. The Standards will be subject to amendment through due process when experience teaches us how to make them better.

Who bears the cost for the Standards process?

The department, agency, tribe, or land owner authorizing the work is responsible for the cost.

CHAPTER 4 BOUNDARY EVIDENCE

4.1 The Application of Boundary Evidence

A tribe, bureau, or office should obtain **boundary evidence** for any land title transaction or an interest in land that is being acquired, for example, road construction (ROW), capital investment projects (leases) or timber sales. A BLM Cadastral Surveyor, a **Certified Federal Surveyor (CFedS)**, or a **Pre-approved Agency or Tribal Official or Agent (PATO)** will be consulted in all circumstances in which **boundary evidence** is needed.

Boundary evidence is authenticated documentation used to describe a natural or artificial/political separation that delineates and identifies a tract of land sufficient to ascertain the actual location of the land on the ground. **Boundary evidence** typically is in the form of a deed or other document describing the boundary to property, or a survey or other document locating the boundary to property, or an action or behavior upon the land determining the boundary to property. **Boundary evidence** will be examined through a **Land Description Review (LDR)**, **Chain of Surveys (COS)**, or **Certificate of Inspection and Possession (CIP)**, each address separate aspects of **boundary evidence**. Each examination provides a portion of the total **boundary assurance** process. The **Boundary Assurance Certificate (BAC)** is used in those cases where all three of the **boundary evidence** documents have been compiled, and when an **assurance** on the **boundary location** is requested.

The **Standards** for Indian Trust Lands Boundary Evidence require both **boundary** and **title evidence** to be examined in totality for conflict free land **boundaries**. **Boundary evidence** is examined to identify insufficient land descriptions, ambiguous **boundary** location, conflicts in use, unauthorized encroachments, boundary gaps or overlaps, and other conflicts along a boundary line. Relying solely on **title evidence** and **title insurance** creates the potential for overlooking **boundary** defects. **Boundary evidence** involves the compilation, examination and analysis of **title** documents and **boundary** documents combined with the physical inspection of the **boundary**.

Tribes and the BIA should consult with a BLM Cadastral Surveyor, a **CFedS**, or a **PATO** to determine: a) if further **boundary evidence** is needed, and/or b) the type of **boundary evidence** to be obtained. The manager and boundary expert must keep in mind the differing and unique requirements of each transaction, planned activity, local practice, reliability, security, economy, efficiency and speed.

Boundary evidence must be kept with the region's, agency's or tribe's permanent trust record files. Some guidelines for the preparation of **boundary evidence** examination are as follows:

1. The attached worksheets (hereinafter discussed) and certificates (**LDR**, **COS**, **CIP**, or **BAC**) are required for each **boundary evidence** product requested. The worksheets and the certificates are part of the **Standards** and must be used to comply with the **Standards**.

2. The **boundary evidence** worksheet should disclose the name of each and every person known to have any **title** to, or **interest** in, the land or natural resource, and every person known to have any **title** to, or any **interest** in, the surrounding land or natural resource. A land status map provided by the relevant agency, and/or a title abstract, title certificate or other title report forms, such as TSR, may disclose essential information, including the name(s) of the person or parties who hold interests of record. Addresses of parties having any interest in the subject land or natural resource, and in the surrounding land or natural resource, if disclosed by the public records or known to the tribe, bureau or office should be set out or provided via copies of the title reports. **Title Status Reports** provided by an **LTRO** may provide useful location, ownership, and encumbrance information. If available, a **Land Title Mapper (LTM)** tract map provides a spatial representation, a geographic information system (GIS) acreage calculation, and shows adjacent landholdings. A LTM spatial analysis of automated land records (LRIS, TAAMS) can reveal conflicts involving the recorded descriptions of tracts, which may be an indication of potential boundary problems.
3. Complete, legible copies and images, or a sufficient abstract or digest, of all instruments referenced in the **boundary evidence** must be obtained. Survey plats should be original size.
4. Where subsurface (mineral) interests in the property are to be conveyed, or managed, the **boundary evidence** of each such outstanding interest and all data or exceptions, whether of record or not, relating thereto, must be developed.

The **LDR**, **COS**, and **CIP** will be the most widely used **boundary evidence** products used in **Indian land** boundary issues. These documents provide some **assurance** against certain boundary defects such as **latent ambiguities**, **patent ambiguities**, conflicting **surveys**, adverse claims, encroachments, unauthorized uses, etc., which typically are not ascertained by commercially procured **title** searches of the public records. These boundary defects are typically categorized as exceptions to a **title insurance policy** or may not be detected by a **Certified Title Status Report**. These **boundary evidence** products provide a greater degree of assurance of boundary location not typically provided by title products.

There are many forms of **boundary opinions**. The boundary evidence worksheets will not be applicable in every situation as an official survey will provide a more substantial form of assurance to resolve a boundary issue. **Boundary evidence worksheets (authorizations) and certificates (opinions) and official surveys** may not be required for every transaction.

A. Land Description Review (LDR)

An essential component of **boundary evidence** is a clear, unambiguous and conflict-free **land description**. Whenever possible a thorough review of the **land description** documents should be made early in the acquisition, conversion, transfer, partition, or management activity process by the acquiring or managing agency or tribe. There are two documents associated with **LDR's**, the Worksheet (authorization) and the Certificate (opinion). See the Worksheets, Certificates and Examples Section for representatives of these documents. When

it is determined that a **LDR** is needed, the worksheet should be completed by the BIA or tribal official needing the **LDR** in collaboration with a cadastral surveyor, CFedS, or PATOA. The **LDR** worksheet and all supporting documentation will be submitted to the Superintendent or Field Office Representative who will submit it through the Regional Director (Realty Officer) to the appropriate BLM **Chief Cadastral Surveyor** through the **BILS**. It will be reviewed by a **BILS (cadastral surveyor)**, CFedS, or **PATOA**, under the direction and control of the BLM **Chief Cadastral Surveyor**.

If a BIA **Title Status Report** or other **title evidence** has been obtained, copies should be included with the **LDR** worksheet. The agency or tribe should communicate within the worksheet, knowledge of other relevant information along with copies of the agency's or tribe's **boundary evidence**. If the documentation has not been obtained, the authorized officer should consult with the appropriate **Chief Cadastral Surveyor** and, if need be, legal counsel, to determine what documents are required.

Depending upon the information needed, the LDR worksheet can be used to request and respond to multiple services, including:

1. The review of **boundary description(s)** of land and/or interests in land, including surrounding interests when necessary;
2. The condition of the **corner monuments**, **boundary** line markings, and the 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;
3. The condition of the **GCDB**;
4. Reporting of the official area (area returned upon the official plat);
5. Reporting of area based upon other sources; and/or
6. Other related information (after a discussion between the Authorizing Official and **BILS/BLM** Cadastral Survey Office).

B. Chain of Surveys (COS)

A **COS** is a compendium of successive land surveys, or other forms of boundary and corner identification, location, or opinion, concerning the location of a particular parcel of land, arranged consecutively, from the government or original land survey down to the present. The area of coverage is the land boundary, including all the interests in the land, out to the controlling corners. There are two documents associated with **COS**, the Worksheet (authorization) and the Certificate (opinion). See the Worksheets, Certificates and Examples Section for representatives of these documents. When it is determined that a **COS** is needed, the worksheet should be completed by the BIA or tribal official needing the **COS** in collaboration with a cadastral surveyor or CFedS. The worksheet and all supporting documentation should be submitted to the Superintendent or Field Office Representative who will submit it through the Regional Director (Realty Officer) to the appropriate BLM **Chief**

Cadastral Surveyor through the **BILS**. It will then be reviewed by a **Cadastral Surveyor** or a **CFedS**, under the direction and control of the **BLM Chief Cadastral Surveyor**.

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 **COS** enables the examining surveyor to often identify **boundary** conflicts and location inconsistencies. The agency or tribe should communicate within the worksheet, knowledge of other relevant information. Depending upon the information needed, the worksheet can be used to request multiple services, including:

1. 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;
2. A history of corner recovery, a description of every visit to a corner,
 - a. Without a field visit, or
 - b. With a field visit;
3. A history of lines, a description of every record or computed measurement between corners;
4. The practicability of the corners and/or lines for the intended land use based upon the **COS**; and/or
5. Other related information (after a discussion between the Requestor and **BILS/BLM Cadastral Survey Office**).

C. Certificate of Inspection and Possession (CIP)

Normally an investigation is made and a **CIP** is issued immediately prior to the closing of a transaction. In some instances an early investigation and **CIP** is obtained to ascertain conditions on the land at that time. When needed, a field investigation required for a **CIP** should be ordered promptly and conducted under the direction and control of the **Chief Cadastral Surveyor**, who will also issue the **CIP**. There are two documents associated with **CIP**, the Worksheet (authorization) and the Certificate (opinion). See the Worksheets, Certificates and Examples Section for representatives of these documents. When it is determined that a **CIP** is needed, the worksheet should be completed by the BIA or tribal official needing the **CIP** in collaboration with a cadastral surveyor or **CFedS**. The worksheet and all supporting documentation should be submitted to the Superintendent or Field Office Representative who will submit it through the Regional Director (Realty Officer) to the appropriate **BLM Chief Cadastral Surveyor** through the **BILS**.

There are two forms of **CIP** from the **Department of Justice Standards 2001 for the Preparation of Title Evidence in Land Acquisitions by the United States**, and are attached. Regarding use of these forms for **title evidence**, see the DOJ Title Standards.

Form No. 1 is designed to be completed by one individual. Form No. 2 is designed to be completed by two individuals. For **boundary evidence** purposes, the forms have been adopted to report on the ground inspection of the boundary and corners by a Cadastral Surveyor or **CFedS**, under the direction and control of the **BLM Chief Cadastral Surveyor** for acquisitions, conversions, transfers, partitions, and other activities. A Disclaimer from

right, **title**, lien or interest may be used to supplement the **CIP**.

Agencies and tribes are encouraged to have the persons who are to inspect the property for cultural, **title**, engineering, historical, hazardous, or environmental matters, coordinate their inspections with the **boundary** examination.

D. Boundary Assurance Certificate (BAC)

A **BAC** is issued only after: a) it is sought by a Federal agency, tribal official, or an individual Indian; and b) satisfactory **LDR**, **COS**, and **CIP** certificates have been issued. The **BAC** enhances confidence that a **boundary** location is clear of conflicts and uncertainties, except as noted or as stated in caveats. When the need for a **BAC** is identified, the certificate should have an effective date as-of or subsequent-to the date of recording of the deed to the United States, updated agency land status, survey and Cadastral-based Geographical Information System (**CGIS**) records or completion of trust or restricted land asset activity.

The **BAC** is a written statement of all known boundary location defects, conflicts, **ambiguities**, gaps, overlaps, unwritten rights, failure of **legal descriptions**, **surveys**, use and occupancy, and other types of **boundary evidence** for a tract of land, as certified to by a **Cadastral Surveyor** or **CFedS**, and approved by the appropriate BLM **Chief Cadastral Surveyor**. NOTE: this is not an **official survey** or a **local survey**, and should not be used in lieu thereof. An actual **official survey** may reveal further **evidence** or clarify the proper use of existing **evidence** thereby resulting in a different corner or boundary location than certified to in the **BAC**.

There are two documents associated with a **BAC**, the Worksheet (authorization) and the Certificate (opinion). See the Worksheets, Certificates and Examples Section for representatives of these documents. When it is determined that a **BAC** is needed, the worksheet should be completed by the BIA or tribal official needing the **BAC** in collaboration with a cadastral surveyor or **CFedS**. The worksheet and all supporting documentation should be submitted to the Superintendent or Field Office Representative who will submit it through the Regional Director (Realty Officer) to the appropriate BLM **Chief Cadastral Surveyor** through the **BILS**.

4.2 Responsibility for Requesting Boundary Opinions

The acquiring or managing agency or tribe may seek opinions of **boundary evidence** for the land or interests in land to be conveyed or managed, including but not exclusively, directed or mandated acquisitions, purchases, exchanges, donations, condemnations, proclamations, and also rights-of-way, easements, leases, and other transactions and activities.

Boundary opinions should be obtained promptly to permit timely completion of the transaction. Authorized Officers should be cognizant of requirements set by other existing manuals or handbooks, i.e. Fee to Trust Handbook requires two separate site inspections; a preliminary and a final. The final is to be completed, to satisfaction, at least 180 days prior to execution of the deed.

4.3 Responsibility for Preparing Boundary Evidence

Boundary evidence can be gathered and evaluated by **Cadastral Surveyors, CFedS, or PATOA's** familiar with the preparation of such **evidence** in the jurisdiction in which the lands are situated. Individuals certified or pre-approved to gather or evaluate **boundary evidence** should have no interest in the land or surrounding land.

4.4 Guidelines for Boundary Evidence Preparation

Some **guidelines** for the preparation of **Boundary Evidence** follow:

1. The **LDR, COS, CIP, and BAC** worksheets and certificates include the **boundary evidence** as attachments.
2. Complete, legible copies and images of all instruments referenced as the **boundary evidence** must be provided. All documents should be original size, if possible.

4.5 Supporting Documentation

The manager and boundary expert must keep in mind the differing and unique requirements of each transaction, planned activity, and local practice. In general, the character and scope of acceptable **boundary evidence** shall:

1. Consist of, at minimum, recorded and unrecorded land surveys, title policy, TSRs, aerial photographs, rights-of-way documents, land ownership maps, land status maps and other pertinent documents pertaining to **boundary location** for the interests to be conveyed or managed.
2. Contain a sufficient summary of material facts or statements including exceptions, caveats, or objections to specific portions of the **boundary location(s)**.

4.6 Existing Boundary Evidence Documents

In general, **Boundary Evidence** is gathered from a search of all records of the BIA, Tribal, County Recorders/Registrar of Deeds, etc. and physical evidence affecting the **boundary location**, for the time period up to the last day the records were searched or the boundary inspected.

Boundary evidence collected after the last inspection must indicate that the search or inspection has been continued from the date of the previous **boundary evidence**. The new **boundary evidence** should include the recordation or filing of the previous transaction, updated agency land status, **survey**, and CGIS records, when applicable.

APPENDIX WORKSHEETS, CERTIFICATES, AND EXAMPLES

Appendix 1a. Land Description Review Worksheet- Blank

Land Description Review Worksheet
 United States Department of the Interior
 [Agency/Tribe]
 [Location]

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

From: [Print - Agency or Tribe, Office and Official]

Subject: Land Description Review (LDR) Worksheet

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	PURPOSE:

Please review the land description(s) in the attached conveyance/activity document(s) for the case identified above, please complete the attached interoffice memo and return them to me for filing in the official case file [when applicable]. The purpose for the LDR is:

- In addition BLM is to report upon (check box(es), and within the brackets circle the requested 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 program purposes 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 is needed by: [Insert Date]

Authorized by:

<i>Name:</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature]	[Include agency or tribal affiliation]	
[Print Name]		

Date Received By Cadastral Survey: _____ Received By: _____

Attachments:

This worksheet is to be retained in the official case file

Appendix 1b. Land Description Review Worksheet - Example

Land Description Review Worksheet
 United States Department of the Interior
 Bureau of Indian Affairs, Winnebago Agency

To: BLM, Wyoming State Office, Cadastral Survey
 Attention: Chief Cadastral Surveyor

From: BIA, Superintendent, Winnebago Agency

Subject: Land Description Review (LDR) Worksheet

BIA LAND AREA CODE:	ALLOTMENT/TRACT No.:	PURPOSE:
A13		Fee to Trust Acquisition

Please review the land description(s) in the attached conveyance/activity document(s) for the case identified above, please complete the attached interoffice memo, and return them to me for filing in the official case file [when applicable]. The purpose for the LDR is: To process a fee to trust acquisition.

In addition BLM is to report upon (check box, and within the brackets circle the requested 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 program purposes 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 is needed by: 7/20/11

Authorized by:

Name:	Title and Contact Information:	Date:
John Doe John Doe	Superintendent, Winnebago Agency (999) 999-9999	6/20/11

Date Received By Cadastral Survey: 6/24/11 Received By: Bob Talahassie

Attachments: Legal Description Attached as Exhibit "A" to the Preliminary Title Report dated February 25, 2005, Assessors Map No. 1234, and the following records filed with the Office of the Thurston County Recorder: Record of Survey No. 894, Parcel Map No. 500 and Document No's. 99646 and 181179.

This worksheet is to be retained in the official case file

Appendix 2a. Land Description Review Certificate - Blank

Land Description Review Certificate
 United States Department of the Interior
 [Agency/Company]
 [Location/Address]

To: [Agency or Tribe and Office]
 Attention:

From: [Chief Cadastral Surveyor]
 BLM [State Office]

Subject: Land Description Review (LDR) Certificate

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	PURPOSE:

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

(Check one!)

<input type="checkbox"/>	The land description is acceptable as written and presented, see comments below.
<input type="checkbox"/>	The land description has potential problems as noted below; however, the risk appears minor and the conveyance/activity should not be affected.
<input type="checkbox"/>	The land description has potential problems and should not be used as written in the subject conveyance/activity document. 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 to the land 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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

<i>Name: Cadastral Surveyor, Certified Federal Surveyor, or Pre-approved Agency or Tribal Official or Agent</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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

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

Attachments:

This certificate is to be retained in the official case file

Appendix 2b. Land Description Review Certificate – Example

Land Description Review Certificate
 United States Department of the Interior
 Bureau of Land Management, Wyoming State Office
 Cheyenne, Wyoming

To: BIA, Winnebago Agency
 Attention: Superintendent

From: BLM, Wyoming State Office, Cadastral Survey
 Chief Cadastral Surveyor

Subject: Land Description Review (LDR) Certificate

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	PURPOSE:
A13		Fee to Trust Acquisition

By LDR Worksheet received by this office on 06/24/11, the land description(s) as stated in the attached conveyance document(s) for the above referenced realty/resource action has been reviewed. The following determination has been made:

(Check one!)

	The land description is acceptable as written and presented, see comments below.
X	The land description has potential problems as noted below; however, the risk appears minor and the conveyance/activity should not be affected.
	The land description has potential problems and should not be used as written in the subject conveyance/activity document. 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 to the land for the stated purpose:

Comments/Concerns/Corrections:

The description provided does not close mathematically. We believe the error can be found in that portion of the description calling for “62.15 feet along the length of a curve to the right”. That distance is not supported by the two other circular curve elements listed (radius and central angle) and does not agree with the Nebraska Department of Transportation (NDOT) Right-of-Way plans. See sheet 25, attached. The distance of “82.15 feet”, shown on the NDOT plans, agrees with the radius and central angle data and results in a mathematically closed figure.

The noted error will not significantly affect the acreage of the subject land.

The noted error could impact the physical location of the south and east boundary of the subject land.

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):
40 acres determined from GLO/BLM official records.
41.56 acres determined by Record of Survey No. 894, filed October 15, 1982 at Thurston County Recorder's Office.

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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

<i>Name: Cadastral Surveyor, Certified Federal Surveyor, or Pre-approved Agency or Tribal Official or Agent</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature] <i>Robert Acres</i>	Cadastral Surveyor	7/6/11
[Print Name] Robert Acres	Wyoming State Office	

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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

<i>Name: Chief Cadastral Surveyor</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature] <i>Victoria M. Caldwell</i>	Chief Cadastral Surveyor for Wyoming	7/8/11
[Print Name] Victoria M. Caldwell		

Attachments:

This certificate is to be retained in the official case file

Appendix 3a. Chain of Surveys Worksheet – Blank

Chain of Surveys Worksheet
 United States Department of the Interior
 [Agency/Tribe]
 [Location]

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

From: [Print - Agency or Tribe, Office and Official]

Subject: Chain of Surveys (COS) Worksheet

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	PURPOSE:

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

In addition BLM is to 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 compliance with program purposes based upon the chain(s) of surveys requested.
- Other - _____.

The Chain of Survey is needed by: [Insert Date]

Authorized by:

Name:	Title and Contact Information:	Date:
[Signature]	[Include agency or tribal affiliation]	
[Print Name]		

Date Received By Cadastral Survey: _____ Received By: _____

Attachments:

This worksheet is to be retained in the official case file

Appendix 3b. Chain of Surveys Worksheet – Example

Chain of Surveys Worksheet
 United States Department of the Interior
 Bureau of Indian Affairs, Western Nevada Agency

To: BLM, Nevada State Office, Cadastral Survey
 Attention: Chief Cadastral Surveyor

From: BIA, Superintendent Western Nevada Agency

Subject: Chain of Surveys (COS) Worksheet

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	PURPOSE:
H61	Dresslerville Colony	Records clarification

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

In addition BLM is to 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 compliance with program purposes based upon the chain(s) of surveys requested.
- Other - _____.

The Chain of Survey is needed by: 8/20/2011

Authorized by:

Name:	Title and Contact Information:	Date:
John Doe John Doe	Superintendent, Western Nevada Agency (999) 999-9999	7/10/2011

Date Received By Cadastral Survey: 7/14/2011 Received By: John West

Attachments: Legal Description attached as Exhibit “A” dated June 6, 1987. Assessor’s Map No. 456 and the following records filed with the Office of the Washoe County Recorder: Record of Survey No. 369 (Uhalde 40) and Document No. 568.

This worksheet is to be retained in the official case file

Appendix 4a. Chain of Surveys Certificate – Blank

Chain of Surveys Certificate
 United States Department of the Interior
 [Agency/Company]
 [Location/Address]

To: [Agency or Tribe and Office]
 Attention:

From: [Chief Cadastral Surveyor]
 BLM [State Office]

Subject: Chain of Surveys (COS) Certificate

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	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 realty/resource action has been compiled. The following determination has been made:

(Check one!)

	The land surveys are acceptable, see comments below.
	The land surveys have potential problems as noted below; however, the risk appears minor and the conveyance/activity should not be affected.
	The land surveys have potential problems and should not be used for the subject conveyance/activity. The following errors and/or concerns as noted below, need to be corrected/addressed before the surveys should be used.

Sufficiency of the chain of survey of the land 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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or 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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

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

Attachments:

This certificate is to be retained in the official case file

Appendix 4b. Chain of Surveys Certificate - Example

Chain of Surveys Certificate
 United States Department of the Interior
 Bureau of Land Management, Nevada State Office
 Reno, Nevada

To: BIA, Western Nevada Agency
 Attention: Superintendent

From: BLM, Nevada State Office, Cadastral Survey
 Chief Cadastral Surveyor

Subject: Chain of Surveys (COS) Certificate

BIA LAND AREA CODE:	ALLOTMENT/TRACT NO.:	PURPOSE:
H61	Dresslerville Colony	Records Clarification

By COS Worksheet received by this office on 7/14/2011 the chain of surveys for the attached land description(s) for the above referenced realty/resource action has been compiled. The following determination has been made:

(Check one!)

X	The land surveys are acceptable, see comments below.
	The land surveys have potential problems as noted below; however, the risk appears minor and the conveyance/activity should not be affected.
	The land surveys have potential problems and should not be used for the subject conveyance/activity. The following errors and/or concerns as noted below, need to be corrected/addressed before the surveys should be used.

Sufficiency of the chain of surveys of the land for the stated purpose: All records appear to be in order. No discrepancies have been determined or discovered.

Comments/Concerns/Corrections:

Corner History: The pedigree of all accepted monumentation has been fully verified. All corners have been properly determined.

Line and Measurement History: Surveys of adjacent parcels are in harmony.

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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or 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] <i>Robert Morlawn</i> [Print Name] Robert Morlawn	Cadastral Surveyor, Nevada State Office	8/6/2011

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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

<i>Name: Chief Cadastral Surveyor</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature] <i>Clark Thompson</i> [Print Name] Clark Thompson	Chief Cadastral Surveyor for Nevada	8/11/2011

Attachments:

This certificate is to be retained in the official case file

Appendix 5a. Certificate of Inspection and Possession Worksheet – Blank

Certificate of Inspection and Possession Worksheet

United States Department of the Interior

[Agency/Tribe]

[Location]

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

From: [Agency or Tribe, Office and Official]

Subject: **Certificate of Inspection and Possession (CIP) Worksheet**

ALLOTMENT NO.:	OFFICE:	TYPE OF CASE:

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

In addition, BLM is to report upon:

- Condition of corner monuments.
- Condition of boundary line marking.
- Practicability of the boundaries for compliance with program purposes.
- Other - _____.

The Certificate of Inspection and Possession is needed by: [Insert Date]

Authorized by:

Name:	Title and Contact Information:	Date:
[Signature]	[Include agency or tribal affiliation]	
[Print Name]		

Date Received By Cadastral Survey: _____ Received By: _____

Attachments:

This worksheet is to be retained in the official case file

Appendix 5b. Certificate of Inspection and Possession Worksheet – Example

Certificate of Inspection and Possession Worksheet

United States Department of the Interior
 Bureau of Indian Affairs
 222 Street
 Billings, MT. 11111

To: BLM Montana State Office, Cadastral Survey
 Attention: Joe Surveyor

From: Bureau of Indian Affairs, Rocky Mountain Region, Superintendent

Subject: **Certificate of Inspection and Possession (CIP) Worksheet**

ALLOTMENT NO.:	OFFICE:	TYPE OF CASE:
N/A	Rocky Mountain Regional Office	Fee to Trust

With reference to the land description(s) in the attached conveyance/activity document(s) for the case identified above, please complete the attached interoffice memo, and return them to me for filing in the official case file [when applicable]. The purpose of the CIP is: Determine if the parcel is free of encumbrances and determine if the buildings on the property are not in trespass against their adjoiner. In addition, BLM is to report upon:

- Condition of corner monuments.
- Condition of boundary line marking.
- Practicability of the boundaries for compliance with program purposes.
- Other - We suspect that one of the neighbors built a corral and horse barn upon this parcel.

The Certificate of Inspection and Possession is needed by: 02/28/2011

Authorized by:

Name:	Title and Contact Information:	Date:
<i>Margaret Anthem</i> Margaret Anthem	Superintendent, Bureau of Indian Affairs 222 Street Billings, MT. 11111 Voice: (555) 555-5555	11/09/2010

Date Received By Cadastral Survey: 11/11/2010 Received By: BPS

Attachments:

1. Record of Survey: Bk 2, Pg 3
2. Record of Survey: Bk 45, Pgs 54-56
3. Parcel Map 115566: Bk 25, Pg 67
4. Land Desc: Somewhere County Doc. No. 445599888855
5. Powerline Easement Doc: Somewhere County Doc. No. 8885566655
6. Underground Utility Easement Doc: Somewhere County Doc. No. 877655

This certificate is to be retained in the official case file

Appendix 6a. Certificate of Inspection and Possession (Form No. 1) – Blank

CERTIFICATE OF INSPECTION AND POSSESSION
(Form No. 1)

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 whatsoever for the development of coal, oil, gas or other minerals on said lands; and there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.
5. There are no outstanding rights whatsoever in any person or entity (corporation, partnership, etc.) to the possession of said premises, nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records, as revealed by the government's title evidence.
6. Said premises are now wholly unoccupied and vacant except for the occupancy of the following, from whom disclaimer(s) of all right, title and interest in and to said premises, executed on _____ [date] _____ has (have) been obtained:

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

Appendix 6b. Certificate of Inspection and Possession (Form No. 1) - Example

CERTIFICATE OF INSPECTION AND POSSESSION
(Form No. 1)

A. Property and project information:

1. The acquiring federal agency is: The United States of America in trust for the Somewhere Indian Reservation, Montana.

2. The name and address of the owner(s) of the property is:

Somewhere Indian Reservation
c/o Albert Perry, Chairman
675 X Street
Somewhere, MT 33333

3. The property is identified and/or described as follows:

A portion of the E1/2 SW1/4 Sec. 20, T. 20 N., R. 7 E., Principal Meridian, Somewhere County, Montana, described as follows:

The east one-half of the southwest one-quarter, section 20, Township 20 North, Range 7 East, Principal Meridian, Montana.

EXCEPTING all that portion lying southerly of the northerly right of way line of Gull Road as described in the deed filed on July 20, 1942 under Document No. 1942-11256 of Official Records of Somewhere County, Montana.

Parcel contains 33.12 acres, more or less.

See attached deed: Somewhere County Doc # 445599888855

4. The estate(s) to be acquired is: Fee Simple

5. The condemnation proceeding name and civil action number are: N/A

B. Certification: I hereby certify that on February 2, 2011, 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:

February 3, 2011
(date)

Sidney Solstice
(signature)

Sidney Solstice, Cadastral Surveyor, BLM, 2445 Z Street, Billings, MT 11111, (555) 555-5555

Jon Island, neighbor, 656 Gull Street, Somewhere, MT 33333 (555) 555-5555

Linda Long, neighbor, 727 Gull Street, Somewhere, MT 33333 (555) 555-5555

(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. **SEE ATTACHMENT "A"**
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. **SEE ATTACHMENT "A"**
3. There is no outstanding unrecorded deed, mortgage, lease, contract, or other instrument adversely affecting the title to said premises. **SEE ATTACHMENT "A"**
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 whatsoever 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. **SEE ATTACHMENT "A"**
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. **SEE ATTACHMENT "A"**
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 _____ N/A _____ has (have) been obtained:

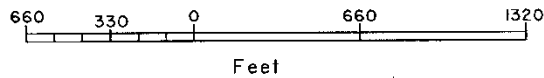
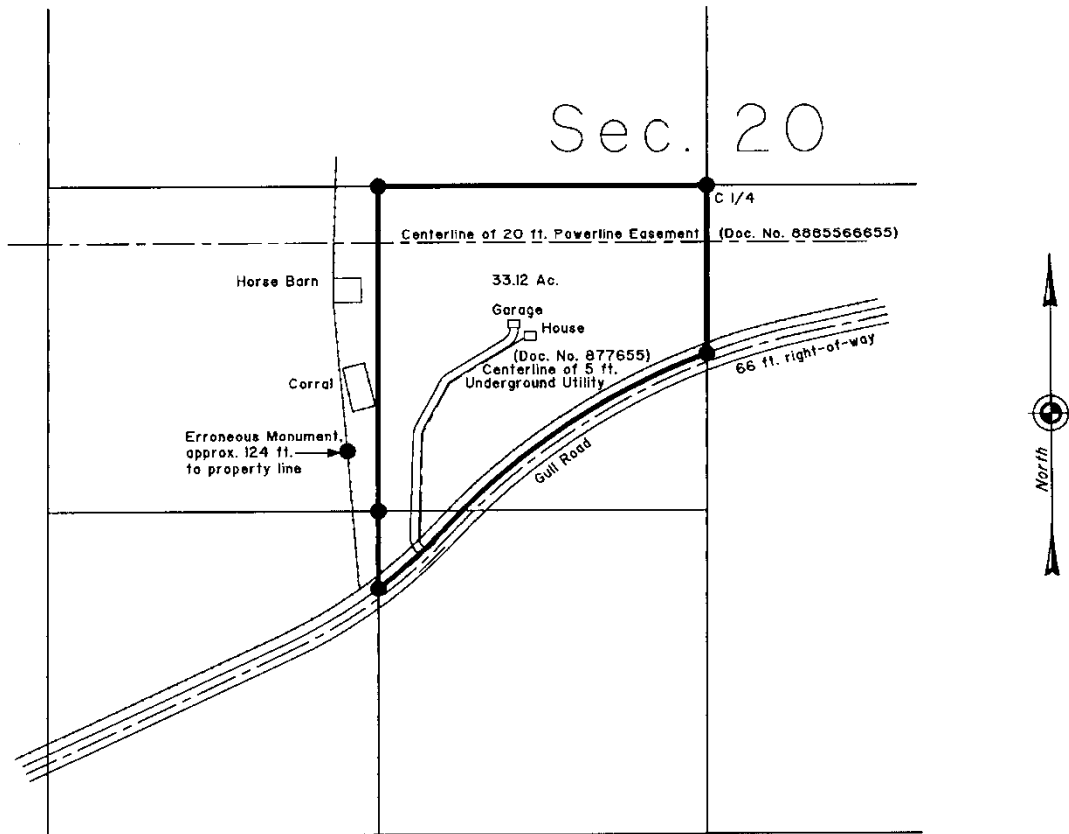
ATTACHMENT "A"

Said parcel has no instance of trespass by any adjoining neighbor. The suspected trespass along the westerly boundary is wholly located on the adjoiners property owned by Jon Island. The suspicion was based upon a misinterpretation of an existing monument along a fence line thought to be the boundary of said parcel. The property line is approximately 124 feet easterly of the monument in the fence line. This was determined through the inspection of the documents attached to the CIP request and the recovery of the monuments at the northwest and southwest corners of the property, and the southwest 1/16 section corner. The powerline easement (Doc. No. 8885566655) and underground utilities (Doc. No. 877655) identified in these documents are properly located. See DIAGRAM A.

Statements 1-5 were attested to by Lacy Meander, BIA Realty Specialist, Rocky Mountain Regional Office under the Realty Specialist's CIP dated December 4, 2010.

Diagram A

T. 20 N., R. 7 E., P.M.



Sidney Solstice

Diagram Prepared By: Sidney Solstice, Cadastral Surveyor
 Address: USDI-Bureau of Land Mgmt.
 Montana State Office
 2445 Z Street
 Billings, MT 59103
 Phone Number: (555) 555-5555

LEGEND

- Found Monument ● 1 in. Iron Pipe, with plastic cap mkd. LS YYYY
- Easement Centerline - - - - -
- Easement Centerline ————
- Property Boundary —————

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 whatsoever for the development of coal, oil, gas or other minerals on said lands; and there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.
4. There are no outstanding rights whatsoever in any person or entity (corporation, partnership, etc.) to the possession of said premises, nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records, as revealed by the government's title evidence.
5. Said premises are now wholly unoccupied and vacant except for the occupancy of the following, from whom disclaimer(s) of all right, title and interest in and to said premises, executed on _____ [date] _____ has (have) been obtained:

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

_____ (date) _____ (signature)

(print name, title, address and telephone number)

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

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

Appendix 7b. Certificate of Inspection and Possession (Form No. 2) - Example

CERTIFICATE OF INSPECTION AND POSSESSION
(Form No. 2)

A. Property and project information:

1. The acquiring federal agency is: The United States of America in trust for the Somewhere Indian Reservation, Montana.

2. The name and address of the owner(s) of the property is:

Somewhere Indian Reservation
c/o Albert Perry, Chairman
675 Gull Street
Somewhere, MT 33333

3. The property is identified and/or described as follows:

A portion of the E1/2 SW1/4 Sec. 20, T. 20 N., R. 7 E., Principal Meridian, Somewhere County, Montana, described as follows:

The east one-half of the southwest one-quarter, section 20, Township 20 North, Range 7 East, Principal Meridian, Montana.

EXCEPTING all that portion lying southerly of the northerly right of way line of Gull Road as described in the deed filed on July 20, 1942 under Document No. 1942-11256 of Official Records of Somewhere County, Montana.

Parcel contains 33.12 acres, more or less.

See attached deed: Somewhere County Doc # 445599888855

4. The estate(s) to be acquired is/are: Fee Simple

5. The condemnation proceeding name and civil action number are: N/A

B. Certification (physical inspection): I hereby certify that on February 2, 2011 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:

February 3, 2011
(date)

Sidney Solstice

(signature)

Sidney Solstice, Cadastral Surveyor, BLM, 2445 Z Street, Billings, MT 11111, (555) 555-5555
(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. **SEE ATTACHMENT "A"**
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. **SEE ATTACHMENT "A"**
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 whatsoever 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. **SEE ATTACHMENT "A"**
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. **SEE ATTACHMENT "A"**
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 _____ N/A _____ has (have) been obtained:

C. Certification (owner inquiry): I hereby certify that on February 4, 2011 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:

February 6, 2011
(date)

Bonnie Benchmark
(signature)

Bonnie Benchmark, Cadastral Surveyor, BLM, 2445 Z Street, Billings, MT 11111, (555) 555-5555

Jon Island, neighbor, 656 Gull Street, Somewhere, MT 33333 (555) 555-5555

Linda Long, neighbor, 727 Gull Street, Somewhere, MT 33333 (555) 555-5555

(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. **SEE ATTACHMENT "A"**
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. **SEE ATTACHMENT "A"**
3. There is no outstanding unrecorded deed, mortgage, lease, contract, or other instrument adversely affecting the title to said premises. **SEE ATTACHMENT "A"**
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 whatsoever 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. **SEE ATTACHMENT "A"**
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. **SEE ATTACHMENT "A"**

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 February 4, 2011 has (have) been obtained:

Sally Carson, 677 Gull Street, Somewhere, MT. 33333 (555) 555-5555

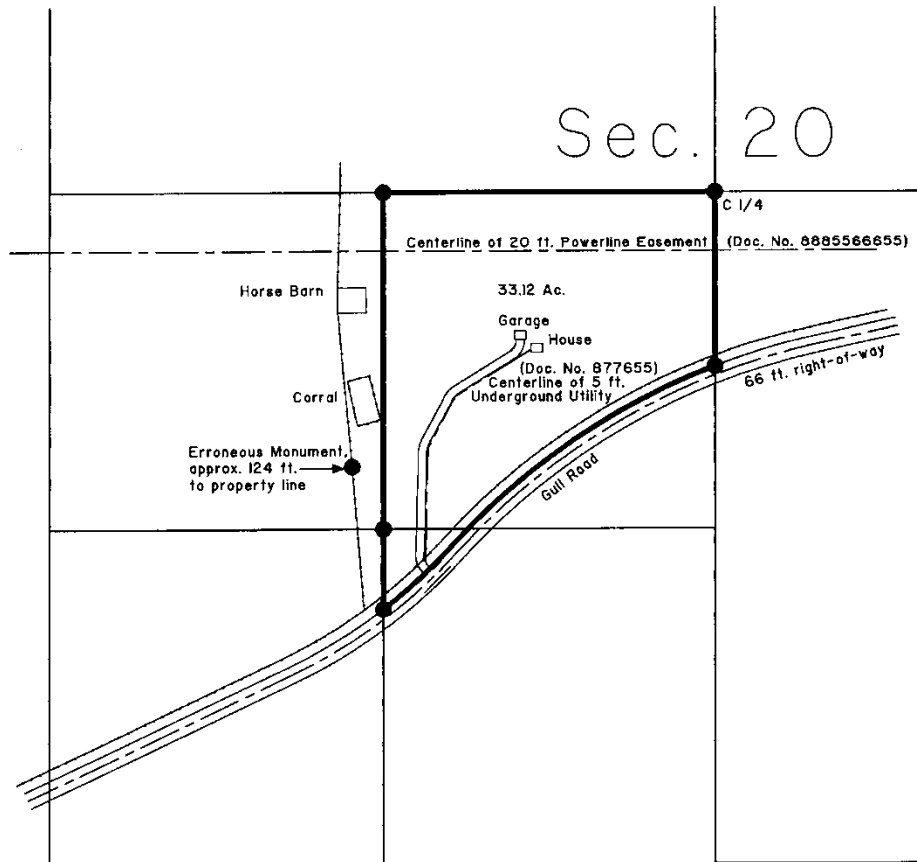
ATTACHMENT “A”

Said parcel has no instance of trespass by any adjoining neighbor. The suspected trespass along the westerly boundary is wholly located on the adjoining property owned by Jon Island. The suspicion was based upon a misinterpretation of an existing monument along a fence line thought to be the boundary of said parcel. The property line is approximately 124 feet easterly of the monument in the fence line. This was determined through the inspection of the documents attached to the CIP request and the recovery of the monuments at the northwest and southwest corners of the property, and the southwest 1/16 section corner. The powerline easement (Doc. No. 8885566655) and underground utilities (Doc. No. 877655) identified in these documents are properly located. See DIAGRAM A.

Statements 1-5 were attested to by Lacy Meander, BIA Realty Specialist, Rocky Mountain Regional Office under the Realty Specialist's CIP dated December 4, 2010.

Diagram A

T. 20 N., R. 7 E., P.M.



Sidney Solstice

Diagram Prepared By: Sidney Solstice, Cadastral Surveyor
 Address: USDI-Bureau of Land Mgmt.
 Montana State Office
 2445 Z Street
 Billings, MT 59103
 Phone Number: (555) 555-5555

LEGEND

- Found Monument ● 1 in. Iron Pipe, with plastic cap mkd. LS YYYY
- Easement Centerline - - - - -
- Easement Centerline - - - - -
- Property Boundary —————

Appendix 9. Certificate of Inspection and Possession (CFedS) - Example

CERTIFICATE OF INSPECTION AND POSSESSION
(Sample Form Attachment)

CERTIFICATE OF INSPECTION AND POSSESSION

I hereby certify that I am a Licensed Land Surveyor in the State of Washington and a Certified Federal Surveyor and that I have made a personal examination and inspection of the certain tract or parcel of land identified above, and that I am fully informed as to the boundary evidence of said tract. I have personally pointed out the evidence of the corners and boundaries to the following individual(s):

1. John Smith, Realty Specialist, Columbia Tribe, on 05-24-11.

June 6, 2011

(date)

Rebekah Nichols, P.L.S No. 1234

(signature)

This certificate is to be retained in the official case file

Appendix 10a. Boundary Assurance Certificate Worksheet – Blank

Boundary Assurance Certificate Worksheet

United States Department of the Interior

[Agency/Tribe]

[Location]

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

From: [Appropriate Agency or Tribe, Office and Official]

Subject: Boundary Assurance Certificate (BAC) Worksheet

ALLOTMENT NO.:	OFFICE:	TYPE OF CASE:

With reference to the land description(s) in the attached conveyance/activity document(s) for the case identified above, please complete the attached interoffice memo, and return them to me for filing in the official case file. The purpose of the BAC is:

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

Authorized by:

Name:	Title and Contact Information:	Date:

Date Received By Cadastral Survey: _____ Received By: _____

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

This worksheet is to be retained in the official case file

Appendix 10b. Boundary Assurance Certificate Worksheet - Example

Boundary Assurance Certificate Worksheet
 United States Department of the Interior
 Bureau of Indian Affairs
 Pacific Region

To: BLM California Cadastral Survey
 Attention: Bill Hamilton, Chief Cadastral Surveyor

From: BIA, Pacific Region, Forestry
 John Smith, Regional Forester

Subject: **Boundary Assurance Certificate (BAC) Worksheet**

ALLOTMENT NO.:	OFFICE:	TYPE OF CASE:
168 T1234	BIA, Pacific Region	Proposed Timber Sale

With reference to the land description(s) in the attached conveyance/activity document(s) for the case identified above, please complete the attached interoffice memo, and return them to me for filing in the official case file. The purpose of the BAC is:

A timber sale is in the beginning stages of development for a portion of Allotment No. 168 T1234, Yurok Indian Reservation. Portions of the boundaries of the acquired parcel have been questionable. There have been multiple boundary surveys since the Land Description Review was conducted for the 1990 acquisition. Specifically, the lines between sections 13 and 24, and sections 14 and 23, and the north and south centerline of the NE ¼ of section 23, T. 10 N., R. 3 E., Humboldt Meridian, California. Some of these surveys are questionable and may have an adverse impact on the parcel boundaries. The timber is high value and the beneficial trust owners need assurance that the trees marked for cutting are within the north boundary of the parcel. No additions are needed for the LDR, COS, or CIP.

The Boundary Assurance Certificate is needed by: May 3, 2008

Authorized by:

<i>Name:</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
John Smith	Regional Forester, (916) 555-1234	Feb. 28, 2011

Date Received By Cadastral Survey: March 2, 2011 Received By: Brenda Joy, Office Section Chief

Attachments: For the tract(s) or parcel(s) of land identified above, copies of the Land

Description Review, Chain of Surveys, and Certificate of Inspection and Possession Certificates signed by the Chief Cadastral Surveyor, with the case file for each.

Land Description Review, November 1, 2010; Four records of survey, Humboldt Co., CA: RS 232, Pg. 82; RS 232, Pgs 100-102; RS 233, Pg 45; and RS 233, Pgs 78-79.; The Certificate of Inspection and Possession, dated November 3, 2010, from the parcels acquisition.

This worksheet is to be retained in the official case file

Appendix 11a. Boundary Assurance Certificate - Blank

**UNITED STATES OF AMERICA
BOUNDARY ASSURANCE CERTIFICATE**

Boundary Assurance Certificate No. _____

To:

From:

Subject:

Certification: Subject to the exceptions, conditions and stipulations listed in Schedule B, I, _____ [Print Name] _____, BLM 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 United States of America will not sustain or incur a loss or damage, based upon the current/intended use of the land or interest in land shown in Schedule A, by reason of:

1. Land Description Review;
2. Chain of Surveys; and
3. Certification 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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

Chief Cadastral Surveyor
[] State Office

Date

Appendix 11b. Background Information Potentially Resulting into Three different Situations (results are 11c., 11d., and 11e.)

This one **BAC** Worksheet example remains the same for the following three examples (See 11c., 11d., and 11e.) of a proposed timber sale.

BAC Example No. 1 (see 11c.)

In this example, the California Chief Cadastral Surveyor issued the **BAC** without any exceptions. No problems were discovered in the updated review of the **LDR** or new reviews for the **COS** and **CIP**.

The new surveys listed as questionable in the worksheet had different bearings along some of the section lines and some of the wording used different terminology in the corner descriptions. Regardless of the differences, the **COS** revealed that all the survey records referenced the same corners and section lines.

The **LDR** reviewer did not discover any changes in the land descriptions for Allotment No.-168-T1234 or the power-line easement crossing the parcel. The adjoining legal land descriptions did not encroach on the allotment either.

Finally, the Certified Federal Surveyor, BIA Regional Forester, and Tribal Forester made an onsite inspection of the corners in question, walked along the section subdivision of section lines, and checked the power-line crossing the parcel. They found the monuments for the corners in question to be in good condition, and although the records of survey had differing descriptions, they all referred to the same monuments. They did not find any encroachments, the power-line easement was in proper order, and the marked trees were all within the boundaries of the subject parcel.

BAC Example No. 2 (see 11d.)

In the second example, the California Chief Cadastral Surveyor issued the **BAC** certificate with an exception. No problems were discovered in the updated review of the **LDR** or new **COS** review. The certifier and inspectors conducting the onsite inspection discovered a problem but it did not affect the timber sale.

The new surveys listed as questionable in the worksheet had different bearings along some of the section lines and some of the wording used different terminology in the corner descriptions. Regardless of the differences, the **COS** revealed that all the survey records referenced the same corners and section lines.

The **LDR** reviewer did not discover any changes in the land descriptions for Allotment No.-168-T1234 or the power-line easement crossing the parcel. The adjoining land descriptions did not encroach on the allotment either.

The Certified Federal Surveyor, BIA Regional Forester, and Tribal Forester made an

onsite inspection of the corners in question, walked along the section and subdivision of section lines, and checked the power-line crossing the parcel. They found the monuments for the corners in question to be in good condition, and although the records of survey had differing descriptions, they all referred to the same monuments. The power-line was in good order, but they did find a previously unknown garbage dump that did not have a permit. It had been there for a number of years, but it was small, and no apparent hazardous materials were visible. It consisted of lumber, bedsprings, and other furniture. It was not easy to spot from the power-line maintenance road or from aerial photography. It did not pose a threat to the community, but the **CIP** certifier described it in the **CIP** and Schedule B of the **BAC**.

BAC Example No. 3 (see 11e.)

In the third example, the California Chief Cadastral Surveyor issued a **BAC** with the opinion the boundary evidence was not sufficient for the intended use, a timber sale. No problems were discovered in the updated **LDR** certification, but major problems were discovered during the **COS** and **CIP** certifications. In addition, the lands to the north and west of the boundaries in question were lands held in fee by private citizens.

The **LDR** certifier did not discover any changes in the land descriptions for Allotment No.-168-T1234 or the power-line easement crossing the parcel. The adjoining land descriptions did not encroach on the allotment.

The CFedS assembled the Chain of Surveys and it was obvious that major problems existed between the records of surveys. The CFedS, BIA Regional Forester, and Tribal Forester made an onsite inspection of the corners in question, and walked the vicinity of the section and subdivision of section lines. Between the records and onsite inspection, the inspectors determined that conflicting corner locations existed in the area. The conflict between survey monuments appeared to create an apparent overlap of parcels. This apparent conflict was substantial enough to not be able to confidently determine the owner of the land or trees.

The BIA, Regional Realty Officer conducted the original **CIP** included with the **BAC** worksheet, and was done under the Department of Justice Title Standards. Although each parcel had clear title on paper, they did not have clear boundaries on the ground. The surveys, up to the point of the original **CIP**, did not reveal the overlap, and it would have been difficult to find on the ground until new surveys were conducted.

A **COS** and **CIP** were each completed under the Standards for Indian Trust Lands Boundary Evidence. They pointed out the deficiencies and concluded that the BIA needed to request a cadastral survey to document the extent of the problem. Once the survey became an official record and the boundaries known, the BIA, the beneficial trust owners, and the adjoiners would then know the limits of timber cutting activity.

Appendix 11c. Boundary Assurance Certificate – Example No. 1

**UNITED STATES OF AMERICA
BOUNDARY ASSURANCE CERTIFICATE**

Boundary Assurance Certificate No. 2011-0018

To: BIA, Pacific Region Forestry
Attention: John Smith, Regional Forester

From: BLM California Cadastral Survey
Bill Hamilton, Chief Cadastral Surveyor

Subject: Boundary Assurance Certificate Worksheet No. 168-T1234, BIA Pacific Region, Proposed Timber Sale.

Certification: Subject to the exceptions, conditions and stipulations listed in Schedule B, I, Jim Stanton, 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 United States of America will not sustain or incur a loss or damage, based upon the current/intended use of the land or interest in land shown in Schedule A, by reason of:

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

/s/ Jim Stanton
Certified Federal Surveyor

April 15, 2011
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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

/s/ Bill Hamilton
Chief Cadastral Surveyor
California State Office

April 21, 2011
Date

SCHEDULE A

File No. 37

Boundary Assurance Certificate No. 2011-0018

Date of Boundary Assurance April 21, 2011 at 1:00 p.m.

1. Name of authorizing official: John Smith, BIA, Pacific Regional Forester
2. The land or interest in land referred to in this Boundary Assurance is described as follows:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 23, sec. 24, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of sec. 25, T. 10 N., R. 3 E., Humboldt Meridian, California.

3. The boundary of the land or interest in land which is covered by this Boundary Assurance is:

The section lines between sections 13 and 24, and sections 14 and 23, and north and south centerline of the NE $\frac{1}{4}$ of section 23, T. 10 N., R. 3 E., Humboldt Meridian, California.

4. The current/intended use of the land or interest in land is:

Timber sale and management, and watershed and fisheries management of the Klamath River for the Yurok Indian Reservation.

SCHEDULE B

File No. 37

Boundary Assurance Certificate No. 2011-0018

EXCEPTIONS FROM BOUNDARY ASSURANCE COVERAGE

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

1. No Exceptions have been identified.

CONDITIONS AND STIPULATIONS

1. **DEFINITION OF TERMS.**

The following terms when used in this Boundary Assurance Certificate mean:

RS – Record of Survey

This certificate is to be retained in the official case file

Appendix 11d. Boundary Assurance Certificate – Example No. 2

**UNITED STATES OF AMERICA
BOUNDARY ASSURANCE CERTIFICATE**

Boundary Assurance Certificate No. 2011-0018

To: BIA, Pacific Region Forestry
Attention: John Smith, Regional Forester

From: BLM California Cadastral Survey
Bill Hamilton, Chief Cadastral Surveyor

Subject: Boundary Assurance Certificate Worksheet No. 168-T1234, BIA Pacific Region,
Proposed Timber Sale.

Certification: Subject to the exceptions, conditions and stipulations listed in Schedule B, I, Jim Stanton, 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 United States of America will not sustain or incur a loss or damage, based upon the current/intended use of the land or interest in land shown in Schedule A, by reason of:

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

/s/ Jim Stanton
Certified Federal Surveyor

April 15, 2011
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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

/s/ Bill Hamilton
Chief Cadastral Surveyor
California State Office

April 21, 2011
Date

SCHEDULE A

File No. 37

Boundary Assurance Certificate No. 2011-0018

Date of Boundary Assurance April 21, 2011 at 1:00 p.m.

1. Name of authorizing official: John Smith, BIA, Pacific Regional Forester
2. The land or interest in land referred to in this Boundary Assurance is described as follows:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 23, sec. 24, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of sec. 25, T. 10 N., R. 3 E., Humboldt Meridian, California.

3. The boundary of the land or interest in land which is covered by this Boundary Assurance is:

The section lines between sections 13 and 24, and sections 14 and 23, and north and south centerline of the NE $\frac{1}{4}$ of section 23, T. 10 N., R. 3 E., Humboldt Meridian, California.

4. The current/intended use of the land or interest in land is:

Timber sale and management, watershed and fisheries management of the Klamath River for the Yurok Indian Reservation.

SCHEDULE B

File No. 37

Boundary Assurance Certificate No. 2011-0018

EXCEPTIONS FROM BOUNDARY ASSURANCE COVERAGE

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

1. The unpermitted dump-site that exists northerly of the power-line maintenance road, and lying S. 40° E., 325 feet from the corner of sections 13, 14, 23, and 24, T. 10 N., R. 3 E., Humboldt Meridian, California.

CONDITIONS AND STIPULATIONS

1. **DEFINITION OF TERMS.**

The following terms when used in this Boundary Assurance mean:

RS – Record of Survey

This certificate is to be retained in the official case file

Appendix 11e. Boundary Assurance Certificate – Example No. 3

**UNITED STATES OF AMERICA
BOUNDARY ASSURANCE CERTIFICATE**

Boundary Assurance Certificate No. 2011-0018

To: BIA, Pacific Region Forestry
Attention: John Smith, Regional Forester

From: BLM California Cadastral Survey
Bill Hamilton, Chief Cadastral Surveyor

Subject: Boundary Assurance Certificate Worksheet No. 168-T1234, BIA Pacific Region,
Proposed Timber Sale.

Certification: Subject to the exceptions, conditions and stipulations listed in Schedule B, I, Jim Stanton, 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 United States of America will not sustain or incur a loss or damage, based upon the current/intended use of the land or interest in land shown in Schedule A, by reason of:

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

/s/ Jim Stanton
Certified Federal Surveyor

April 15, 2011
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 Department of the Interior *Standards for Indian Trust Lands Boundary Evidence*, of the tract(s) or parcel(s) of land identified above.

/s/ Bill Hamilton
Chief Cadastral Surveyor
California State Office

April 21, 2011
Date

SCHEDULE A

File No. 37

Boundary Assurance Certificate No. 2011-0018

Date of Boundary Assurance April 21, 2011 at 1:00 p.m.

1. Name of authorizing official: John Smith, BIA, Pacific Regional Forester
2. The land or interest in land referred to in this Boundary Assurance is described as follows:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 23, sec. 24, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of sec. 25, T. 10 N., R. 3 E., Humboldt Meridian, California.

3. The boundary of the land or interest in land which is covered by this Boundary Assurance is:

The section lines between sections 13 and 24, and sections 14 and 23, and north and south centerline of the NE $\frac{1}{4}$ of section 23, T. 10 N., R. 3 E., Humboldt Meridian, California.

4. The current/intended use of the land or interest in land is:

Timber sale and management, watershed and fisheries management of the Klamath River for the Yurok Indian Reservation.

SCHEDULE B

File No. 37

Boundary Assurance Certificate No. 2011-0018

EXCEPTIONS FROM BOUNDARY ASSURANCE COVERAGE

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

1. The unpermitted dump-site that exists northerly of the power-line maintenance road, and lying S. 40 E., 325 feet from the corner of sections 13, 14, 23, and 24, T. 10 N., R. 3 E., Humboldt Meridian, California.

CONDITIONS AND STIPULATIONS

1. **DEFINITION OF TERMS.**

The following terms when used in this Boundary Assurance mean:

RS – Record of Survey

This certificate is to be retained in the official case file

Appendix 12 Bureau of Land Management State Offices & Jurisdictions

Alaska State Office
222 W. 7th Avenue #13
Anchorage, Alaska 99513-7599
(907) 271-5960

Arizona State Office
One North Central Avenue
Suite 800
Phoenix, Arizona 85004-4427
(602) 417-9200

California State Office
2800 Cottage Way, Suite W-1834
Sacramento, California 95825-1886
(916) 978-4400

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093
(303) 239-3700

Eastern States Office (Including Arkansas,
Iowa, Louisiana, Missouri, Minnesota, and
all States east of the Mississippi River)
7450 Boston Boulevard
Springfield, Virginia 22153-3121
(703) 440-1600

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
(208) 373-4000

Montana State Office (Including North
Dakota and South Dakota)
5001 Southgate Dr.
P.O. Box 36800
Billings, Montana 59107
(406) 896-5000

Nevada State Office
1340 Financial Blvd.
P.O. Box 12000
Reno, Nevada 89520-0006
(775) 861-6400

New Mexico State Office (Including
Kansas, Oklahoma and Texas)
301 Dinosaur Trail
Santa Fe, NM 87508
(505) 954-2000

Oregon State Office (Including Washington)
333 SW First Ave
P.O. Box 2965
Portland, OR 97208
(503) 808-6002

Utah State Office
324 South State Street
P.O. Box 45155
Salt Lake City, Utah 84145-0155
(801) 539-4001

Wyoming State Office (Including Nebraska)
5353 Yellowstone Road
P.O. Box 1828
Cheyenne, Wyoming 82003-1828
(307) 775-6256

