In Reply Refer to:
9672 (OR957) P

EMS TRANSMISSION 03/16/2012
Instruction Memorandum No. OR-2012-038
Expires: 9/30/2013

To: All District/Field Offices and State Program Leads
Attn: Chief Cadastral Surveyor, Oregon

From: State Director, Oregon/Washington

Subject: Cadastral Survey Review and Boundary Risk Assessment for Significant Land and Resource Transactions and Commercial Projects

Program Area: All Land and Resource Programs within the Bureau of Land Management (BLM) Oregon/Washington (OR/WA) State Office.

Purpose: This instruction memorandum (IM) provides guidance and instruction on the implementation of Washington Office IM WO No. 2011-122, Plan to Ensure Adequate Cadastral Survey Review of Boundary Evidence Prior to the Approval of Significant Land and Resource Transactions and Commercial Projects. It outlines the process to be used to ensure boundaries of Federal lands are assessed prior to any land management action.

Policy/Action: This policy pertains to: (1) all land tenure transactions including disposal, exchange, withdrawal, designations, and acquisitions and (2) all commercial projects that have a value in excess of $10,000 and/or are located within ¼ mile of a Federal boundary line, within a protraction diagram, or against a body of water. Prior to the approval or initiation of projects which meet the criteria above, the Authorizing Official (AO) must request that the BLM OR/WA Chief Cadastral Surveyor perform a boundary risk assessment.

Many questions have been asked regarding the methods for determining if a project meets the criteria outlined in (2) above. Answers to many of these questions can be found by visiting the Frequently Asked Questions portion of the WO350 Cadastral Survey Review of Boundary Evidence webpage. The February 2, 2012, M Street Live Broadcast “Management of Land Boundaries” provides more information and answers additional questions from the field offices. To view a copy of this presentation, please contact Kyle Hensley, Cadastral Survey Section 1, at 503-808-6132.
Questions posed specifically by our OR/WA Associate District Managers (ADMs) include:

- What constitutes “against a body of water”?
  
  For the purpose of this memorandum, a body of water includes the ocean, a navigable stream or lake, and any water body which was meandered in an official cadastral survey. If your project is bounded by this type of body of water, it meets the requirements of this directive.

- Are we expected to pull back ¼ mile from a boundary to accomplish our project?
  
  No. The purpose of this directive is not to adjust the boundaries of your project. It is to ensure that there is adequate evidence of the boundary to support the stated purpose for the project. (The evaluation of survey evidence and “backing off the line” is further addressed in WO-IM-2005-211.)

- Significant land and resource transactions (timber management, sales of resources, leases, etc.) and commercial projects (rights-of-way, transmission corridors, extraction of valuable minerals, capital improvements, etc.) have different levels of risk. Does every action need to be evaluated?
  
  The value of transactions and projects will be estimated by the AO, including the level of risk based on the type of activity or stated purpose. The AO is in charge and ultimately responsible for the outcome of the project.

Process Overview: If the project meets the criteria above, the AO will complete a Land Description Review (LDR) Worksheet (Attachment 1) and submit it to the Chief Cadastral Surveyor for completion of the boundary risk assessment. The AO is encouraged to contact the assigned Cadastral Coordinator to assist with the completion of the worksheet. Timber projects in western Oregon districts are to be coordinated directly with the Lead Cadastral Surveyor for the District.

The Chief Cadastral Surveyor will complete the boundary risk assessment and respond to the AO with the completed Land Description Review Certificate (Attachment 2). If the land description has potential problems and should not be used as written for the stated purpose, a meeting will be requested to discuss the specific findings of the review. The LDR Certificate becomes part of the transaction’s or project’s administrative record.

The AO will take the results of the certificate under advisement and determine the course of action. Deviation from the Chief Cadastral Surveyor’s recommendation should be documented in the administrative record.

**Timeframe:** This policy is effective immediately.

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1 WO-IM-2005-211. “Consultation with the Cadastral Survey program will ensure existing boundary survey records are evaluated and an appropriate method for identifying the boundary is selected. Circumvention of this policy by “backing off the line” (offsetting from a theoretical position of the boundary line) is hereby prohibited.”
2 Each District Office has an assigned Cadastral Survey Coordinator and a District Liaison for Cadastral issues. A full list of these assignments can be found on the Branch of Geographic Science SharePoint site.
3 An informal process for land description review has been used in Western Oregon for many years. Compliance with WO-IM-2011-122 will be accomplished through an LDR Short Form process.
**Budget Impact:** The benefitting program, commercial entity, or land owner will bear the costs as determined in accordance with cost recovery regulations. It is anticipated that there will be a slight increase in cost at the planning stage which will be more than offset with savings realized by mitigating risk.

**Background:** The Office of Inspector General’s Final Audit Report, *Department of the Interior’s Management of Land Boundaries (2010)* recommended the implementation of proper risk management procedures to reduce the number of transactions on lands where high-value resources have unreliable boundary evidence.

The size and location of a parcel of land is determined by its physical boundaries, and, generally, a written legal description identifying the physical boundary is required. A boundary risk assessment seeks to ensure that the written description is free of error, conflict, or ambiguity and can withstand legal challenge.

**Manual/Handbook Sections Affected:** None.

**Coordination:** The Oregon State Office coordinated this guidance with the Branch of Land, Mineral, and Energy Resources and provided a review and comment opportunity to the Associate District Managers.

**Contact:** For policy questions, contact Mary Hartel, Chief Branch of Geographic Sciences, at 503-808-6132. For technical program questions, contact Kyle Hensley, Cadastral Survey Section 1, at 503-808-6124.

**Districts with Unions** are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you with assistance in this matter.

Signed by  
Michael S. Mottice  
Associate State Director

Authenticated by  
Paj Shua Cha  
Records Section

2 Attachments

1 - Oregon State Office, Land Description Review Worksheet (2 pp)
2 - Oregon State Office, Land Description Review Certificate (2 pp)

**Distribution**

WO350

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4 Audit No. C-IN-MOA-0001-2009, dated July 16, 2010
To: Branch of Geographic Sciences (OR957), Cadastral Survey
Attention: Chief Cadastral Surveyor

From: [Field Office/Entity]

Subject: Request for Boundary Risk Assessment

<table>
<thead>
<tr>
<th>BLM LAND AREA CODE</th>
<th>TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE</th>
<th>PURPOSE</th>
</tr>
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Please review the land description(s) in the attached document(s) for the purpose identified above, prepare a Land Description Review Certificate, and return them for filing in the official case file/project folder (as applicable). The specific purpose for the LDR is:

In addition, report upon (check line(s) and within the parentheses, circle the service(s)):

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

Attached are the following documents (please provide a list of all documents):

___ Draft Grant Deed or Patent
___ Title Report
___ Assessor Parcel Map
___ Private or Government Survey Plat
___ Vesting Deed
___ Draft Federal Register Notice
___ Master Title Plat

This worksheet is to be retained in the Cadastral Survey office with a copy in the official case file.
The LDR Certificate is needed by: ____________________________________________

Cost Center Charge Code: _________________________________________________

Authorizing Official:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Contact Information</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print name:</td>
<td></td>
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<tr>
<td>Signature:</td>
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</tbody>
</table>

Date Received By Cadastral Survey: ___________ Received By: ___________

Attachments:
To: [Field Office/Entity]
Attention:

From: Branch of Geographic Sciences (OR957), Cadastral Survey

Subject: Land Description Review (LDR) Certificate

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

(Check one!)

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

Sufficiency of the land description for the stated purpose:

Comments/Concerns/Corrections:

Condition of corner monuments:

Condition of boundary line marking:

Condition of Geographic Coordinate Data Base (GCDB):

This certificate is to be retained in the official case file with a copy in the Cadastral Survey office. Attachment 2-1
Land Description Review Certificate
United States Department of the Interior – Bureau of Land Management – Oregon State Office
[Field Office/Entity]
[Project Location/Name]

I certify that the parcel described on the attached conveyance document contains the following acreage(s):

__________ acres determined from GLO/BLM official records.

__________ acres determined by ____________________________.

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

<table>
<thead>
<tr>
<th>Name (Cadastral Surveyor or Certified Federal Surveyor)</th>
<th>Title and Contact Information</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
<td></td>
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Print Name:

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

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