

BLM Cadastral Survey Protests and Appeals Procedures

The following guidelines are to inform you as to what action you may take should you have questions concerning current land surveys being performed by the Bureau of Land Management (BLM), Cadastral Survey Section. The BLM Cadastral Survey has the legal authority, responsibility, and expertise to respond to all inquiries concerning the Public Land Survey System (PLSS). Should you have a question concerning an ongoing official survey, please contact the following BLM office:

BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
2850 YOUNGFIELD STREET
LAKEWOOD, COLORADO 80215-7076
Attention: Cadastral Survey (CO-956)

Cadastral Survey prefers the opportunity to respond to and resolve potential survey problems before they escalate into an official protest. This action does not infringe on your right to file an official protest at a later date.

Protest and Appeals Guidelines

A protest is any objection raised by any person to any action proposed to be taken in any proceeding before the Bureau (43 CFR 4.450-2). Should Cadastral Survey be unable to resolve those problems brought to their attention, you, the protestant, are advised of the following administrative procedures that should be followed:

1. Formal protests are required to be made in writing to the State Director (CO-910), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.
2. The protestant shall state the legal description of the area covered by the protested survey.
3. The protest must contain a statement in clear and concise language of the facts constituting the grounds for the protest.
4. The protest should contain the history of any land surveys and ownership entitlements as far as is known by the objector.
5. If known, the names and addresses of the adjoining landowners affected by the protest should be included.
6. The protest should be supported by documentary evidence. Diagrams are encouraged.

Cadastral Survey follows Colorado State Office policy which requires the acknowledged receipt of a protest within 10 working days. In the reply, Cadastral Survey will:

1. Explain what their intentions are or what immediate actions will be taken (i.e. research records, make field investigations, submit to the office section during review process, etc.)
2. State when a further reply may be expected.
3. If appropriate, state the procedures that will be followed.

An appeal is an objection raised to any final decision of the Bureau by a person adversely affected by the decision (43 CFR 4.410-a). The administrative process involved in an appeal is as follows:

1. An appeal must be filed within 30 days from the date the protest denial letter is received. The Notice of Appeal is filed with the same BLM office with which the protest was made.

2. BLM will transmit the appeal and related case file to the Interior Board of Land Appeals, U.S. Department of the Interior, Washington, D.C.
3. The Appellant is also required to serve a copy of the Notice of Appeal on an appropriate Interior Solicitor as state in 43 CFR 4.413.
4. There must be strict compliance with the regulations contained in Subpart E of 43 CFR 4.40 et. seq., (October 1, 1986), and the Appellant will have the burden of proving that an error was committed in the BLM survey.

The above guidelines state the administrative process by which affected parties can challenge BLM resurveys they feel infringe on their interests. Because of the length of time involved in the administrative process, and the legal complexities that are often present in land survey problems, it is important that the BLM Cadastral Survey be given the opportunity to resolve potential protests early in the process.