

Protection of Survey Corner and Boundary Line Markers¹

Evidence of the Public Land Survey System (PLSS) and related Federal property boundaries² will be identified and protected prior to commencement of any ground-disturbing activity³. This will be accomplished by contacting Bureau Land Management (BLM) Cadastral Survey to coordinate data research, evidence examination and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence the responsible party shall immediately report the incident, in writing, to the Authorizing Official. BLM Cadastral Survey will determine how the marker is to be restored. In rehabilitating or replacing the evidence the responsible party will be instructed to use the services of a Certified Federal Surveyor (CFedS), procurement shall be per qualification based selection⁴, or reimburse the BLM for costs. All surveying activities will conform to the Manual of Surveying Instructions (Manual) and appropriate State laws and regulations. Local surveys will be reviewed by Cadastral Survey before being finalized or filed in the appropriate State or county office. The responsible party shall pay for all survey, investigation, penalties, and administrative costs.⁵

¹ The costs to replace PLSS monuments can vary substantially, and in extreme cases could cost as much as \$10,000 per single monument. One PLSS corner can determine the location of boundary lines from 2 to 2 dozen parcels (in developed and high value areas more than 2 dozen separate land parcels). It is difficult to quantify damages because a PLSS corner is obliterated or lost to public and private landowners when transactions or projects are based on approximate boundaries. The damage done is usually in direct proportion to the amount of capital investment/value of natural resources and capital investment on each parcel.

² As directed in 43 CFR 3809.420 - Surface Management - (b)(9) Protection of survey monuments. To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.

³ It is unlawful for the unauthorized alteration or removal of any Government survey monument or marked trees: "Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined under this title or imprisoned not more than six months, or both" (108 Stat. 1796, 2146; 18 U.S.C. 1858). The willful destruction of monuments and corners of an official mineral survey is within the purview of this statute.

⁴ Procurement of surveying services shall be per the Federal Acquisition Regulations and the Brooks Act governing Federal procurement of certain architectural and engineering services.

⁵ Applicable to collection of costs from responsible parties is indirect costs. Each year a new indirect cost rate is determined that typically ranges from 17-19%. This cost is applied to all collections related to unauthorized use.