



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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<http://www.blm.gov>

http://www.blm.gov/wo/st/en/prog/more/cadastralsurvey/next_edition.html



In Reply Refer To:
9683 (WO-350)

February 13, 2009

MEMORANDUM

RE: Frequently Asked Questions Regarding the Development of the Next Edition of the Manual of Surveying Instructions (Manual).

Q1 Will there be a new Manual?

A1 No. There will be a next edition of the Manual. Most of the 1973 edition content will pass on into the next edition, just as most of the 1947 edition content passed on into the 1973 edition, etc.

Q2 What is the status of the development of the next edition of the Manual?

A2 The Sounding Boards¹ process is almost complete. The writer/editor process is well along. The draft has been through two internal technical reviews². The draft is now subject to legal reviews by the Office of the Solicitor³. Upon completion of the legal review(s), the next edition must be approved by Bureau and Department Managers potentially up to the DOI Assistant Secretary – Lands and Mineral Management.

Q3 When will the next edition of the Manual be published?

A3 Our goal is 2009. See A2.

¹ “Sounding Boards” are subject matter experts, private, public, surveyors, attorneys, who working as individuals, provided written comments to the first draft.

² Over 1700 comments were received.

³ The Solicitor (SOL) and his staff attorneys are legal counsel to the Secretary of the Interior. The SOL will determine which Branches within the SOL will review the Manual; Public Lands, Indian Affairs, Mineral Resources, and/or General Law. To date SOL has not given the BLM a date when the legal review will be complete. The Manual must compete with other Departmental pressing needs for the SOL’s attention.

Q4 During the development of the next edition did the BLM inform the private sector?

A4 Yes. Presentations on the development of the next edition and its relationship to state laws and the practice of private land surveying were given to private surveyors in Alaska, Arkansas, California, Colorado, Idaho, Indiana, Kansas, Montana, Oklahoma, Oregon, Utah, Washington, Wyoming and more. Presentations have been scheduled for Arizona and Nevada (see next edition website, address below).

Q5 Will the private sector have an opportunity to comment on it before it is published?

A5 Yes. Subject matter experts from the private sector were solicited to provide comments. Officials in the Department, Bureau, and Solicitor's Office will inform Cadastral Survey if the private sector will have further opportunities to comment.

Q6 After publication does the BLM plan any training for interested surveyors and others?

A6 Yes. Training sessions are being planned for BLM Cadastral Survey Leadership, BLM Cadastral Surveyors, Certified Federal Surveyors, and Professional Land Surveyors as soon as practicable after publication.

A7 How can I keep informed of the development of the next edition?

Q7 Visit the next edition website at:
http://www.blm.gov/wo/st/en/prog/more/cadastralsurvey/next_edition.html

Q8 Will there be any significant changes in the next edition?

A8 No AND Yes. Most of the Manual will not change. In general terms:

- There are four areas of significant change;
- There are two areas of policy clarification;
- A specific area is added; and
- There is a change in principal.

Four Areas of Significant Change:

1. Water boundaries. The Federal courts and the Interior Board of Land Appeals (IBLA) continue to define further nuances regarding water boundaries, such as navigability determinations, submerged lands issues, and ownership of unsurveyed islands in meandered nonnavigable streams. These decisions are addressed in a manner of general instructions to guide the surveyor in the next edition.
2. Standard of evidence. The Federal courts followed by IBLA have changed the standard of evidence to determine whether a corner is existent, obliterated, or lost. The beyond reasonable doubt evidence standard used in the 1973 edition of the Manual is now a substantial evidence standard. Definitions of an existent, obliterated, and lost corners using the substantial evidence standard in the context of the Public Land Survey System and other Federal surveys is included in the next edition.
3. Coordinates as collateral evidence. General instructions are given in the cases where repeatable coordinates may be collateral evidence of a corner position and when they may be the best available evidence for the position of an obliterated corner. The advancement in technology enabling quick generation of precise and repeatable coordinates has led to many corner positions being "witnessed" by coordinates. Coordinates by themselves have little meaning. However, using the "following in the footsteps" concept, if the first surveyor documents how he or she obtained the coordinates so the second surveyor can, within an acceptable degree of confidence, determine the same point on the earth's surface (following in the computational footsteps) within acceptable level of certainty, then coordinates may be the best available evidence of the corner position.
4. Mineral survey resurveys. While not necessarily changes in instructions but expanded instructions for mineral survey resurveys and mineral segregation surveys. The next edition has incorporated much that is in the BLM publication Mineral Survey Procedures Guide and includes general instructions on resurvey procedures of mineral lands surveys.

An Area of Policy Clarification:

Closing Corners – A corner, no matter what it has been called in the official record, (closing corner, junior corner, crossing closing corner, intersection point, or corner of minimum control) established during a careful retracement of the intersected, senior, or existing line, can be accepted in place, and may be an angle point in the intersected, senior, or existing line. By expired GLO policy closing corners were established approximately on an intersected line by measurement to one corner on the intersected line. By current policy, when a corner monument established by the expired closing corner policy method is recovered, the intersected line is to be retraced between the two adjacent corners of the intersected line and if it is determined that the closing corner monument is off the intersected line, it is to be amended and the true point of intersection is to be monumented and marked as the closing corner. The method a corner was established by, not what it is called, will determine the proper treatment. By current policy corners are established on an intersected line by measurement to the nearest corner in each direction. These corners have been called closing corners, intersection points, corners of minimum control, and junior corners. Often times a line was run and off-

setting corners were established at the same time. These corners have been called closing corners, standard corners, intersection points, corners of minimum control, corners of maximum control, junior corners, and senior corners. How the corner was established, not what it is called, is controlling. The next edition clarifies that by current policy, when a corner monument established by the current closing corner policy method is recovered, the intersected line is to be retraced between the two adjacent corners of the intersected line and if it is determined that the closing corner monument was established in an obvious careful retracement it will be accepted as controlling the line intersected.

Specific Area Added:

Alaska centric Federal survey statutes. An additional area included in the next edition of the Manual is identification and discussion of the Federal survey statutes which pertain to Alaska only. There are approximately 14 Federal statutes which tell the public land survey system surveyor in Alaska how to survey, which are different from how the surveyor is to survey similar situations under the general public land survey laws. Many of these "Alaska only" survey laws and existing instructions are included in the next edition.

Change in Principal:

Technology. One major change in principal in the next edition of the Manual is how measurement technology is treated. The next edition is largely technology independent. How the surveyor determines the relationship between point A and point B (measurement procedures; what instrumentation is used) will be determined for each survey from the best available technology to meet the purpose of that survey. How to measure is better handled by special instructions.