

M Street Live!
Management of Land Boundaries
February 2, 2012

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>> C. Cook: Lance, on those handful of cases that Karen mentioned that take longer than two weeks, can you tell us some of the problems that are being encountered in those reviews?
What kind of things are being found?

>> L. Bishop: The few cases that took a long time were high-value, multi-phased acquisitions of large amounts of land that were subdivided and reconveyed by land descriptions and grant deeds numerous times over 150 years.
The Cadastral Surveyor worked closely with public trust corporations and title companies to craft a solid legal description for the federal acquisition to take place.

>> C. Cook: So are there some specific errors or issues that have come up that you've seen in land descriptions that you could point out to our audience that have come out as a result of this new process?

>> L. Bishop: We've kind of got a top 10 list I would say.
I would start by saying, most often it's just the improper public land survey system description.
Meaning the northeast of the northeast of the section is referred to as a part when it should be a lot.
It's a government lot and not referred that way.
Incorrect location, just the wrong township might be mentioned in there.
Inaccurate area based on assessor's maps.
Using assessor's maps for areas is not right.
They should be using the latest survey record that they have.
Incorrect early grant deeds.
Unsurveyed and undescribed boundaries.
What I mean by that is talking about highways and roads of right-of-ways, railroads that are using a

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description but there's no description describing those roadways.

Descriptions of unsurveyed townships and descriptions are written in an unsurveyed township are what we would call a protracted township.

Those would need survey first.

Withdrawing or describing private land.

Not incorporating latest record into the description.

Not describing riparian boundaries, the mean high water or the ordinary high water line.

And duplicate descriptions of identical parcels happens often.

>> C. Cook: Karen, what does realty do in those cases when a survey is recommended?

>> K. Montgomery: Well, we have had that happen on a couple of cases, and a couple of times we've had had the field -- or the survey, Cadastral Survey, we've asked them to go back out into the field and do some reconnaissance, see what they can find on the ground and see if they can tie that back to the written legal descriptions that were provided in, say, the title documents.

But on one particular case, that is not what happened.

The IM allows for the provision that the administrative officer can proceed with the action without a survey.

In this particular case we asked the administrative officer to document the case file in accordance with the IM.

He felt that acquiring these lands was a low risk and that he could adequately manage those lands into the future, the newly acquired lands.

>> C. Cook: Once the LDR is signed by cadastral, what happens to the document at that point?

>> K. Montgomery: Well, that document is part of

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the official record and needs to be kept in the official record which is the official lands and realty case file.

So that's where we're keeping these LDR's.

>> C. Cook: So is kind of the point of this IM and the standards for boundary evidence to reduce risk?

Is that really what we're trying to do here?
With this new business process?

>> K. Montgomery: The audit alludes to that, yes.

>> C. Cook: Okay.

Well, do you feel, Karen, that the IM has really helped the realty specialists throughout the state or has it just been an impediment to getting their job done?

What do you think?

>> K. Montgomery: Well, I quizzed my realty staff often on this because I want to make sure that they're happy and that things are going smoothly, and the feedback I'm getting is they are happy and things are going smoothly.

I feel like it's greatly improved our overall product and has really reduced the overall risk by the agency.

It's also increased our ability to successfully manage our boundaries into the future, which is what -- I mean, BLM is a historical organization, and that's what we do.

But more importantly, I think it's also helped build a relationship with our cadastral staff and our realty staff to coordinate our work and make sure that we're all on the same page and has provided for improvement of our realty skills in the field.

John Kaler has been a real champ of working closely and educating our realty staff.

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>> C. Cook: Thanks Karen, Lance for discussing the way California implemented the IM with us. I understand that now we have Don Buhler on the phone.
Don, can you hear me?

>> D. Buhler: Yes, I can.
Can you hear me?

>> C. Cook: I can.
Thanks for calling in.
What happened at M Street?

>> D. Buhler: They want to keep us in the dark back here, so they literally did.
You might hear a beeping in the background. The power supply is beeping.
But the phones do work, and so I'm more than happy to participate.

>> C. Cook: Listen, Don, before we go to our question and answer session, can you answer just a couple of general -- like general clarifying questions about the IM and how the specifics of the IM were determined?

>> D. Buhler: Sure, I'd be happy to.

>> C. Cook: One thing, it is specific that it talked about commercial transactions of \$10,000 of value or more.
Will every land and resource transaction have to go through the standards process or just those valued at \$10,000 or more?

>> D. Buhler: Well, right now we've set the threshold at \$10,000, along with the other criteria being within a quarter mile of a boundary, in a protraction diagram area, or against a body of water.
The \$10,000 threshold, of course, was an arbitrary

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number hoping that we -- it wouldn't be too burdensome on the cadastral staff as well as impacting the activities, our commercial activities, as well as our other transactions. We will hold to the \$10,000 right now, but after a year we're going to analyze this because we know there's been a lot of discussions in the field about that level, but we also understand that there are certain activities that are probably less than \$10,000 that are just as valuable, things that have not market value that you couldn't place any value on, but they should go through a boundary management process, and so, you know, we want to look at both sides of this.

>> C. Cook: Okay, who determines the value of the land or the resources?

And how is that determined, whether it's going to have to go through the process or should go through the process?

Whose responsibility is that?

>> D. Buhler: The values of the transactions will be estimated by the authorizing officer.

They'll use the principles that anyone would use. They'll look at market rates and, you know, they'll also look at determining the values.

We're not asking for an appraisal or anything, but they'll use their best judgment on whatever the commercial project is or the lands transaction.

Again, you know, we're also concerned about the nonmarket values, the aesthetic values, the wildlife and other things that may not fall within this \$10,000 threshold.

>> C. Cook: One other thing that's probably important to the field is who is going to bear the cost for this standards process?

Is that something that's built into the project or what?

How is that going to work?

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>> D. Buhler: Well, the program, the commercial activity, or the landowner requesting the work is responsible for the cost. These costs are -- will help prepare the boundary evidence worksheets and the certificates, and, you know, we like to use all cost recovery regulations and accounts that we can set up under this, or use the benefiting subactivity. It's expected that we may need some special accounts that will be set up and we'll be looking at that as we implement this over this next year.

>> C. Cook: Karen and Lance, do you have anything to add?

>> K. Montgomery: Well, I did want to add one thing regarding the determination of not meeting the criteria. One of the third action code we put into LR-2000 is that cadastral review is not required. So they would want to document the case file and then use that action code in LR-2000 to keep track of those that are not going forward for LDR.