

CFEDS STANDARDS OF PRACTICE REFRESHER

Presented by: Glen Thurow, CFedS Training Coordinator

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Learning

Goals

PURPOSE

- 4-hour refresher course for existing CFedS
- Overview of responsibilities for those surveyors contemplating becoming CFedS.

OBJECTIVE

- To reacquaint practicing CFedS with their obligations and responsibilities in performing surveys on Indian lands.
- To expose non-CFedS surveyors to the efficacy of becoming CFedS and refining their credentials and the level of effort required to become a CFedS.

Course Route

Discussion of CFedS program in general

- Where have we been?
- Where are we now?
- Where are we going?

Discussion and Demonstration of Standards of Practice requirements

- Federal Authority Surveys
- State Authority Surveys
- Boundary Assurance Certificate (BAC)
- Certificates of Inspection & Possession (CIP)
- Chain of Surveys (COS)
- Land Description Review (LDR)

References

BLM 2009 Manual of Surveying Instructions.

H-9687-1 CFedS Program Handbook (Modified February 19, 2013, and November 18, 2014)

CFedS Standards of Practice Handbook (9/25/2006)

303 DM 7 -Standards for Indian Trust Lands Boundary Evidence

NPM-TRUS-43 and other directives

CFEDS PROGRAM

WHERE HAVE WE BEEN?

In 2006, the Bureau of Land Management (BLM) launched the Certified Federal Surveyors (CFedS) Program, to train state registered professional land surveyors to perform land boundary surveys to Federal standards. To date, more than 600 surveyors across the nation have become certified, and many have extensive experience working with the Standards for Indian Trust Lands Boundary Evidence.

Effective as of October 2007, the objectives of the Department of the Interior (DOI) Departmental Manual, Part 303, Chapter 7, titled “Standards for Indian Trust Lands Boundary Evidence,” are to:

- Provide a consistent, timely, efficient, and economical assessment of the need for boundary evidence relative to Indian trust assets.
- Permit expeditious processing of Indian trust asset transactions.
- Provide managers with a cost- and time-saving tool that assists them in making appropriate determinations for solutions to Indian trust asset boundary issues.
- Protect and preserve Indian trust assets from boundary conflicts, trespass, unauthorized use, and ambiguous land descriptions.
- Properly discharge the Secretary of the Interior’s trust responsibilities as to Indian trust assets with a high degree of proficiency, integrity, and care.

CFEDS QUALIFICATION REQUIREMENTS

Qualification Requirements

To qualify for the CFedS Program, registered/licensed land surveyors must meet the following requirements:

- Be a registered/licensed land surveyor under state law in at least one state;
- Have no disciplinary actions within the last 5 years with any state registration board or court resulting in the loss of surveying privileges.

Pre-registered/pre-licensed land surveyors must have passed the NCEES Fundamentals of Surveying examination.

Registration & Fees

Initial training, examination, and CFedS certification = \$1,200.00.

- All application fees are non-refundable and non-transferable. Payment of fees shall be by credit card. The initial fees cover the cost of the training courses and testing for admission to the program. You have two years or three attempts at the examination, whichever comes first.

CFEDS TRAINING REQUIREMENTS

Applicant will be required to take all the CFedS courses listed below and successfully complete the quiz associated with each course.

- CFedS I Records Investigation, History of the PLSS, Administrative Procedures, Indian Land Law and Cultural Awareness
- CFedS II Federal Boundary Law and Title Examination
- CFedS III Survey Evidence Analysis
- CFedS IV Restoration of Lost Corners
- CFedS V Introduction to Water Boundaries
- CFedS VI Subdivision of Sections
- CFedS VII Federal Boundary Standards and Business Practices

A course map is provided to walk you through the materials step-by-step. The course lectures are presented via video. Web-based problems, optional training courses, and the quizzes are accessed from the course's main menu. Students will also be able to access course study guides which contain the content, exercises, handouts and other valuable resource information. The website and directions to access the courses will be provided when you are accepted into the program.

The CFedS training is designed to be a self-paced, distance learning program, flexible enough to adjust to the schedules of busy professionals. There is a 20 Week Program designed for those of you that prefer more structure.

Each trainee is given two years or three attempts at passing the certification exam, whichever comes first, to complete the CFedS training and become a CFedS.

CFEDS EXAM INFORMATION

Exams are scheduled for the first Friday of each February, June & October.

The exam is divided into three units for a total of 6 1/2 hours.

- Unit # 1 covers courses 1 & 2 (2 hours)
- Unit # 2 covers courses 3 & 4 (2 1/2 hours)
- Unit # 3 covers courses 5, 6 & 7 (2 hours)

CFEDS REGISTRATION OPTIONS

New CFedS Certification \$1,200 for 2 Years	CFedS Exam Extension \$800 for 2 Years	CFedS Renewal - 2 Years \$40 for 2 Years
<p>*For Currently Licensed Surveyors Only</p> <hr/>	<p>*For Previous CFedS Registrants Only</p> <hr/>	<p>*For Existing Certified Federal Surveyors</p> <hr/>
<p>*No Disciplinary Action(s) Within 5 Years</p> <hr/>	<p>*All Previous Requirements Still Apply</p> <hr/>	<p>*Surveying License(s) in Good Standing</p> <hr/>
<p>*Must Pass Exam Within 2 Years or 3 Attempts</p>	<p>*Must Pass Exam Within 2 Years or 3 Attempts</p>	<p>*Must Complete all Continuing Ed Requirements</p>
<p>I'm Ready to Begin</p> <p>Submit Registration - \$1,200</p>	<p>Submit Extension</p> <p>Submit Extension - \$800</p>	<p>Renew my Certification</p> <p>Submit Renewal - \$40</p>

CFEDS CERTIFICATE

CFedS is a certificate program, NOT a licensing program.

- You must have a current license for the State in which you are working

The CFedS certification is intended to be a significant addition to the resume and credentials of the Registered Professional Land Surveyor and Tribal Surveyor. Upon completion of the program, the surveyor's name will be placed on the CFedS Roster. Individuals, Tribes and the BIA will be encouraged to select surveyors from the CFedS Roster when contracting for cadastral services on or adjacent to Federal lands including Indian Country.

The program is voluntary, but certain services must be performed by a CFedS to be accepted by the BLM.

CFEDS PROGRAM STATUS

Where are we now?

Why are there CFedS?

Are CFedS still needed?

CFEDS - WHO DOES THE PROGRAM BENEFIT?

The Surveyor

The Client

Federal Agency – Tribe - Trust Beneficiaries - Land Managers - Tax Payers -
Program Managers - Private Industry - Adjacent Landowners - County
Recorders - GIS Specialists - and anyone else involved with land transactions
and secure boundaries.

Who have we missed? Is there any other value the program has?

CFEDS ROSTER

543 active CFedS (as of Oct. 2023)

6 NEW CFedS who recently passed the February exam

94 students currently enrolled in the training program

BILS

Alaska Regional Office

Marty R. Williams
Anchorage, AK

Eastern Oklahoma Regional Office

Vacant
Muskogee, OK

Eastern Regional Office

George Winter
Nashville, TN

Great Plains Regional Office

Dustin Fiebelkorn
Aberdeen, SD

Midwest Regional Office

Kenneth D. Roy
Bloomington, Minnesota

Navajo Regional Office

Fabian Yazzie
Gallup, NM

Northwest Regional Office

Mike Swanson
Portland, OR

Pacific Regional Office

Herbert "Alan" Kimbrough
Sacramento, CA

Rocky Mountain Regional Office

Thomas Laakso
Billings, MT

Southern Plains Regional Office

Ray J Footland Jr.
Anadarko, OK

Southwest Regional Office

Robert W Flora
Albuquerque, NM

Western Regional Office

Riley (Reece) Henry
Phoenix, AZ

CFEDS PANEL

Current CFedS Panel members are:

Tasha Huhta (Program Manager)

Jacob B. Barowski (Acting Chief Cadastral Surveyor)

Glen Thurow (Panel Chair)

Ken Roy (BILS)

Sherry Johns (B.I.A. Representative)

Jacobo Pacheco (Private)

Angela Tate (Tribal Representative)

Bob Dahl (Advisor)

Robert Femling (Branch Chief, Geographic Sciences)

[CFedS.org\(panel\)](http://CFedS.org(panel))

CURRENT EVENTS

BIA National Policy Memorandum: Modernize the Land Description Review Process for FTT Acquisitions

Open Discussion

NATIONAL POLICY MEMORANDUM –
TITLE: MODERNIZE THE LAND
DESCRIPTION REVIEW PROCESS FOR
FTT ACQUISITIONS

Effective: April 21, 2023

Expires: April 21, 2024

In some Regions, after a Fee-to-Trust (FTT) Application was received, the BIA requested a Land Description Review (LDR), which was prepared by the Bureau of Land Management Indian Lands Surveyor (BILS). The Tribes complained to AS-IA that the BILS were taking too long and slowing down the fee-to-trust process.

Background

In the past, either the BILS prepared the Land Description Review or the Tribe hired a CFedS to prepare the Land Description Review Certificate. The LDR Certificate would be reviewed and certified by BLM. The LDR Certificate would be included as part of the Fee-to-Trust Application, which would not slow down the FTT process.

Background – Cont.

Replaces the BLM Indian Lands Surveyor from the Land Description Review

There will be a Realty Land Description Review (RLDR) or a Land Description Examination & Validation (LDEV). A RLDR will be completed by a trained BIA Realty Staff for basic, non-complex land descriptions. Basic, non-complex land descriptions are aliquot parts, government lot or lot block. The LDEV will be prepared by the GIS Strike Team for complex land descriptions (e.g., metes and bounds, large acreage, mixture of aliquot parts and metes and bounds) and acreage.

TEMPORARY POLICY INTENT

Realty staff must review the FTT application and the land description within 10 days and determine which process of land description review is required—RLDR or LDEV.

PROCESS AND TIMEFRAMES

If all required documents are received from the applicant, the trained BIA Realty Staff must complete the RLDR within 30 days of completing Step 2 of the FTT Handbook.

Realty Land Description Review (RLDR)

If the Realty Staff determines that a land description is complex, he/she must complete the LDEV Request Form and include all the documents listed in that form and send to the GIS Strike Team via email. The GIS Strike Team member assigned will have 30 days to complete their review and return the signed LDEV as complete with remarks/comments or incomplete. The GIS Strike Team can request an extension.

Land Description Examination & Validation (LDEV)

If an incomplete LDEV is returned to the requester, the requester has three days to begin the process to notify the applicant following Step 3: Responding to an Incomplete Case in the FTT Handbook.

LDEV CONT.

The LDR requirement is removed and no longer needed for Requests for Preliminary Title Opinions and Final Title Opinions and recording in LTRO for FTT. However,

“There was also discussion that the Tribes can still hire CFedS to prepare the Land Description Review Certificate and be certified by BLM and submit with their FTT Application. The Certified Land Description Review Certificate will still need to go through the LDEV Process/Timelines, but it will be very quick.” Internal B.I.A. email 5/2/22

LDR REQUIREMENT

Currently, there are only three GIS Strike Team Members, which will be used for all 12 Regions. The members are not surveyors and most likely will not catch gaps, overlaps or encroachments. They are only reviewing/validating the land description and acreage based on the documents listed in the request form.

GIS STRIKE TEAM

The Tribes can still hire CFedS to prepare Land Description Review Certificates and send to BLM to be reviewed/certified. The certified LDR Certificate must be included as part of their FTT application. Realty staff will still need to follow the National Policy Memorandum, and thus, submit a LDEV Request Form to the GIS Strike Team for review and signature. The turnaround should be quick.

USE OF CFEDS

BIA Realty Staff are trained to complete Realty Land Descriptions Reviews. The BIA Realty Staff completed four BLM courses by July 1, 2022. Tribal Contractors cannot sign RLDRs as it will be considered a conflict of interest.

BIA REALTY STAFF

CFEDS RESPONSE

May 5, 2022

A recently released National Policy Memorandum (NPM-TRUS-43) issued by the United States Department of the Interior, Bureau of Indian Affairs entitled Modernize the Land Description Review Process for Fee-to-Trust Acquisitions is resulting in a number of questions by current Certified Federal Surveyors (CFedS).

One question is the continuing role of CFedS in preparing Land Description Reviews (LDR) and Chain of Surveys (COS) for various tribal entities per DOI Departmental Manual 303 DM 7. Nothing in NPM-TRUS-43 precludes CFedS from continuing to offer these services. However, retaining these services from CFedS is now at the discretion of the tribal entities. The requirement for Fee to Trust applications to be accompanied by 303 DM 7 Standards of Boundary Evidence forms is temporarily suspended by NPM-TRUS-43 and no longer enforced.

While it is desirable to continue to use CFedS for fee to trust transactions, other options are now available to tribes in an effort to expedite land transfers. The CFedS program will continue to advocate on behalf of our rostered CFedS and encourage the BIA and tribal governments to continue to use our professional services.

CURRENT EVENTS

BIA National Policy Memorandum: Modernize the Land Description Review Process for FTT Acquisitions

Open Discussion

CFEDS
PROGRAM
FUTURE

Where are we going?

CFEDS FUTURE

Financial Review and 2024 budget in progress

Promotion and advertisement of the program

LinkedIn

Guidance – Geodetic Bearings vs. Grid Bearings- policy being developed for SOP

Elimination of CE carry over to three hours from current period to next period

Time limits to complete CE courses- proposed 120 days.

updating videos

Developing new CE courses

Modifying CE requirements (number of credits, renewal timeframes, sliding scale)

What are the Standards of Practice

Decision-assisting tools and processes for land managers and trust beneficiaries.

Secondary modes of boundary evidence (not meant to replace or substitute “Federal Authority Surveys”).

A tool to assist a manager or trust beneficiary to better manage risk without procuring a FA Survey.

A method to document and formalize the gathering, review and opinions of boundary evidence.

Provide alternatives to “Federal Authority Surveys”.

CFEDS SOP REFRESHER

- Federal Authority Surveys
- State Authority Surveys
- Boundary Assurance Certificate (BAC)
- Certificates of Inspection & Possession (CIP)
- Chain of Surveys (COS)
- Land Description Review (LDR)

SURVEY AUTHORITY OF INDIAN LANDS

In 1864 a single law placed all Indian surveys under the General Land Office (GLO), now known as BLM Cadastral Survey.

This law is 25 U.S.C. 176; and generally states:

Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the Bureau of Land Management, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

FEDERAL AUTHORITY SURVEYS

A “Federal Authority Survey” is an official record of decision by the United States and will be defended by the United States Department of Justice. Its accompanying field notes are an official deposition of the cadastral surveyor and stand on their own in a court of law. The “Federal Authority Survey” is the primary mode of boundary evidence. There is no more secure data to substantiate a boundary!

STATE AUTHORITY SURVEYS

A “State Authority Survey” is an opinion of a licensed private surveyor. The defense of this type of survey is provided by a private attorney; which is procured by the client.

Standards of Boundary Evidence

In collaboration with the Bureau of Indian Affairs, Office of Trust Responsibilities, Office of Special Trustee for American Indians and representatives from certain Indian tribes, the standards for reporting boundary evidence have been developed.

- Land Description Review Certificate
 - Chain of Surveys Certificate
- Certificate of Inspection and Possession
 - Boundary Assurance Certificate

STANDARDS OF BOUNDARY EVIDENCE

Trust Boundary Standards are “professional opinions” developed or based upon record data or information.

A surveyor locates land title lines and shows the relationship of possession and ownership (title) lines; he does not declare who has ownership of land or who has the right of possession. Such matters are referred to attorneys!

LAND DESCRIPTION REVIEW

The LDR consists of two parts: the Land Description Review Worksheet and the Land

Description Review Certificate.

The worksheet should contain all of the relevant information

known to the submitting official or entity. Depending upon the needs of the Field Office (FO) or

Authorizing Official (AO), the LDR can provide a number of informational services.

Legal Description Review (LDR).

Is an opinion!

A critical review of a legal description. Ensures associated plat corresponds to legal description.

Checks area, closure and precision.

Determines credibility and confidence factor of the document.

Determines “ownership”; what a client owns.

LDR (cont'd).

Attempts to determine if the “lines of occupancy” coincide with the “lines of ownership”.

Attempts to surface any ambiguities, conflicts, defects or adverse claims.

Verifies the description follows the lines of intended possession!

Verifies description properly represent the intentions of the “grantor”.

LAND DESCRIPTION REVIEW

Purpose: The size and location of a parcel of land is determined by its physical boundaries. In general, for all or a portion of that parcel to be conveyed, a written description identifying the physical boundary is required. A written description that is free of error, conflict or ambiguity and can withstand legal challenge is the intent of a land description. A Land Description Review seeks to assure that intent is realized.

CHAIN OF SURVEYS

A chain of surveys (COS) is a collection of successive land surveys, or other forms of boundary and corner identification, location, or opinion, affecting a particular parcel of land, arranged consecutively, from the government or original land survey down to the present.

Chain of Surveys Certificate (COS).

A compendium of prior and successive land surveys, usually represented by their record plats, influencing or affecting the location of a certain parcel of land.

A means to identify boundary conflicts and locational inconsistencies. Surfaces discrepancies between plats, legal descriptions and surveys.

CERTIFICATES OF INSPECTION AND POSSESSION

The primary purpose of a CIP is to deliver an opinion, based on a physical inspection of the premises, of possible defects, conflicts, ambiguities and adverse claims of use or ownership of the subject property.

A CIP certificate can be prepared by a BLM Cadastral surveyor or a Certified Federal Surveyor under the direction and control of the BLM Chief Cadastral Surveyor.

Certificate of Inspection and Possession (CIP).

Is an opinion!

Reports the condition of the corners, monuments and boundary.

Attempts to determine any unauthorized use or occupancy.

Attempts to determine potential encroachment or trespass.

Determines any potential negative impact to the client's parcel relative to the true boundary line(s).

DOJ forms must be used. Standards for the Preparation of Title Evidence in Land Acquisitions by the United States, 2001. Found at <http://www.usdoj.gov>. Other forms not acceptable!!!

BOUNDARY ASSURANCE CERTIFICATES

The BAC is an opinion by the Chief Cadastral Surveyor as to the risk of loss or damage for the current /intended use of the land based upon the Land Description Certificate, Chain of Surveys Certificate and the Certificate of Inspection and Possession.

BOUNDARY ASSURANCE CERTIFICATES

The BAC is a statement of all known boundary location defects, conflicts, ambiguities, gaps, overlaps, unwritten rights, and failure of legal descriptions, surveys, use and occupancy, and other boundary evidence for a tract of land, certified to by a Cadastral Surveyor or Certified Federal Surveyor, and approved by a State Cadastral Chief.

Boundary Assurance Certificate (BAC).

It is collective statement of all known boundary location defects, conflicts, ambiguities, gaps, overlaps, unwritten rights, failure or legal descriptions, failure of previous surveys, occupancy and other encumbrances on the subject parcel.

The BAC is the official collection and culmination of the LDR, CIP and COS.

This is not an official survey or should ever be misconstrued to be such!

The BAC is only as good as the base documents it was built upon.

The BAC will not supplement or detract from the findings of the base documents.

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Discussion of CFedS program in general

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303 DM 7 -Standards for Indian Trust Lands Boundary Evidence

NPM-TRUS-43 and other directives

Other related documents of interest to CFedS

The Federal Land Policy and Management Act of 1976 *As Amended*



Compiled by
U.S. Department of the Interior Bureau of Land Management
and
Office of the Solicitor Washington, D.C

The Federal Land Policy and Management Act of 1976, as amended, is the Bureau of Land Management "organic act" that establishes the agency's multiple-use mandate to serve present and future generations.

Public Law 94-579

94th Congress

An Act

To establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled [*italics in original*],

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Goals

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- 4-hour refresher course for existing CFedS
- overview of the responsibilities of those surveyors contemplating becoming CFedS.

OBJECTIVE

- To reacquaint practicing CFedS with their obligations and responsibilities in performing surveys on Indian lands.
- To expose non-CFedS surveyors to the efficacy of becoming CFedS and refining their credentials and the level of effort required to become a CFedS.

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