

**FISH AND WILDLIFE SERVICE
REAL PROPERTY**

Real Property

Part 343 Cadastral Surveys and Maps

Chapter 2 Survey Tract Review, Cadastral Surveys, and Boundary Posting

343 FW 2

2.1 What is the purpose of this chapter? This chapter describes the requirements and basic procedures for the three primary functions of U.S. Fish and Wildlife Service land surveyors—Survey Tract Review, cadastral surveys, and boundary posting.

2.2 What are the authorities, responsibilities, and terms you need to know to understand this chapter? See 343 FW 1 for the authorities, general responsibilities, and definitions of terms for all the chapters in Part 343.

2.3 What is a Survey Tract Review?

A. The Survey Tract Review process analyzes title and boundary evidence information for a tract of land proposed for acquisition or other Realty action. It consists of a Land Surveyor Report, the Certificate of Inspection and Possession (CIP), and the Boundary Assurance Certificate, signed by the Regional Land Surveyor. The Boundary Assurance Certificate indicates that the description and title are acceptable for conveyance to the United States. The process is described more fully in the *Land Survey Handbook* and 600 DM 5, Standards for Federal Lands Boundary Evidence.

B. The primary objectives of the Land Surveyor Report are to:

- (1)** Determine the sufficiency of the existing legal description, or provide a new one;
- (2)** Provide or confirm the tract acreage;
- (3)** Evaluate whether the tract has legal and physical access;
- (4)** Evaluate any listed special title exceptions for their location and effect on the subject tract, and identify any encroachments or other unauthorized uses of the tract;
- (5)** Determine if a cadastral survey of the tract is required, and if so, whether it should occur before or after acquisition; and
- (6)** If applicable, review vendor surveys to determine if they were conducted in accordance with Part 343 of the Service Manual and the *Land Survey Handbook*. See section 2.8 below.

C. The Land Surveyor Report is required for all fee acquisitions and requested in writing by the Realty Specialist as soon as he/she obtains the title documents, usually from the Title Company in the Title Insurance Commitment. The Regional Realty Officer, in consultation with the Regional Land Surveyor, must determine if we need a review for non-fee acquisitions and issuing rights-of-way.

D. The surveyor bases the Land Surveyor Report on the following documents, provided by the Realty Specialist:

- (1)** The vesting deed for the subject property, and if the vesting deed is less than 10 years old, a partial chain of title going back 10 years,
- (2)** Each Schedule B document (i.e., Special Title Exceptions),
- (3)** The vesting deeds for all properties adjoining the subject property, and
- (4)** Any reference deed or document.

E. The Land Surveyor Report may identify issues in the title or on the ground that require corrective action or a cadastral survey. When these actions have been taken, the Regional Land Surveyor issues a

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Boundary Assurance Certificate indicating that the title and boundaries are acceptable for conveyance to the United States.

F. Before completing the Boundary Assurance Certificate, the land surveyor, Realty Specialist, or field station staff member should carry out a thorough field inspection of the subject tract. They should complete the inspection early in the process and no later than after receiving a signed purchase, exchange, or donation agreement from the landowner. This is important to identify the need for and allow time for a cadastral survey and any curative actions that may be necessary. The inspection may also serve to complete the first Certificate of Inspection and Possession. During this inspection, the responsible employee should:

(1) Locate each corner of the tract and walk all of the tract boundaries that do not adjoin Service land or a natural boundary (such as a stream).

(2) Locate, sketch, and describe any of the following:

(a) Lines of occupation such as fences, walls, or ditches along the boundaries;

(b) Roads or trails crossing onto the subject tract from adjoining properties;

(c) Overhead or underground utilities crossing the tract;

(d) Evidence of unauthorized uses such as logging, farming, and off-highway vehicle traffic;

(e) Location of any access easements; and

(f) Evidence of recent construction or maintenance work.

(3) The Regional Land Surveyor must analyze the inspection results. If there are apparent encroachments or occupations that could be the basis for an adverse claim, he/she must recommend curative actions to the Realty Specialist (see 340 FW 4).

G. The surveyor must deliver the Boundary Assurance Certificate to the requesting Realty Specialist accompanied by a tract diagram or a copy of the tract survey plat, if appropriate.

2.4 Does the Survey Tract Review process assure clear title? The Survey Tract Review does not assure clear title, but will provide a certain level of confidence in the title documents and the condition of the tract boundaries.

2.5 When is a cadastral survey required before we acquire land?

A. The Department of Justice (DOJ) Title Standards require that we perform a cadastral survey before we acquire land when:

(1) We are contemplating improvements to the land, or

(2) We are acquiring part of a larger property, and new boundaries are being created.

B. In addition to DOJ's requirements, the Service also requires a survey when we are acquiring land and:

(1) The current legal description is unacceptable and cannot be resolved without a survey,

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- (2) There is an occupational conflict on or near the acquisition boundary,
- (3) We need an accurate determination of the area for acquisition,
- (4) The tract borders non-Service lands where an active acquisition project is not in progress, or
- (5) It is a requirement of State, county, or local government land division law.

2.6 At what other times might a cadastral survey be required? It may be necessary to perform a cadastral survey at any time to establish, re-establish, or confirm boundaries of Service lands that:

- A. Were not surveyed at the time of acquisition;
- B. Have become uncertain due to lack of maintenance, vandalism, or monument destruction;
- C. Are the subject of an adverse claim or trespass;
- D. Have changed due to movement of water; or
- E. Were created by the sale or exchange of lands.

2.7 What has to happen for the Service to consider a cadastral survey “official?”

- A. The Regional Realty Officer or Project Leader (or his/her designee) must send a written request to the Regional Land Surveyor.
- B. The Regional Land Surveyor assigns the survey, in writing, to a Service land surveyor, a private contractor, or another public agency.
- C. The surveyor completes the survey according to the policies and procedures in this chapter and the *Land Survey Handbook*.
- D. The Regional Land Surveyor reviews and approves the survey, which becomes the official record.

2.8 What needs to happen if a vendor requests reimbursement for a survey? If a vendor is requesting reimbursement for a survey:

- A. The Regional Land Surveyor must review and approve all vendor surveys to ensure they are conducted in accordance with Part 343 and the *Land Survey Handbook*.
- B. Realty Specialists must coordinate vendor surveys with the Regional Land Surveyor to clearly establish standards and responsibilities before the vendor spends any money on the survey and before acquisition.
- C. If a vendor doesn't conduct the survey according to Service standards, the Regional Land Surveyor may reject it.

2.9 What is involved with posting a boundary, and when is it required?

- A. Posting a boundary involves establishing inter-visible posts and signs along the boundaries of Service lands and may involve clearing vegetation to provide a line of sight.

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B. Inter-visible posting creates highly visible property boundaries to protect both Service and non-Service lands by putting everyone on notice about the boundary location. Correctly posted boundaries allow Service employees and visitors to avoid accidentally encroaching on neighboring land, and it makes trespass or encroachment onto Service lands easier to detect.

C. Project Leaders and field station managers must ensure that all exterior boundaries of Service lands are posted according to Service standards unless there is an active land acquisition in progress. Once the acquisition is final, boundary posting is required. The standards are in:

(1) The *Service Sign Manual*, explains what type of boundary signs to use, and

(2) The *Land Survey Handbook*, explains how to post boundaries.

D. The Regional Land Surveyor can help Project Leaders/field station managers to post boundaries by:

(1) Posting or contracting to post the station boundaries, or

(2) Training and overseeing field station employees who post the boundaries.

/sgd/ James W. Kurth
DEPUTY DIRECTOR

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