

INDIAN AFFAIRS MANUAL

Part 52
Chapter 2
PA Region

Real Estate Services
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Residential Lease Administrative Surveys

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- 1.1 Purpose.** This chapter establishes policy for conducting administrative surveys to assist with processing residential leases on allotments or Tribal trust land in the Pacific Region. This policy is not intended for commercial leases or leasehold mortgages, which would require an official survey.
- 1.2 Scope.** This policy applies to all Bureau of Indian Affairs (BIA) employees within the jurisdiction of the Pacific Regional Director (RD). Tribal Land Titles and Records Offices and Tribal Realty Staff may also use this policy as guidance.
- 1.3 Policy.** If the RD finds that any residential lease has met all of the requirements other than having an official survey, then a lessee may have a Bureau of Land Management (BLM), Certified Federal Surveyor (CfedS), or other Federal employee (under the supervision of a Land Surveyor) perform an administrative survey.
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) 25 CFR 162 Subpart C
- B. Guidance.**
- 1) This regional policy is established in accordance with the Pacific Region's 2015-2019 Strategic Plan, approved July 28, 2015, and located here:
<http://www.bia.gov/WhoWeAre/RegionalOffices/Pacific/index.htm>.
 - 2) BLM Manual of Surveying Instructions (2009) (<http://www.blmsurveymanual.org/>)
And related manual:
[http://www.blm.gov/style/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/W0350/cadastral_pdfs/Next Edition Manual.Par.53033.File.dat/ManualOfSurveyingInstructions2009ElectronicUnofficialAndSubjectToChangeOrCorrection060414.pdf](http://www.blm.gov/style/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/W0350/cadastral_pdfs/Next_Edition_Manual.Par.53033.File.dat/ManualOfSurveyingInstructions2009ElectronicUnofficialAndSubjectToChangeOrCorrection060414.pdf)
 - 3) 52 IAM 2-H: Standards for Indian Trust Lands Boundary Evidence Handbook located here:
<http://www.bia.gov/WhatWeDo/Knowledge/Directives/Handbooks/index.htm>

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1.5 Responsibilities.

- A. **RD** is responsible for developing and updating the policies relevant to the Pacific Region.
- B. **Agency Superintendent** will review and make decisions regarding residential leases on allotments, or residential leases on Tribal trust lands, and the applicability of an administrative survey for the benefit of the lessee.
- C. **Agency and Regional Real Estate Services staff** are responsible for carrying out the procedures within this regional policy in regard to the processing of administrative surveys for residential leases.
- D. **BLM Indian Lands Surveyor (BILS)** is responsible for review of legal land descriptions, administrative surveys, and map reviews in regard to the legal land description of a residential lease of allotted and Tribal trust lands.

1.6 Definitions.

- A. **Administrative Survey** is a survey for a Federal agency executed by a Federal employee or an agent of a Federal agency (under a Land Surveyor's supervision) for administrative purposes. An administrative survey does not contain every element of an official survey.
- B. **Aliquot Part** as defined by the BLM is a notation used by a rectangular survey system to represent the exact subdivision of a section of land. Aliquot parts are described as a half or quarter of the largest subdivision of the section, except fractional lots which cannot be described by aliquot parts.
- C. **Allotment** is an allocation of a parcel of public lands or Indian Reservation lands given to an individual Indian for his/her individual use. Such examples include the Act of February 8, 1887 (more commonly known as the General Allotment Act), or the Act of February 28, 1891 which allowed for allotments on the Public Domain.
- D. **CfedS** are state licensed land surveyors who have successfully completed the certification process established by the BLM Cadastral Survey Program to perform Federal interest surveys to BLM standards.
- E. **Co-owners** are the owners of an allotment regardless of whether the individual holds his/her individual interest as trust interest or fee interest.

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- F. Metes and Bounds** is a method of describing a parcel of land by citing the owners of abutting lands and describing the length of each course of a boundary as "along" some apparent line, such as, "along a stream" or "along the road." In modern usage, a metes and bounds description includes the bearings and distances of each course.
- G. Official Survey** is a public land survey which has the field notes approved, the plat accepted, and has been filed in the proper BLM land office after publication in the Federal Register, if necessary.
- H. Tribal Trust Land** is any tract, or interest therein, in which the surface estate is owned by one or more Tribes in trust or restricted status, and includes such lands reserved for BIA administrative purposes. The term also includes the surface estate of lands held by the United States in trust for an Indian Corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 24 USC 477).

1.7 Standards, Requirements, and Procedures.

A. Standards.

A residential lease is required to include minimum standards as documented in 25 CFR 162 subpart C, which includes a survey to identify the land description of the homesite area. An administrative survey should meet the standards in the BLM Manual of Surveying Instructions (2009).

B. Requirements.

The requirements for an administrative survey for a residential lease include:

- 1) Lessee(s) may or may not be a land owner of the subject allotment but must have the approval/consent of the landowners in accordance with 25 CFR §162.012 before an administrative survey is requested; or
- 2) A Tribal resolution approving the lease for lessee(s) on Tribal trust land.

C. Procedure.

After land owner or Tribal notification has been sent, the designated survey crew will begin the survey. The survey crew will search for any pertinent survey monuments and complete the administrative survey for the residential lease. The procedure is as follows:

- 1) Acceptance of an administrative survey shall be determined by the Superintendent

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of the Agency of jurisdiction.

- 2) Notification to landowner(s) or Tribe shall be sent prior to survey.
- 3) A field investigation of the proposed lease area in the lease shall be conducted.
- 4) A map will be created of the proposed lease area.
- 5) Legal description will be created.
- 6) Submission of a Land Description Review of legal description and map will be reviewed by the BILS for concurrence.
- 7) The completed administrative survey must be attached to the residential lease for approval by the Superintendent.

1.8 Reports and Forms.

The following forms outlined below, and as referenced herein, are Indian Affairs forms for specific use within the BIA. These forms do not conflict with previously approved instruments used within the Pacific Region.

- 1) Land Description Review worksheet which can be found here:
<http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm>

Approval



Amy Dutschke
Regional Director, Pacific Region

10/5/16

Date