

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

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In Reply  
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9600  
(CA-942)

Memorandum

To: Chief, Branch of Cadastral Survey  
Through: Chief, Office Engineering Section  
From: Jack W. Rabedew, Protest and Appeal Specialist  
Subject: Relocation of Erroneously Located Corners Which Have Been in the  
Ground for Long Periods of Time

I've been asked to briefly comment on the question of whether there is some period of time beyond which we should not correct an erroneous corner position which has been monumented and described in an approved survey. The reason for the question appears to arise from an increasing number of private surveyors who discover an error in an approved BLM resurvey and propose that we perform a corrective resurvey and relocate the affected monument(s) to the position(s) which would have been monumented had the error not occurred.

Actually, I'm not so sure that the number of such incidents is in fact on the rise. I rather suspect the number has remained proportionally unchanged over the years. That is, the apparent increase is most likely attributable to the greater volume of resurveys performed by the Bureau, particularly since the 1960's. But be there an increase or not, private surveyors have been making claims of error against government surveys since the Land Office first opened its doors, some 200 years ago; it is by no means a recent development. Still, it is true that Cadastral Survey is not a perfect survey machine. It is comprised of men and women who personify the frailties and imperfections of the specie. It should come as no surprise, then, that there will be those occasions when a survey performed by one of its cadre is less than exemplary. And, quite naturally, there will be instances when a private surveyor happens across one of those errors. But, again, whether such instances are few or many, it remains that the Bureau, today, is not the Land Office of old, and it is perhaps time to reexamine the question which seeks the proper course of action when these instances are brought to our attention.

As it stands now, if an erroneously located corner has been in the ground for 12 years, under the auspices of an approved survey, we will not relocate that monument unless the alleging party can show beyond reasonable doubt that the original corner has been recovered. There are, of course, exceptions to this rule. But a policy is not a law; it is by its nature general in application. Consequently, since this discussion is an examination of the general policy, no effort will be made to analyze exceptional instances herein.

But as to the mentioned 12 year rule, I note at the outset that I am in full and complete agreement with it for reasons stated below. But before looking