

The Federal Land Status Record System

By: Dennis J. Mouland, BLM

A sometimes confusing set of terms and products is used to discuss the subject of federal land status. This article will attempt to clarify some of these issues.

We should first define “land status”. This term refers to all the information with respect to a parcel of federal interest lands, its legal description, and the rights, federal or other attached to it or its resources. It includes its classification as mineral lands, surveyed or unsurveyed, and its availability for entry under various land laws. Withdrawals or other special laws are included, if any, which apply to it, and any other pertinent information which may influence the operation of the public land laws so far as its use or disposal are concerned.

This information is critical to cadastral surveyors as it defines the rights, limits, and administrative control applied to any parcel of land. The General Land Office began a record-keeping system in order to house all this information in one location, up to the point in time lands left federal ownership. Throughout the south and midwest, the wholesale disposal of federal interests was well handled by this both graphic and written system. Even on lands patented but where the mineral estate was withheld by the government, these records would indicate the date of patent, but also indicate there was a remaining federal interest, unless disposed of in the meantime.

The present-day Master Title Plat (MTP) and related documents (ie- Historical Index, Control Document Index, and Patent Case Files) are essentially that same GLO record-keeping system. It was anticipated that once any interest in land (not leases or temporary resource-related rights) left federal ownership, the county record systems would take over to maintain a continuing record of land status. In most cases the counties (or their counterparts) did an excellent job in this effort. On private lands, most surveyors are used to getting the “land status” from the county records.

Two problems arose which were not anticipated in the early development of this federal record system. First, if interests in land were re-conveyed to the federal government, many counties would cease tracking it, and the federal system would then start anew with a status record entry. But the federal system was designed to dispose of land, not acquire it. Thus, it should be made clear that to fully understand the “status” of a parcel of land the federal government has re-acquired, one must often consult the early GLO/BLM records for original disposal, then switch to the county records for everything that happened to that parcel while out of federal ownership, and then again into the federal records for what has happened since federal acquisition. This is not as simple as it seems, and we should realize the true and final

determination of federal land status is in the sum of these documents, not a graphic presentation or an index which just lists the highlights.

As with the county records system, a GIS map or a list of things from the title insurance office are not a final determination of ownership. It is what was *written in the deeds* and other documents; the sum of the record.

The second problem is far more confusing. While one would assume the federal government would have stuck with their complete record system, subsequent actions by Congress and agencies Congress created have totally confused the federal record. Dozens of agencies were created to manage federal land (both public domain and re-acquired lands), some of which are not even in the Department of Interior. And as the “conservation era” of land management came upon us, these and other agencies began massive programs of acquiring land for their programs. Whether these documents make their way to the BLM for inclusion in the “official” land status records is hit and miss at best.

Thus, if one wishes to examine the federal land status records on a parcel of land bought by the Army Corps of Engineers or the US Forest Service, there is no guarantee the acquiring deeds, or any other subsequent survey, action, or even disposal would show up at BLM. One must therefore recognize the depth of record research may now include agency-unique records which are not organized or even filed in a similar manner as BLM would have done.

As taught in-depth in the CFedS courses, Indian Records are supposed to be housed with BIA at the Land Title Records Offices (LTRO). And while these offices are the official place for storing and recording land records on Indian lands, many other records important to the surveyor are not there. Some tribes hold their surveys and some other crucial data at the local level, never including them in the LTRO record. In other words, working on federal interest lands that are classified as Indian trust lands, may include records searching at many locations in order to get a complete picture of what has happened and what the resulting “status” is of a particular parcel owned by your Indian client. Further, LTRO records are not as open to the public as one would assume, and often permission from the tribe, individual, or BIA itself may be required to get access to the LTRO information. For help with these issues we suggest you consult your BLM Indian Lands Surveyors (BILS).

On a related side note, the FLAIR Act (H.R. 5532) currently proposed in Congress is an attempt to force all the federal agencies to bring all these records together, including products produced from them (GIS, photography, and surveys) into one unified source. I suggest you watch the ACSM website for further development of this proposed law.