

# Public Land Survey System Foundation

## Charter Document

### **PREAMBLE:**

Whereas, the American Congress on Surveying and Mapping (ACSM) is the national professional organization representing all mappers and surveyors in the United States, and . . .

Whereas, the Bureau of Land Management (BLM) is the agency of the Federal Government responsible for the conduct of surveys of all Federal interest lands, trust territories, and Indian lands, and . . .

Whereas, the Surveying Profession regularly requests additional support and educational assistance and guidance from these two entities, and . . .

Whereas, ACSM and BLM have an existing Memorandum of Agreement regarding these issues, dated September 2, 2008:

Therefore, these organizations hereby create and institute a "Public Land Survey System Foundation" (PLSSF) for the improvement of the surveying and mapping professions as they relate to the Public Land Survey System (PLSS) and boundary surveying in general.

### **AUTHORITY:**

This agreement is authorized under the following statutes, and other regulations:

- a. FLPMA (43 U.S.C. 1737), Paragraph (c), Section 307, which states in part, "*The Secretary may accept contributions . . . for cadastral surveying performed on federally controlled or intermingled lands.*"
- b. The Act of October 25, 1994 (25 U.S.C. 162a(d)), "*The Secretary's proper discharge of the trust responsibilities of the United States shall include (but are not limited to) the following: (8) appropriately managing the natural resources located within the boundaries of Indian reservations and trust lands.*"
- c. The Act of October 25, 1994 (25 U.S.C. 4043), "*The Special Trustee shall oversee all reform efforts within the Bureau, the Bureau of Land Management, . . . relating to the trust responsibilities of the Secretary to ensure the establishment of policies, procedures, systems and practices to allow the Secretary to discharge his trust responsibilities . . .*"
- d. The Act of November 13, 1991 (43 U.S.C. 1473a), Acceptance of Contributions by Secretary; Cooperation with Prosecution of Projects.

- e. The Act of June 25, 1910 (36 Stat. 703, 74), *“The surveys and resurveys to be made by such competent surveyors as the Secretary of the Interior may select . . .”*
- f. The Act of March 3, 1909 (35 Stat. 845), as amended June 25, 1910, (36 Stat. 884: 43 U.S.C. 772), *“The Secretary of the Interior may in his discretion, cause to be made, as he may deem wise under the rectangular system such resurveys or retracements of the surveys of the public lands . . .”*
- g. The Act of April 8, 1864 (25 U.S.C. 176), Survey of Reservations: *“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.”*
- h. USDI, BLM, Handbook H-9687-1 –Certified Federal Surveyor (CFedS) Program Handbook. (2006)

**PURPOSE:**

The PLSSF is created to provide additional opportunities to assist in the education of the survey profession in proper legal procedures in retracing PLSS surveys and other Federal boundaries. Further, it is created to assist BLM in carrying out its mandated mission of the protection and maintenance of the PLSS.

The PLSSF will fulfill the following goals and purposes:

1. The creation of a single point of contact for surveyors in the United States for knowledge and information about the PLSS;
2. To collect monies from various educational efforts conducted by the entities to be used for the good of the profession;
3. To fund educational opportunities, scholarships, and other training for the improvement of the survey profession as it relates to PLSS issues;
4. To fund projects for research or special efforts related to PLSS issues; and
5. To publish additional BLM materials which are of interest to the private and public sector surveying community but for which BLM has no budget to produce.

**GOVERNANCE:**

An Administrative Panel will be established to conduct the operations of the PLSS Foundation. The Panel shall consist of the following parties:

- 1 ACSM member
- 2 BLM members (1 WO-350, 1 NTC-300)

- 1 CFedS member
- 1 NSPS member
- 1 Private sector member
- 1 Indian or Alaska Native member
- 1 Academic member
- 1 plus- Other Federal/state/local government member(s) as the Panel sees fit to add.

The ACSM member shall be the Director of the PLSSF. The Director may assign duties, authorize payments, and establish goals for the Foundation with input from the Panel. The current Treasurer of ACSM shall act as Treasurer for the PLSSF. Other assistants and employees of ACSM and/or NSPS may be assigned to other tasks as the Director sees fit.

BLM shall have final say over the content and material of any PLSS educational efforts or materials.

***LIMITATIONS ON FUNDING:***

No monies will be transferred to the BLM for any purpose from ACSM or the PLSSF. Any joint efforts or projects involving BLM appropriated dollars shall be based on a project-specific funding plan that tracks fund sources separately. Neither ACSM nor the PLSSF can obligate BLM funds for any project. Upon specific written instructions, a joint-effort may be undertaken, but there is no guarantee of funding from BLM for any efforts. BLM appropriated funds are controlled and authorized by Congress and the agency, and are subject to the normal regulations placed thereon. The Foundation cannot use any funds (collected from any PLSSF source) to lobby Congress for anything directly or indirectly tied to BLM cadastral survey programs<sup>1</sup>.

Funds in the Foundation's account may be used to pay for administrative costs and other expenses as seen fit by the Administrative Panel, as delegated to the PLSSF Director.

***CONTROLS ON COOPERATIVE EFFORTS:*** All projects envisioned by this agreement shall be subject to, but not limited to, the appropriate sections of the following laws:

- Freedom of Information Act;
- Privacy Act;

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<sup>1</sup> This provision does not preclude ACSM and its related organizations from conducting lobbying efforts as directed by and paid for by its voting membership.

- Federal Records Act;
- Paperwork Reduction Act; and
- Applicable ethics regulations and statutes.

**PROJECT PROPOSALS:**

When specific projects are planned and designed, the parties may enter into supplemental agreements when necessary to implement the projects, tiered off this agreement and charter.

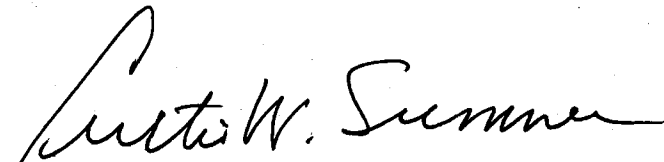
**CHANGES TO THIS AGREEMENT:** The parties to this MOU may agree to revise, amend, or supplement it at any time, subject to the general outline of this document. Should either party to this agreement object to any matter related to its implementation, the parties will meet to resolve the objection. Either party may terminate this agreement by providing 90 days written notice to the other party, provided no significant project would be left incomplete by such termination.

  
For Bureau of Land Management

Chief Cadastral Surveyor

Date:

*August 21, 2009*

  
For American Congress on Surveying and Mapping

Executive Director

Date:

*AUGUST 21, 2009*