

Part 527 – Easement Common Provisions

Subpart G – Surveys

527.60 General

- A. Prior to acquisition, all stewardship lands, including the following programs, require an easement boundary description based on a legal survey: Agricultural Conservation Easement Program – Wetland Reserve Easement (ACEP-WRE) component; Emergency Watershed Protection Program – Floodplain Easements (EWPP-FPE); Healthy Forest Reserve Program (HFRP); and all Farm Bill 2018 Regional Conservation Partnership Program (RCPP) U.S.-held easements, RCPP-HFRP, and RCPP-WRE easements. As an integral part of the easement acquisition process, the boundary of the proposed easement area must be delineated in a manner that is suitable for recording. The exact recording requirements will vary from State to State. At a minimum, NRCS policy, NRCS easement programs land survey specifications, and State code must be met. This subpart does not apply to Agricultural Conservation Easement Program – Agricultural Land Easements (ACEP-ALE) component, Farm Bill 2018 RCPP entity-held easements, and RCPP-ALE easements. Requirements for ACEP-ALE can be found in the ACEP Conservation Program Manual, Subpart G, 528.60(B).
- B. Easement boundary descriptions and easement boundary plats are based upon a legal survey and are required for all easement transactions. A “Legal Survey” is a “signed and sealed” land survey plat executed by a professional licensed land surveyor in good standing at the time of execution in the state where the observations occurred. Knowing exactly where recorded easement boundaries are located will assist NRCS with its monitoring, management, and enforcement responsibilities to protect the Federal property investment. Additionally, ingress and egress to the easement area will be surveyed and described on the easement boundary survey.

Note: It is the landowner’s responsibility to provide a sufficient right of ingress and egress to the easement area. The landowner providing NRCS with sufficient ingress and egress to the easement site is a condition of land eligibility. Additionally, the fair market value of the land determined through an appraisal or Area Wide Market Analysis (AWMA) includes an assumption that the land has sufficient legal access, therefore, NRCS will not provide any additional or separate payment for the route of ingress and egress.

- C. Following recordation of the easement, the digitized boundaries and polygon attributes uploaded to the national boundary shapefile database through the appropriate easement business process in accordance with the guidance in place at the time the easement is recorded. These digital layers, in combination with others, support local, regional, and national program management and ecosystem planning.

Note: NRCS only requires listing of acreage to the hundredth of an acre. Some State land survey regulatory boards require the listing of acreage to the thousandths place. In these situations, regular rounding rules apply (document the rounding):

- Equal to (=) or greater than (>) 5, round up.
- Less than (<) 5, round down.

The use of rounding must be documented.

527.61 Procuring the Easement Boundary Survey

- A. After the Agreement for the Purchase of Conservation Easement (APCE) has been signed by the landowner and NRCS, an easement boundary survey is procured. The easement boundary survey must be based upon a land survey conducted by a State-certified professional land surveyor in good standing using the NRCS easement programs land survey specifications. (See Part 527, Subpart Y, “Exhibits,” for the “NRCS Easement Programs Land Survey Specifications.”)
- B. The surveys are obtained using an appropriate procurement method, and funds for easement boundary surveys must be obligated to budget object class 3214. Use of a blanket purchase agreement, indefinite delivery and indefinite quantity contract, or other agreements for easement boundary surveys is recommended.
- C. In some cases, as programs allow, it may be more efficient or cost effective for the landowner to secure the easement boundary survey.
 - (1) If this option is used, the landowner must secure a written bid for the easement boundary survey from a State-certified and licensed professional surveyor in good standing that is based on the NRCS easement programs land survey specifications.
 - (2) The survey funds should be obligated to the landowner as the vendor using the appropriate contract document(s) and may be obligated at the time the easement acquisition funds are obligated.
 - (3) Once a landowner procured survey is uploaded into NEST, a Program Activity Management Solution (PAMS) landowner procured survey review request must be submitted.
- D. NRCS must ensure all easement boundary surveys are completed according to the NRCS easement programs land survey specifications. NRCS ensures that all easement boundary markers and witness posts with easement boundary signs are installed at the time the easement boundary survey is accepted by NRCS.

Note: Easement boundary signs may be ordered online free of charge from the NRCS Distribution Center at <https://nrcspad.sc.egov.usda.gov/DistributionCenter/>. Type “sign” in the “Enter keyword” box, click the “search” button, and then select “Wetland Reserve Boundary Sign*” or “Healthy Forest Reserve Program Boundary Sign.” Please note on your order that these signs will be used in the ACEP-WRE, EWPP-FPE, HFRP or RCPP. Signs may be shipped directly to the survey vendor or local USDA service center. All orders must include name, company, shipping address, email address, and contact telephone number.

- E. The use of the NRCS easement programs land survey specifications is required unless a modification to the national specification is approved by the EPD Policy Branch national realty specialist serving as the subject matter expert for easement boundary surveys. Use of these national specifications will ensure a consistent product nationally and allow for the most efficient uploading of data to the national boundary shapefile database. Any request to waive the land survey specifications must be submitted via PAMS as a waiver request type.

527.62 Acceptance of the Easement Boundary Survey

- A. After the easement boundary survey is complete, the surveyor must provide a preliminary survey submittal that is acceptable to NRCS. NRCS will use the easement boundary survey review checklist to determine if the survey submittal is in accordance with the land survey specifications. (See Part 527, Subpart Y, “Exhibits” for the “NRCS Easement

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Boundary Survey Review Checklist.”) Upon receipt of an acceptable preliminary survey submittal, the NRCS representative and the landowner will conduct an onsite easement boundary field review to ensure that—

- (1) The area delineated is the area that the landowner intended to place under the easement.
 - (2) The area delineated is the area identified and agreed to by NRCS.
 - (3) The access route is accurate and acceptable.
 - (4) The easement boundary monuments and witness posts have been installed as required and shown on the plat of survey.
- B. The onsite post-survey field review will be documented using the easement boundary survey field review memorandum to the file. A copy of the memorandum to the file may be provided to the landowner. (See Part 527, Subpart Y, “Exhibits,” for the “Easement Boundary Survey Field Review Memorandum to the File.”)
- C. Following the NRCS receipt and review of an acceptable preliminary survey submittal and the completion of the onsite field review of the surveyed area, NRCS will instruct the surveyor to submit the final easement boundary survey deliverables to NRCS. NRCS, using the easement boundary survey checklist, will review the final boundary survey submittal to ensure that it accurately and correctly describes the area of enrollment and satisfies the requirements of the land survey specifications.
- D. Payment for the easement boundary survey may only be issued after the onsite easement boundary field review is completed and the final survey submittal has been reviewed and approved by NRCS.
- E. The land survey specifications require the vendor to submit five hard copies of several documents. It is common for these hard copies to be distributed to the following:
- (1) Official case file
 - (2) Landowner
 - (3) Engineer/Area Office/Wetland Team
 - (4) Field Office
 - (5) Office of General Counsel (OGC)/Closing Agent
- F. The following final survey digital files are to be maintained in the official case file and uploaded to the appropriate easement business tool:
- (1) PDF of Signed Full Size (24” X 36”) print of original survey plat
 - (2) PDF of Signed Reduced (11” X 17”) print of original survey plat
 - (3) PDF of Signed legal descriptions for Exhibit A and Exhibit B
 - (4) Plat check/closure sheet for Exhibit A and Exhibit B
 - (5) Surveyors Report
 - (6) Metadata file for easement area
 - (7) SHP files for easement area (ZIP file will have to be created for SHP files and associated files prior to upload into NEST)

527.63 Reestablishment of Easement Boundary

- A. NRCS may need to reestablish an easement boundary on closed easements, including ingress and egress route, to complete monitoring, management, and enforcement activities, or easement administration actions for easement programs. The NRCS easement programs land survey reestablishment specifications must be used when contracting for the boundary reestablishment. (See Part 527, Subpart Y, “Exhibits,” for

the “NRCS Easement Programs Land Survey Reestablishment Specifications.”)
Landowner procured contracting options are not allowable for reestablishment surveys.

This process is a cooperative effort between Easement Programs Division (EPD) and the individual State offices to investigate, verify, validate, document, and improve the processes with which NRCS acquires reestablishment surveys.

- B. EPD approval must be obtained prior to requesting new task orders for a reestablishment survey. States may request this EPD approval by uploading the following information in the appropriate easement business tool (e.g. PAMS):
 - (1) Shapefile and associated files for the easement boundary and ingress/egress route if any exists
 - (2) Recorded easement deed
 - (3) Final title policy
 - (4) Rationale for the determination to have the reestablishment survey (this should include any specific concerns the State has pertaining to the easement boundary)
 - (5) If violations along the easement boundary exist, include a violation timeline and history for violations or observations that impact the easement boundary (violations internal to the easement that do not impact the easement boundary are not required)
 - (6) Maps, sketches, photos, notes, correspondence, etc. from the official case file and the local field office file that pertain to the easement boundary or to the intent of the easement boundary from the time of enrollment and acquisition.
- C. The use of the NRCS easement programs land survey reestablishment specifications is required unless a modification to the national specification is approved by the EPD Policy Branch national realty specialist serving as the subject matter expert for easement boundary surveys. Use of these national specifications will ensure a consistent product nationally and allow for the most efficient uploading of data to the national boundary shapefile database.

527.64 Procurement and Acceptance of Reestablishment Surveys

- A. The reestablishment surveys are obtained using an appropriate procurement method—i.e., indefinite delivery and indefinite quantity contract or agreements. NRCS will contract the boundary reestablishment surveys in a two-phase process, with the second phase being optional. Depending on the situation and possibility of legal action, NRCS may choose not to proceed with the second phase at the time of the initial survey.
 - (1) Phase I is the portion of the reestablishment survey that consists of research, survey fieldwork, and calculations. This is also when the surveyor drafts and submits the plats along with the required digital files. Setting monuments and marking the lines for the easement area is not included in Phase I. NRCS obtains deliverables to review prior to requesting any monumentation of the easement area. This review will determine if Phase II of the reestablishment survey is needed or if the Phase I deliverables are sufficient to resolve the boundary issue.
 - (2) Phase II is the portion of the reestablishment survey that consists of setting the monuments and marking the lines for the easement boundary. In this phase, the surveyor completes the field work to set monuments and witness posts, and mark boundary lines. NRCS will review the unsigned deliverables, reflecting the monumentation as set, in the office and the field. After the onsite review, NRCS will instruct the surveyor to provide the final survey submittals and deliverables.

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- B. The surveyor must provide a preliminary survey submittal that is acceptable to NRCS. NRCS will use the easement boundary reestablishment survey checklist to determine if the survey submittal is in accordance with the reestablishment survey specifications. (To review deliverables, see Part 527, Subpart Y, “Exhibits” for the “NRCS Easement Boundary Reestablishment Survey Review Checklist.”) Upon receipt of an acceptable preliminary survey submittal, NRCS will instruct the surveyor to complete Phase I or proceed with Phase II.

States will upload the documents received from the Phase I portion of the survey into the original reestablishment survey request submitted through the appropriate easement business tool (e.g. PAMS). In addition to the documents received for the Phase I deliverables, the State will also include a narrative of the findings and determinations made to either stop at the Phase I portion of the survey or to proceed with the completed Phase II. In cases where NRCS chooses to stop at Phase I, NRCS will instruct the surveyor to provide hardcopies of the survey deliverables in the form of final submittals that show the reestablishment survey and existing site conditions.

- C. In cases where NRCS chooses to proceed with Phase II, the NRCS representative and the landowner will conduct an onsite easement boundary field review to ensure that—
- (1) The area delineated is the area that the landowner intended to place under the easement.
 - (2) The area delineated is the area identified and agreed to by NRCS.
 - (3) The access route is accurate and acceptable.
 - (4) The easement boundary monuments and witness posts have been installed as required and shown on the plat of survey.
- D. The onsite post-survey field review will be documented using the easement boundary reestablishment survey field review memorandum to the file. A copy of the memorandum to the file may be provided to the landowner. (See Part 527, Subpart Y, “Exhibits,” for the “Easement Boundary Reestablishment Survey Field Review Memorandum to the File.”)
- E. Following the completion of the onsite field review of the surveyed area, NRCS will instruct the surveyor to submit the final easement boundary survey materials to NRCS. NRCS, using the easement boundary reestablishment survey checklist, will review the final boundary survey submittal to ensure that it accurately and correctly describes the area of enrollment and satisfies the requirements of the reestablishment survey specifications.
- F. Payment for the easement boundary survey may only be issued after the onsite easement boundary field review is completed and the final survey submittal has been reviewed and approved by NRCS.
- G. The following final reestablishment survey digital files are to be maintained in the official case file and uploaded to the appropriate easement business tool:
- (1) PDF of Signed Full Size (24” X 36”) print of original survey plat
 - (2) PDF of Signed Reduced (11” X 17”) print of original survey plat
 - (3) PDF of Signed legal descriptions for Exhibit A and Exhibit B
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