

3rd BIENNIAL REPORT TO THE LEGISLATURE
for the Period July 01, 1995 through June 30, 1997

STATE SURVEY & REMONUMENTATION SECTION

In December of 1990, the Legislature passed and the Governor signed into law the State Survey and Remonumentation Act (P.A. 345 of 1990) which provided for the remonumentation of the original U.S. public land survey corners that serve as the basis for all public and private property locations in Michigan. Act 345 and Act 346, a companion act which authorized the collection of fee revenue to fund the program, both became effective on January 1, 1991.

Act 345 created the Survey and Remonumentation Commission within the Department of Consumer and Industry Services (formerly the Department of Commerce) which is charged with the responsibility of coordinating "the restoration, maintenance, and the preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and by the national geodetic survey within this state..." (Sec. 6a).

The original Commission appointed by the Governor on June 4, 1991 consisted of the following five members: Larry Gerschbacher, P.S. of Traverse City as the public member, and Frank DeDecker, P.S., P.E. of Warren as the at-large professional surveyor; Mary Feindt, P.S. of Charlevoix representing the Northern portion of the Lower Peninsula; Donald Gilchrist, P.S. of Paw Paw representing the Southern portion of the Lower Peninsula; and Gerald Carlson, P.S. of Marquette representing the Upper Peninsula. For the period covering this report, Louis Czubak, P.S. of Traverse City served as the public member replacing Commissioner Gerschbacher. Executive Order 1996-2 transferred the statutory authority, powers, duties, functions and responsibilities of the Commission from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type II transfer. The authority, powers, duties, functions and responsibilities of the Executive Director of the Survey and Remonumentation Commission were transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, eliminating the Commission's Executive Director. Executive Order 1997-13 eliminated the Survey and Remonumentation Commission effective October 1, 1997.

Act 345 requires the Commission to submit an initial report to the Legislature on or before October 1, 1993 and biennially thereafter. The initial report was provided in 1993 and the second biennial report was provided in 1995. This report is the third biennial report of the State Survey and Remonumentation Commission and has been prepared and submitted in fulfillment of the statutory requirement. The Act specifies (Sec. 6g) that the report shall include (but not necessarily be limited to) the following items:

- A. A summary of the Commission's activities regarding administration of this Act.
- B. An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout the state.
- C. A statement regarding the amount of money that was received and disbursed from the fund.
- D. An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state.
- E. An assessment of whether the money received in the fund is adequate to implement this Act.
- F. Recommendations including, but not limited to, the level of funding that is necessary to implement this Act.

This report will address in turn each of these six items.

- A. *Commission activities regarding the administration and implementation of this Act.*
 - 1. The Commission received, approved and administered county monumentation and remonumentation grant applications and survey work programs from all 83 counties during 1993, 1994, 1995, 1996 and 1997 (currently in progress). These grants were administered in compliance with each county's State Commission-approved county plan adopted in 1991 and the Administrative Rules adopted in 1992.
 - 2. As required by Section 6(I) of the Act, the Commission established a grant program to counties and developed the necessary forms and procedures. All 83 counties submitted an application for grant year 1993 and grants were awarded totaling \$4 million to the counties for the first grant year of this program. In 1994, all 83 counties submitted an application and grants were awarded totaling \$5 million to the counties for the second year of the program. In 1995, all 83 counties submitted an application and grants were awarded totaling \$3 million to the counties for the third year of the grant program. Early in the 1995 grant year, Huron County withdrew from the grant program. In 1996, all 83 counties submitted an application and grants were awarded totaling \$4 million to the counties for the fourth year of the grant program. In 1997, all 83 counties submitted an application and grants were awarded totaling \$4 million to the counties for the fifth year of the grant program. Grant applications for the 1998 grant year will be submitted by December 30, 1997 with a grant distribution of \$4 million to be made available. It is anticipated, based on current fund revenue estimates, that additional annual grants thereafter will total approximately \$3 to \$4 million annually.

3. Section 6(d) of the Act requires the Commission to "*coordinate the collection and preservation of information obtained from surveys made by persons or organizations authorized to establish monuments or land boundaries...*" Pursuant to this responsibility, the Commission developed and entered into a cooperative agreement with the Michigan Department of Transportation and is pursuing one with the Department of Natural Resources to coordinate relevant work activities and incorporate their survey and monumentation efforts with those conducted by the counties.
4. Section 6(c) of the Act requires the Commission to "*coordinate the extension, densification, and maintenance of the horizontal and vertical control networks initiated by the federal government through the national geodetic survey and the United States geological survey.*" Pursuant to this responsibility, the Commission developed a contract with the National Oceanic and Atmospheric Administration/National Ocean Service (NOAA/NOS) to establish High Accuracy Reference Network (HARN) stations in the 51 counties that chose to participate in this national program. The Michigan Department of Consumer and Industry Services served as the single contracting agency with NOAA/NOS on behalf of the counties. The result of this contract was to have NOAA/NOS establish 80 stations paid for by Survey and Remonumentation grant funds. These are in addition to the approximately 20 locations being paid for and established by NOAA/NOS as High Accuracy Reference Network (HARN) stations as part of the national program.
5. The Commission is charged with the responsibility to "*coordinate the establishment of geographic information systems*" (title of Act 345). In the furtherance of this responsibility, the Commission is participating in the IMAGIN (Improving Michigan's Access to Geographic Information Networks) Data Sharing Network Agreement. The purpose of this cooperative venture is "to develop new methods and standards for geographic data exchange within the State of Michigan and to improve the application of geographic related data in state and local decision-making" (IMAGIN Data Sharing Network Agreement, February 23, 1993).
6. Section 6(f) of the Act requires the Commission to "*establish and maintain a data base of information on approved monumented horizontal and vertical control in the state.*" The Commission has obtained a computerized record of all current horizontal and vertical control stations within the state from NOAA/NOS. This data was made available to all 83 counties in November, 1993. An update of this data was provided in June, 1995.

7. Section 6(a) of the Act requires the Commission to "*coordinate the restoration, maintenance, and the preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and by the national geodetic survey within this state.*" In the furtherance of this responsibility, the Commission developed a Memorandum of Understanding with the U.S. Bureau of Land Management which is the federal agency with the responsibility for the survey of public lands throughout the country. This document establishes a general framework for mutually beneficial cooperative efforts with specific cooperative endeavors being specified in supplements and addenda to the broad Memorandum of Understanding. The Commission also developed and provided to all counties in 1993 a computerized standard statewide reporting system through which the counties can enter data on the Public Land Survey corners they monument or remonument. This information has become the basis of the Commission's data base. The Commission also provided to all counties computerized Descriptive Data Processing System (DDPROC) software to allow standardized reporting of recovery of horizontal and vertical control stations or reporting of destroyed marks.

B. An assessment of the progress in implementing the counties' monumentation and remonumentation plans

This assessment is based upon the completed reports of the work programs submitted by all 83 counties as part of their annual survey and monumentation grant. A compilation of the results of the survey work programs completed in 1993 through 1996 by county for each work category is as follows: (1) number of corners with research completed -- 36,568; (2) number of corners with monumentation completed -- 25,473; (3) number of control stations recovered -- 3,873; (4) number of points with coordinates set -- 3,215; and (5) number of HARN stations installed -- 80.

C. A statement of receipts and disbursements from the State Survey and Remonumentation Fund

Act 346 of 1990 (the companion to Act 345 of 1990) increased the fee for recording an instrument with the county register of deeds by \$4.00, with \$2.00 remitted to the State Survey and Remonumentation Fund and \$2.00 retained by the county for general county use. As of June 30, 1997, total receipts of the Fund were \$20,773,126 and disbursements from the Fund were \$16,306,844 with an additional amount of \$2,583,207 committed for 1997 work program grants.

D. An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state

This assessment is based on the information provided by the counties in their application for a state survey and monumentation grant in 1993, 1995 and 1997. A compilation of the 1997 estimated total cost of remonumentation of public land survey corners by the 83 counties in 1997 indicated a total of approximately \$166,978,160 would be needed.

E. An assessment of whether the money received in the Fund is adequate to implement this Act

Based upon the above estimate of the total cost of monumentation or remonumentation by the counties, it would appear that the money received in the Fund will not be adequate to carry out this program within 20 years as contemplated by the Act (Sec. 8). It is estimated that money received in the Fund will provide only about one-half of the amount needed to carry out the program in 20 years. In 1993, a total of 30 counties contributed \$451,884.48 to the program. In 1994, a total of 25 counties contributed \$314,221.32 to the program. In 1995, a total of 26 counties contributed \$430,507.50 to the program. In 1996, a total of 26 counties contributed \$355,743.20 to the program and in 1997, a total of 26 counties committed \$376,171.37 to the program. If the counties as a group would increase their contributions, the need for additional state funds would be lessened.

F. Commission recommendations

Because the above assessment indicates that the money received in the State Survey and Remonumentation fund will not be adequate to complete the program within 20 years, it is recommended that the Department host a work group of county representatives and other interested persons to explore future funding options.

The Governor's Executive Order 1997-13, dated August 15, 1997 transferred all the statutory authority, powers, duties, functions and responsibilities of the State Survey and Remonumentation Commission created by Act No. 345 of the Public Acts of 1990, as amended, being Sections 54.261 et seq. of the Michigan Compiled Laws, to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the commission was abolished effective October 1, 1997.