

9TH BIENNIAL REPORT TO THE LEGISLATURE
Department of Energy, Labor & Economic Growth
State Survey & Remonumentation Section

July 01, 2007 - June 30, 2009

In December, 1990, the Legislature passed and the Governor signed into law the State Survey and Remonumentation Act, 1990 PA 345, 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.

1990 PA 346 amended 1961 PA 236 to increase the fee for recording an instrument with the county register of deeds and provide that \$2 be remitted to the State Survey and Remonumentation Fund.

Act 345 created the State Survey and Remonumentation Commission within the Department of Commerce (now the Department of Energy, Labor and Economic Growth). The Department 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: a public member, an at-large professional surveyor; and professional surveyors representing the Northern Lower Peninsula, Southern Lower Peninsula, and Upper Peninsula.

Executive Reorganization Order 1996-2 transferred the statutory authority, powers, duties, functions and responsibilities of the Commission from the Department of Commerce to the Director of Consumer and Industry Services by a Type II transfer. The authority, powers, duties, functions and responsibilities of the Executive Director of the State 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 Reorganization Order 1997-12 transferred the statutory authority, powers, duties, functions and responsibilities of the Commission to the Director of the Department of Consumer and Industry Services by a Type III transfer, eliminating the State Survey and Remonumentation Commission.

1998 PA 5 amended Act 345 to allow a county to expedite their program by pre-funding its program and recovering expenditures by reimbursement over time with future grants, if any. Requirements of the expedited remonumentation program are that: 1) the county plan be approved by the Department and be adopted by the county board of commissioners consistent with provisions of the State Survey and Remonumentation Act; and 2) it be designed to complete monumentation and remonumentation of the entire county within a period of 19 years or less from the date the original county plan was first approved by the State Survey and Remonumentation Commission.

Act 345 also requires the Department to submit a biennial report to the Legislature on or before October 1 biennially. Reports have been provided in 1993, 1995, 1997, 1999, 2001, 2003, 2005, and 2007. This is the ninth biennial report on the State Survey and Remonumentation grant program and is prepared and submitted in fulfillment of the statutory requirement.

This biennial report will address the following six items as required by Act 345.

1. Department activities regarding administration of this Act

- a. As required by Section 6(1)(i) of the Act, the Department established a grant program to counties, developed the necessary forms and procedures, and promulgated administrative rules.
- b. The Department has approved and administered county monumentation and remonumentation survey work programs for all 83 Michigan counties since the program began in 1993 through the 2009 grant cycle. The grants are administered in compliance with each county's State Commission-approved county plan, the Act, and the Administrative Rules adopted in 1992.
 - 1) All 83 counties submitted an application for grant year 1993, and grants were awarded totaling \$4 million for the first grant year of this program.
 - 2) In 1994, all 83 counties submitted an application, and grants were awarded totaling \$5 million.
 - 3) In 1995, all 83 counties submitted an application, and grants were awarded totaling \$3 million. Early in 1995 grant year, Huron County withdrew from the grant program.
 - 4) In 1996, 1997, 1998, and 1999 all 83 counties submitted an application, and grants were awarded totaling \$4 million for each year.
 - 5) In 2000, all 83 counties submitted an application, and grants were awarded totaling \$4.5 million.
 - 6) In 2001, all 83 counties submitted an application, and grants were awarded totaling \$5 million.
 - 7) In 2002 and 2003, all 83 counties submitted an application, and grants were awarded totaling \$6 million each year.

- 8) In 2004, all 83 counties submitted an application, and grants were awarded totaling \$6 million. Otsego County withdrew from the grant during the year. In the Fall, a \$4 million supplemental appropriation was awarded; however only 79 counties participated in the supplemental grant.
- 9) In 2005, all 83 counties submitted an application, and grants were awarded totaling \$10 million.
- 10) In 2006 and 2007, all 83 counties submitted an application, and grants were awarded totaling \$10.134 million each year.
- 11) In 2008, all 83 counties submitted an application, and grants were awarded totaling \$7.5 million.
- 12) The total grant amount awarded for the 2009 grant cycle is \$4 million.

- c. Section 6(1)(d) of the Act requires the Department 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 Department developed and entered into a cooperative agreement with the Michigan Department of Transportation and conducts a similar cooperative effort with the Department of Natural Resources to coordinate relevant work activities and incorporate their survey and monumentation efforts with those conducted by the counties.

- d. Section 6(1)(c) of the Act requires the Department 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 Department developed a contract with the National Oceanic and Atmospheric Administration/National Ocean Service/National Geodetic Survey (NOAA/NOS/NGS) to establish High Accuracy Reference Network (HARN) stations in the 51 counties that chose to participate in this national program. The Department served as the single contracting agency with NOAA/NOS/NGS on behalf of the counties. The result of this contract was to have NOAA/NOS/NGS establish 80 stations paid for by Survey and Remonumentation grant funds. These were in addition to the approximately 20 locations

paid for and established by NOAA/NOS/NGS as High Accuracy Reference Network (HARN) stations as part of the national program.

In 2006, the NGS initiated additional high accuracy spirit leveling and GPS measurements for a height modernization project in Macomb, Oakland, St. Clair and Wayne Counties. The Department coordinated work by these counties to include the necessary control station recoveries identified by the NGS in their 2006 work program and encouraged counties to prioritize their work program to achieve maximum benefit by the county, NGS and DOT.

Survey and Remonumentation Program grant funds have increased statewide efforts to "densify" the number of continuous operating reference stations (CORS). CORS allows highly accurate GPS measurements and greatly increases the accuracy and efficiency of field measurements. Currently there are 44 Survey and Remonumentation Program CORS in 25 counties. The data from operating CORS is available on-line to the public.

- e. The Department is charged with the responsibility to "*coordinate the establishment of geographic information systems*" (title of Act 345). In the furtherance of this responsibility, the Department has participated 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). Survey results are available on the Internet to aid in establishment of geographic information systems.
- f. Section 6(1)(f) of the Act requires the Department to "*establish and maintain a data base of information on approved monumented horizontal and vertical control in the state.*" The Department has obtained a computerized record of all current horizontal and vertical control stations within the state from NOAA/NGS. This data was made available to all 83 counties in November 1993. An update of this data was provided to each county in June 1995. Currently, all nationally published data of horizontal and vertical control stations, including updates, is accessible on the Internet.
- g. Section 6(a) of the Act requires the Department 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 Department 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.

In 1993 the Department provided to all counties computerized descriptive data processing system software to allow standardized recovery reporting of horizontal and vertical control stations or the reporting of destroyed marks. Currently, the reporting form for recovery of control stations is filed on the internet, and this data is available for the public.

2. An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout the state

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 the first half of 2008 for each work category is as follows: 1) Number of corners with research and monumentation completed – 121,502; 2) Number of control stations recovered – 2,305; 3) Number of points with coordinates set – 13,152; and, 4) Number of HARN stations installed – 80; 5) Number of CORS installed – 44. At this time, reporting of the 2008 and 2009 work programs have not been completed.

3. A statement regarding the amount of money received and disbursed from the fund

1990 PA 346 amended 1961 PA 236 which increased the fee for recording an instrument with the county register of deeds and provided that \$2 be remitted to the State Survey and Remonumentation Fund. This fee was increased by 2002 PA 700 and provided \$4 to be remitted to the fund with a sunset provision eliminating the additional \$2 in 2013.

In 2006, a one-time transfer of \$15 million from the Remonumentation Fund to the State General Fund was authorized by 2006 PA 76. Following the transfer, 2006 PA 662 was passed amending 1961 PA 236 to extend the sunset date on the additional \$2 filing fee for most recording documents at the county register of deeds from the year 2013 to 2023.

In addition, 30 of Michigan's 83 counties have contributed additional monies totaling \$6.5 million during the grant years 1995 through 2008. And the estimate of county contributions for the 20 year program is \$9 million.

Two (2) counties have participated in an expedited program and contributed a total of \$3.1 million toward future grant reimbursement from the state, if any. These two counties have

recaptured approximately \$1 million partial repayment under the provisions of 1990 PA 346.

As of June 30, 2009, approximately \$116 million has been deposited into the Fund. Disbursements from the Fund, including encumbrances, through the end of 2008 totaled approximately \$101 million. Additionally, an estimated \$4 million has been committed for FY-2009 grant distribution.

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

This assessment is based on information provided by the counties. It is estimated that counties will need approximately \$233 million for the remonumentation of their public land survey corners.

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

Over the 20-year period, approximately \$140 million will be deposited into the Fund including county contributions. Based upon the estimate of the total cost of monumentation or remonumentation reported by the counties, it appears that the projected deposits into the Fund over the 20-year timeframe will not be adequate to complete this program as contemplated by the Act.

While some counties will be able to complete monumentation and remonumentation within their 20-year plans, many will not.

6. Department Recommendations

1990 PA 345 should be amended to revise the target date for completion of the state remonumentation program consistent with the Legislature's provisions for funding through the year 2023.