

6th BIENNIAL REPORT TO THE LEGISLATURE
For the Period July 01, 2001 through June 30, 2003

STATE SURVEY and REMONUMENTATION SECTION

In December, 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 that authorized the collection of fee revenue to fund the program, 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). 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: 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. 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.

P.A. 5 of 1998 amended Act 345 to allow for county-expedited programs whereby a county could prefund its program and recover expenditures over time by being reimbursed by future grants, if any. An expedited remonumentation program must be adopted by the county board of commissioners consistent with provisions of the State Survey and Remonumentation Act. An expedited program must be designed to complete, and result in the 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 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 biennially thereafter in 1995, 1997, 1999 and 2001. This is the sixth biennial report on the State Survey and

Remonumentation grant program and has been prepared and submitted in fulfillment of the statutory requirement. The Act, as amended, specifies (Sec. 6g) that the report shall include (but not necessarily be limited to) the following items:

- A. A summary of the Department'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) Department activities regarding the administration and implementation of this Act.

- a) The Department received, approved and administered county monumentation and remonumentation grant applications and survey work programs from all 83 counties during 1993 through 2002 and 2003 (currently in progress). These grants were administered in compliance with each county's State Commission-approved county plan, the Act and the Administrative Rules adopted in 1992.
- b) As required by Section 6(i) of the Act, the Department 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 for the first grant year of this program. In 1994, all 83 counties submitted an application and grants were awarded totaling \$5 million. In 1995, all 83 counties submitted an application and grants were awarded totaling \$3 million. 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. In 1997, all 83 counties submitted an application and grants were awarded totaling \$4 million. In 1998, all 83 counties submitted an application and grants were awarded totaling \$4 million. In 1999, all 83 counties submitted an application and grants were awarded totaling \$4 million. In 2000, all 83 counties submitted an application and grants were awarded totaling \$4.5 million. In 2001, all 83 counties submitted an application and grants were awarded totaling \$5 million. In 2002, all 83 counties submitted an application and grants were awarded totaling \$6 million. In 2003, all 83

counties submitted an application and grants were awarded totaling \$6 million. Counties were notified in August, 2003 of the grant amount proposed by the Department for each county for 2004. The total grant amount proposed for 2004 is \$6 million.

- c) Section 6(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(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 Michigan Department of Consumer and Industry Services 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.
- 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(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. The Department 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. In 1999, the Department developed and provided a Windows-based version of the corner index reporting system. In 2003, the Department developed an Internet version of the corner index reporting system and made all information Internet available for public use. This information has become the basis of the Department's database.

The Department 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. The reporting form for recovery and filing of control stations is now available on the Internet.

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 2002 for each work category is as follows: (1) number of corners with research and monumentation completed – 72,091; (2) number of control stations recovered -- 1396; (3) number of points with coordinates set -- 8,108; and, (4) 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, as amended) increased the fee for recording an instrument with the county register of deeds and provided that \$2.00 be remitted to the State Survey and Remonumentation Fund. Act 700 of 2002 increased the fee for recording an instrument with the county register of deeds and provide that \$4.00 be remitted to the fund effective March 31, 2003. As of August 30, 2003 total receipts to the Fund were \$58,335,586 (plus interest). As of August 30, 2003 disbursements from the Fund were \$44,340,254 (plus administrative costs). An additional amount of \$3,600,000 (plus

administrative costs) is committed for the 2003 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 information provided by the counties. A compilation of the estimated total cost of remonumentation of public land survey corners by the 83 counties in 2003 indicated a total of approximately \$201,854,249 would be needed.

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

Based upon the estimate of the total cost of monumentation or remonumentation reported by the counties, it appears the money to be received in the Fund (\$142,000,000 over 20 years based on previous 5 year average) would not be adequate to complete this program as contemplated by the Act (Sec. 8).

Counties are permitted to contribute monies in addition to the annual grant they receive. Between 26 and 30 of Michigan's 83 counties contributed additional monies totaling \$4,287,388 during grant year 1993 through 2002. The estimate of county contributions over 20 years is \$8,000,000.

While most of the counties in Michigan will be able to complete monumentation and remonumentation within their 20-year plans, some will not. The counties have estimated that \$201,854,249 will be needed to complete their monumentation programs. The projected deposits to the Fund plus county contributions over a 20-year period total \$150,000,000.

F. Department 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 options.