

Position Statement: The Importance of the Public Land Survey System in Wisconsin

Summary

The Public Land Survey System (PLSS) is Wisconsin's very first infrastructure and serves as the essential framework for property ownership. Without a properly maintained network of PLSS corner monuments, there is an increased risk of property disputes, inequitable taxation, disagreements about resource rights, confusion over easement locations, and unnecessary expenditures by private citizens and local governments. PLSS is the very foundation for determining the location of nearly every property description in Wisconsin. Chapter 59.74(2)(d) of the Wisconsin Statutes states that Counties are responsible for the perpetuation of landmarks like the corners of the PLSS. Counties are to provide necessary funding and staffing to re-establish and maintain their county's PLSS network.

Background

PLSS is a system of land partitioning and distribution implemented by the Federal Government in 1785 and championed by Thomas Jefferson. Its purpose was to facilitate land conveyance to individual states and private citizens from the federal government. PLSS is based on thousands of Section and Quarter corner locations distributed at approximately half mile intervals throughout the state. The PLSS in Wisconsin was originally established between 1832 and 1866. It is a roughly gridded network of surveyed lines and monuments with approximate 6-mile by 6-mile squares known as "townships". Those townships are composed of 36 approximately 1-mile by 1-mile squares known as "sections". Township boundaries were surveyed first; sections were then created within those township lines. Most of the corners of the PLSS were initially marked with wood posts. Witness trees were marked with blazes which would give reference to the corner location. Over the years, time and the elements took their toll on the wood posts and witness trees.

The PLSS Network following inception:

In the late 1800s and early 1900s, sporadic surveys took place which helped to retain or re-establish some of the PLSS network. This occurred in areas where the County Surveyor was called in to do work for local landowners and was on an as needed basis. These surveys took place at a time when evidence of the original survey was still more readily available. Since the early 1970s, Wisconsin Statutes stated: *"The records of the corners of the public land survey may be established and perpetuated in the following manner: commencing on January 1, 1970, and in each calendar year thereafter, the county surveyor or a deputy **may** check and establish or reestablish and reference at least 5% of all corners originally established in the county by government surveyors, so that within 20 years or less all the original corners will be established or reestablished and thereafter perpetuated.*

Unfortunately, this verbiage encouraged but did not mandate remonumentation within counties. The results of this statute verbiage were diverse. Some Counties chose to move forward with a remonumentation effort with this legislation, some did remonumentation to a lesser extent and some did nothing at all.

The Wisconsin PLSS today:

Wisconsin is indeed a diverse landscape in terms of the PLSS. Some Counties have completed their PLSS remonumentation work, while others are still moving forward with that effort. Much of that diversity can be related to the County Surveyor position. Of Wisconsin's 72 Counties, 62 have a County Surveyor - 31 serving on a full-time basis - 31 serving on a part-time basis. 10 Counties have made arrangements to accomplish the work of a County Surveyor through local private Professional Land Surveyors and other statutory means. A County with a County Surveyor on staff typically has the ability to more readily focus attention on the re-establishment and maintenance of PLSS corners.

The Definition of and Need for Monuments:

When a PLSS corner location is re-established, a new monument is set at the location. Simply stated, “monuments” are physical markers at the locations of the corners of the PLSS network. Those monuments are typically made of iron, aluminum, concrete or stone. When re-established, these corner monuments have legal status. The mistaken belief exists that once geographic coordinates have been obtained, the monuments themselves are no longer needed. In fact the opposite is true: it is the location of a monument, not its coordinates, that is of primary importance. Land ownership is based on the physical location of a monument regardless of its coordinates or how close the monument is to its “theoretically correct” location. Thus PLSS monuments are necessary to accurately depict land ownership and interest in real property, which has impacts on land transfers, parcel subdivisions, property taxation, hunting and mineral rights, granting of easements, taxpayer incentive programs like Managed Forest Land. A remonumented corner location does not last forever. Monuments are physical objects that are subject to destruction or deterioration by natural forces and negative human influences. Maintenance of modern PLSS monuments – including periodic rechecking, ensuring monument stability, obtaining updated coordinates, and updating reference information – allows monuments to be perpetuated for the benefit of all. If modern corner monument and its ties are allowed to deteriorate or become lost, it can often prove challenging and costly to retrace and set a new monument at a corner location.

Our Position

The PLSS in Wisconsin can and should be fully re-established. But the work will require the expertise of Professional Land Surveyors and funding. Each of Wisconsin’s 72 Counties should have a County Surveyor on staff to oversee the remonumentation and maintenance work. The County Surveyor can serve as an advisor to taxpayers, property owners and/or their private sector land surveyors within each county regarding PLSS concerns. To that end, we believe the following to be critically important.

- An accurate, complete, up-to-date county PLSS network can and should be in place in every county in Wisconsin (less stringent PLSS locational accuracies may be acceptable in some areas containing large tracts of publicly held lands, such as National/State/County forest lands and military installations).
- Counties should make funding a County Surveyor position (or appoint a Professional Land Surveyor to act in the capacity of County Surveyor) a priority and provide this individual with the resources needed to do the work of re-establishing and maintaining PLSS corners.
- Counties should fund PLSS remonumentation and maintenance on a consistent, predictable basis. (Grant monies are available through the Wisconsin Land Information Program in 2016 and 2017.)
- Once PLSS corners are re-established, maintenance of those corners should be an ongoing priority for Counties.
- Counties should work with neighboring counties to resolve discrepancies in PLSS corner locations so that county boundaries fit together seamlessly.
- Counties have a great resource available to them in the Wisconsin County Surveyors Association (WCSA). This group can share the importance of the PLSS by giving presentations or talks to County Boards and Committees.
- Counties should not defund existing County Surveyor positions or withhold funding for maintenance of PLSS based on an existing plan.

Who We Are: The PLSS Workgroup was formed by individuals and organizations in Wisconsin to advocate and advance the purpose and importance of the Public Land Survey System. Our goal is to educate and encourage State, County and Municipal agencies in improving, advancing and maintaining the Public Land Survey System statewide.

Workgroup Members:

Howard Veregin – State Cartographer

Brenda Hemstead – Data Services Professional - State Cartographer's Office

Jodi Helgeson – Adams County Register of Deeds

Steve Geiger – Polk County Surveyor

Jeff DeMuth – Professional Land Surveyor

Eric Damkot – GIS Division IS Manager - Washington County

Mitchell Moline – Wisconsin Department of Transportation

Chris Colney – Southwestern Wisconsin Regional Planning Commission

Bryan Meyer – La Crosse County Surveyor