# BENCHMARK

THE NEWSLETTER OF THE SOUTH CAROLINA SOCIETY OF PROFESSIONAL LAND SURVEYORS

An affiliate of the National Society of Professional Land Surveyors

Benjamin B. Christensen, Editor 121 Executive Center Drive, Suite 248 Columbia, S. C. 29210-8419 (803) 750-7524

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## GENERAL MEMBERSHIP MEETING

**SATURDAY – OCTOBER 16, 2010** 1:00 PM

LANDSFORD CANAL STATE PARK CATAWBA, SC



"Teaching Cub Scout Engineer Badge and Boy Scout Surveying Merit Badge" Seminar Before Meeting - 10:30 AM

Lunch Following the Seminar 12:00 Noon



## President's Message

Greetings to all:

hen talking to fellow surveyors over the past few months, two topics usually come up; the effects of the struggling economy and the intense South



Carolina summer! Ironically, they have some similarities. Both currently are having a tremendous, negative impact on us and we have no control over either one (We can only "hunker down", adapt, and try to survive!). At least with the weather, we know that there is a respite just around the corner with some cooler autumn temperatures. The economy, well, that is anyone's

guess and even the economist can't agree!

But over the past 4 or 5 months, I have seen a few small glimmers of hope! Our Convention in May had the largest attendance since we moved the Trade Show to the Education Conference (whether it was the new location or a slight improvement in the economy, we don't know . . . but it was an increase). For some surveyors, especially in the larger metropolitan areas, the phones have started ringing a little again and it's not just laid-off instrument men or rodmen looking for work. I heard similar reports at the SAMSOG Convention

back in July - that is, work was slowly picking up in the Atlanta Metro area while rural areas were still slow. And the most "heart-warming" ray of hope that I've witnessed lately was at the Licensing Ceremony and Reception on July 20th! Talking to our "newest" surveyors, the economy was definitely on their minds. But more important, they were proud of their accomplishment (rightly so!) and were excited about being a part of our profession! No, excitement doesn't necessarily pay the bills, but it can fuel creativity! In our changing world and economy, creativity can be essential to survival! So I do see some hope, we've just got to hang on!

Our fall General Membership meeting will be on Saturday, October 16th, at Landsford Canal State Park, between Lancaster and Rock Hill, SC. The site is on the National Register due to its role during the Revolutionary War and its canal system from the early 1800's. There is also plenty of nature to enjoy along the banks of the Catawba River! So mark your calendar & plan to come on out! By the way NASCAR fans - the "Bank of America 500" will be held at the Charlotte Motor Speedway (an hour drive from the park) at 7:30pm that same day! You could make a great weekend out of it!

Sincerely,
Dale C. Swygert, PLS
SCSPLS 2010-11 President

### **ELECTION RESULTS 2010-11 OFFICERS:**

President Dale C. Swygert
President-Elect Kevin M. Schwacke, Sr.
Vice President Benjamin B. Christensen

Secretary Kent C. Hudson

Treasurer Francis (Frankie) M. A. Manhardt

Past President Lewis S. Moore

## Following were elected for a 2 yr. term beginning 2010-11 fiscal year:

District 2 Dennis G. Johns
District 4 Dennis V. Clinkscales
District 6 Michael S. Culler, Jr.



Some of the Board members attending the June, 2010 meeting



## **EVENTS**

## SCHEDULE OF EVENTS GENERAL MEMBERSHIP MEETING

#### SATURDAY – OCTOBER 16, 2010

10:00 AM Seminar Registration

10:30 AM Seminar, "Cub Scout Engineer Badge and Boy Scout Surveying Merit Badge"

11:30 AM Lunch (hosted by Tri-County Chapter)

1:00 PM General Membership Meeting

#### MARK YOUR CALENDAR FOR SCSPLS 2010-2011 MEETING DATES

#### **Board Meetings:**

Sept. 17, 2010

June 18, 2010 Columbia, Synergy Business Park, Congaree Board Room 1:30 PM

Columbia, Synergy Business Park, Congaree Board Room 1:30 PM

Feb. 16, 2011 Columbia, Radisson Hotel & Conf. Center, 6:30 PM

April 2, 2011 Mountain Rest, Oconee State Park, Community Building 2

#### **General Membership Meetings:**

Oct. 16, 2010 Landsford Canal State Park, Catawba, SC

Dec. 4, 2010 Myrtle Beach, SC

April 2, 2011 Oconee State Park, Mountain Rest, SC

May/June, 2011 Convention

EDUCATION CONFERENCE & TRADE SHOW
RADISSON HOTEL COLUMBIA & CONF. CENTER:

FEBRUARY 17-18, 2011

## FREE SEMINAR TO SCSPLS MEMBERS ALSO ATTENDING THE GENERAL MEMBERSHIP MEETING



## AND BOY SCOUT SURVEYING MERIT BADGE



Saturday, October 16, 2010 Landsford Canal State Park, Catawba, SC

#### ATTENDEES WILL EARN 1 PDH UNIT



Presented By
Luther Lown, SCDOT, SCSPLS Member



#### **WORKSHOP AGENDA**

10:00 AM – 10:30 AM Registration 10:30 AM – 11:30 AM Seminar

11:30 AM – 1:00 PM Lunch (hosted by Tri-County Chapter) 1:00 PM – 2:30 PM General Membership Meeting

#### **INSTRUCTORS:**

Luther Lown, SCSPLS member, will be the instructor for this seminar. Mr. Lown has been active in scouting for many years.

#### **SEMINAR INFORMATION**

The program will cover the BSA Youth Protection aspect of Scout leaders, the Cub Scout Engineer Badge and the Boy Scout Surveying Merit Badge, requirements and examples.

#### REGISTRATION

Registration will begin at 10:00 AM. Lunch will be provided to attendees. Attendees will be given a certificate and awarded 1 PDH unit. *No cell phones or beepers in classroom.*You must pre- register to attend.

#### **SEMINAR FEES:**

Registration fees:

**Society members:** Free if attending General Membership Meeting; \$25.00 if not attending meeting

Non Members: \$35

Full refund will be made if notification is received by October 1st. Substitutions are allowed if given prior written notice.

FEES COLLECTED WILL BE DONATED TO THE NSPS BOY SCOUT MERIT BADGE PROGRAM.

### **SEMINAR REGISTRATION**

## "CUB SCOUT ENGINEER BADGE AND BOY SCOUT SURVEYING MERIT BADGE"



#### LANDSFORD CANAL STATE PARK, CATAWBA, SC



October 16, 2010, 10:30 AM

NAME:				
REGISTRATION NO.:	STATE			
COMPANY:				
ADDRESS:				
CITY, STATE, ZIP:				
DAYTIME TELEPHONE:				
FAX: EMAIL:				
CURRENT SCSPLS MEMBER:				
Yes-I will be attending the 1:00 PM General Membership meeting.				
\$25.00 Enclosed –not attending meeting but will attend seminar				
SCSPLS NON-MEMBER: A	mount Enclosed \$35.00			
ALL ATTENDING MUST REGISTER ON THIS FORM.  Please make photocopies of this form for additional registrants				

#### MAIL OR FAX REGISTRATION FORM AND MAKE CHECK PAYABLE TO SCSPLS:

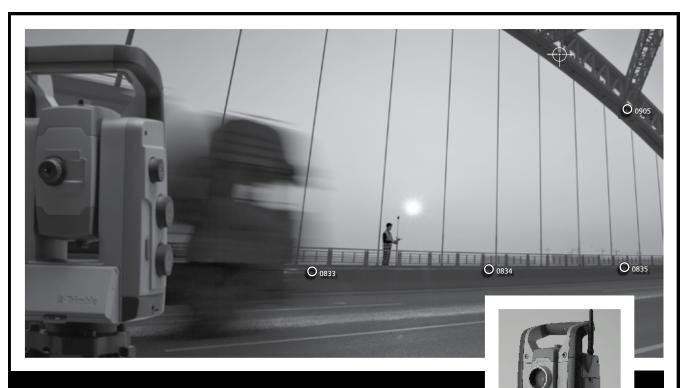
S.C. Society of Professional Land Surveyors

121 Executive Center Dr., Ste., 248, Columbia, SC 29210 Phone: (803) 750-7524 or Fax to SCSPLS at 803-750-7523 Email: <u>kim@scspls.com</u>

For additional registration information contact:

SCSPLS - (803) 750-7524 or E-mail: kim@scspls.com

Or Luther Lown via E-mail: <a href="mailto:lownll@dot.state.sc.us">lownll@dot.state.sc.us</a>



The shortest distance between two points is not a trip back to the tripod.

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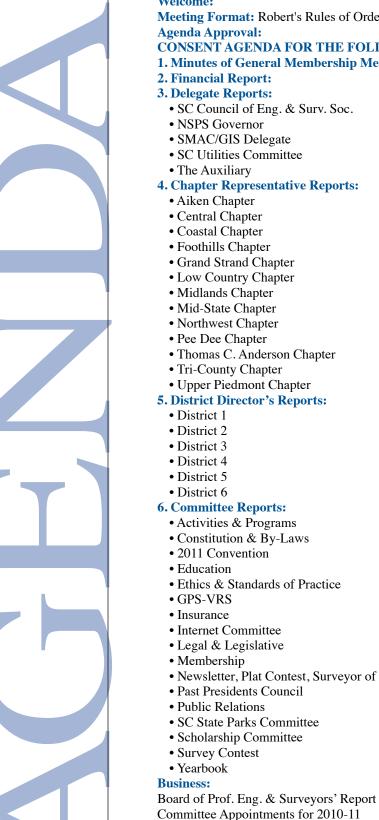
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September 2010 THE CAROLINA BENCHMARK

### SCSPLS GENERAL MEMBERSHIP MEETING SATURDAY, OCTOBER 16, 2010

#### Landsford Canal State Park, Catawba, South Carolina



Welcome: President Dale Swygert President Dale Swygert **Meeting Format:** Robert's Rules of Order **Agenda Approval:** President Dale Swygert CONSENT AGENDA FOR THE FOLLOWING ITEMS: 1. Minutes of General Membership Meeting: May 22, 2010 2. Financial Report: Frankie Manhardt 3. Delegate Reports: • SC Council of Eng. & Surv. Soc. Carl Bostick NSPS Governor Henry Dingle • SMAC/GIS Delegate Ben Christensen • SC Utilities Committee Aaron Taylor • The Auxiliary Charlotte Swygert 4. Chapter Representative Reports: Aiken Chapter Bill Tripp Central Chapter Thomas Andersen Coastal Chapter Nancy Hopper Foothills Chapter Billy Martin • Grand Strand Chapter Aaron Leach • Low Country Chapter Ray Cook • Midlands Chapter George Bradley • Mid-State Chapter C. A. Shealy • Northwest Chapter John Long • Pee Dee Chapter Ferrell Prosser • Thomas C. Anderson Chapter Wayne Reynolds • Tri-County Chapter Bill White • Upper Piedmont Chapter Mike Byars **5. District Director's Reports:** • District 1 Chuck Dawley • District 2 Dennis Johns • District 3 Tom Abraham • District 4 Dennis Clinkscales • District 5 **Burnett Jenkins** • District 6 Mike Culler, Jr. **6. Committee Reports:**  Activities & Programs Aaron Leach Constitution & By-Laws Ronnie Tyler • 2011 Convention Kevin Schwacke Education Bruce King • Ethics & Standards of Practice **Bobby Foster** • GPS-VRS Chuck Dawley Insurance Dennis Clinkscales • Internet Committee Frankie Manhardt • Legal & Legislative Dennis Johns Kent Hudson Membership • Newsletter, Plat Contest, Surveyor of the Year Ben Christensen • Past Presidents Council Lewis Moore Public Relations • SC State Parks Committee Mike Culler, Jr. • Scholarship Committee Robert Praete

Aiken Chapter. Bill Tripp

President Dale Swygert

President Dale Swygert

President Dale Swygert

Kent Hudson

Gene Dinkins

Board and General Membership Meeting Dates 2010-11

**Closing Comments** 

Adjournment

September 2010 THE CAROLINA BENCHMARK

## Landsford Canal STATE PARK

2051 Park Dr., Catawba, SC 29704 Phone: (803) 789-5800

Website:www.southcarolinaparks.com Email: landsfordcanal@scprt.com

Stretched along the Catawba River along the South Carolina fall line, the park is home to the well-preserved remains of the canal system that made the river commercially navigable from 1820 to 1835. Locks, a mill site and the lockkeeper's home are among the numerous intact structures from that era. Out in the river is one of the largest known stands of rocky shoals spider lilies, tough plants that hang tight in the swift water and bloom spectacularly in a huge blanket of white in late May and early June. An easy-to-walk trail along the river leads to a viewing deck. This crossable spot on the river (that's what a ford is, of course) also played a role in the Revolutionary War, as both British and American troops under Cornwallis and Sumter crossed here before and after pivotal battles.

Fishing, picnicking, nature watching (including the resident pair of bald eagles) and studying the canal structures and the interpretive signage all are favorite activities at this park in the Piedmont. Pets are allowed in most outdoor areas provided they are kept under physical restraint or on a leash not longer than six feet.

Admissions is free for those attending the SCSPLS General Membership Meeting

#### **Driving Directions:**

I-77 Southbound: Take exit 77 to Highway 5 & 21. Turn left (south), travel 16 mi. to the Landsford Canal State Park sign and turn left. The park entrance is on the left.

I-77 Northbound: Take exit 65 to Highway 9. Turn rt. and travel 2 mi. to Hwy 223. Turn left on Hwy. 223 and travel 9 mi. to Hwy. 21. At Hwy. 21 turn left and travel 2 mi. to the State Park sign. Turn right and the park entrance will be on the left.



#### Places to stay in the area:

- Hampton Inn, 2111 Tabor Drive, Rock Hill, Tel: 1-803-325-1100, www.hamptoninn.com (25 miles form park in Rock Hill) (Closer to Charlotte, Carowinds and Charlotte Motor speedway.)
- Hilton Garden Inn, 650 Tinsley Way, Rock Hill, SC, Tel. 1-803-325-2800, www.HGI.Com (25 miles from park in Rock Hill) ( Closer to Charlotte, Carowinds and Charlotte Motor speedway.)
- Jameson Inn 114 Commerce Blvd, Lancaster SC, Tel 1-803-283-1188, www.jamesoninn.com (8.5 miles from the park, in Lancaster)

#### Things to do in the area:

There are tons of things to do with your family in Charlotte all weekend. (http://www.charlottemotorspeedway.com) Races and qualifying start 10/14/2010. The big race starts 7:30 on the 16th, tickets are as low as \$33.00.

Nearby Carowinds will open at 10:00 AM both Saturday, 10/16 and Sunday, 10/17 and has a special Halloween attraction each night, "Scarowinds." For more information or plan a trip, log onto www.carowinds.com.

## **SCSPLS Membership Renewal Reminder:**

Members who have not renewed their membership for the fiscal year July 1, 2010-June 30, 2011 have until October 1, 2010 to pay membership dues. By the authority of the Constitution and the Executive Board of the SCSPLS, members not renewing by that date will be dropped from the membership of the Society and all benefits, including the \$10,000 life and \$10,000 accidental death and dismemberment insurance, will be terminated. Any member wanting to join after that date must reapply and pay a \$10.00 application fee plus yearly dues.

This decision of the Executive Board is in accordance with Article II of the Constitution of the South Carolina Society of Professional Land surveyors, as follows:

Section 2, CANCELLATION. Only members whose dues are currently paid shall be eligible to vote. Should a member fail to submit current annual dues within ninety (90) calendar days from the beginning of the fiscal year, said person shall be notified in writing by the Secretary and dropped from membership in the Society. The request of such a person for readmission must be accompanied by dues in full for the current fiscal year and all prior late fees assessed when the member was dropped.

Should you have any questions, please contact our Executive Secretary, Mrs. Brenda Smith or Mrs. Kim Long, at the Society office (803) 750-7524 or email: kim@scspls.com.

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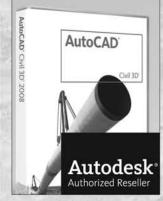












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### MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING

#### Saturday, May 22, 2010, Sweetgrass Pavilion, Wild Dunes Resort, Isle of Palms, SC

A General Membership of South Carolina Society of Professional Land Surveyors was held on Saturday, May 22, 2010 at 9:30 AM, in the Sweetgrass Pavilion at Wild Dunes Resort, Isle of Palms, South Carolina.

#### Members in attendance were:

#### Officers:

President
 President Elect
 Vice President
 Secretary
 Treasurer
 Immediate Past President
 Lewis Moore
 Kevin Schwacke
 Frankie Manhardt
 Ben Christensen
 R. Lee Frank, II

#### **Delegates:**

SC Council of Eng. & Surv. Soc. Carl Bostick, Absent
 NSPS Governor Henry Dingle
 SMAC/GIS Delegate Ben Christensen
 SC Utilities Committee Aaron Taylor, Absent
 The Auxiliary Charlotte Swygert, Absent

#### **Chapter Representatives:**

• Aiken Chapter Bill Tripp

• Central Chapter Thomas Andersen, Absent • Coastal Chapter Buddy Schwacke, Absent • Foothills Chapter Billy Martin • Grand Strand Chapter Aaron Leach • Low Country Chapter D. Ray Cook, Jr., Absent • Midlands Chapter George Bradley, Jr., Absent • Mid-State Chapter C. A. Shealy, III, Absent • Northwest Chapter John Long, Absent

Pee Dee Chapter
 Thomas C. Anderson Chapter
 Tri-County Chapter
 Upper Piedmont Chapter
 Ferrell Prosser, Absent
 Wayne Reynolds, Absent
 David Thomas, Absent
 Joe Mitchell, Jr., Absent

• Upper Piedmont Chapter **District Directors:** 

District 1

District 2
District 2

District 3

District 4
District 5
District 5

District 6
Mike Culler, Jr., Absent

Executive Secretary:

Brenda Smith

Executive Secretary:
Asst. to Executive Secretary:

#### OTHER MEMBERS AND GUESTS PRESENT: Joe Baird,

Kim Long

Larry Beasley, Les Bodkin, James F. Boyer, Gene Dinkins, Nancy Dinkins, Chuck Dunlap, Jimmy Godfrey, A. Wayne Harrison, Nancy Hopper, Kent Hudson, Dennis Johns, Curtis Lybrand, Robert Praete, Lonnie Sears, Sid Shrum, Ronnie Tyler, Bob Vannerson, Terry Watson, Keith A. Wilson, David Youmans.

President Lewis Moore opened and called the General Membership Meeting of the SCSPLS to order on Saturday, May 22, at Wild Dunes Resort, Isle of Palms, SC, at 9:30 AM. Meeting was opened in prayer by Mr. Larry Beasley. The attendees said the Pledge of Allegiance. President Moore stated that the meeting

would be conducted under Robert's Rules of Order.

MEMORIALS: Memorials were given for the following who passed away during the past Society fiscal year: Bill Davis, Paul Hankinson, Ben Makela, Johnny Miller, Michael Lloyd Moore, Ralph Parler, Don Platt and Ed Woodward. Also mentioned, Cam Robinson is back at work but still under doctor's care after his accident. Milledge (Mickey) Wilson's son was recently injured in the war with Iraq. He is a marine.

#### REPORTS FROM OUT OF STATE GUESTS AND NSPS:

#### NATIONAL SOCIETY FOR PROFESSIONAL SURVEYORS

(NSPS): Mr. Wayne Harrison, President of NSPS, gave the group an update on what is happening in the NSPS. On April 28, 2010, NSPS filed a letter of withdrawal from ACSM umbrella. There is a two year time period before the process is complete. If NSPS decides it is not in the best interest to withdraw at any time during that two year period, the letter can be rescinded. Of the reasons for leaving ACSM, CAGS is leaving at the end of this year making the majority of ACSM NSPS members and because of confusion amongst members of Congress as to who is ACSM and who is NSPS. It is the opinion of the NSPS board that they need to have one strong voice. Two study groups have been appointed to ensure this is the right decision. A strategic planning group appointed by NSPS will determine pros and cons of membership and financial stability. ACSM has appointed a group to study a new structure. John Matonich, Curtis Sumner and Mr. Harrison are working to get information on the change out to surveying publications and are looking for suggestions from state societies.

The 3% withholding tax goes into effect in 2012 for those who do business with any public agency with over a million dollar budget. The Government Withholding Relief Coalition is still working to have this repealed completely.

Mr. Harrison thanked the Society for its donation to the Youth Outreach program. The money will be used at the Boy Scout Jamboree to help scouts obtain their surveying merit badge.

Area 3 Director, Joe Baird, spoke on the youth outreach jamboree, joint membership with states and chapters, FEMA program on and Trig Star. Congratulated the three winning plats from South Carolina at the NSPS plat contest in Arizona in April, and congratulated Mr. Lee Frank for winning the Surveying Excellence Award for NSPS this year.

VIRGINIA ASSOCIATION OF SURVEYORS (VAS): Mr. Chuck Dunlap, President of VAS, gave a brief update on their Society. VAS has been quiet due to the down economy. Since mandatory Professional Development Hours went into effect in 2009, attendance at meetings has increased. They are currently working on expanding their membership categories to include licensed professionals from other states as well as certified survey technicians. Planning is under way for the VAS annual meeting being held in January, 2011. VAS is working with the VDOT to update the current VDOT survey manual. The update was instigated by the VDOT and the surveyors applaud their effort.

TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS: Mr. Jim Boyer, President of TAPS, gave a

### MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

brief update on TAPS. In legislation they are working on a "Retired license status," meaning that a license can be retired but kept active. They have avoided a joint board for engineers and surveyors. Mr. Boyer asked that everyone consider the issues being raised by Virginia, Georgia and NSPS. He encouraged everyone present to be politically active as it is imperative to survival. He referred to the article handed out at the beginning of the meeting at Mr. Gene Dinkins request, "Four-Year Degree Becoming the Standard for Surveying Licensure." He asked that everyone read the article and take it to heart. Mr. Boyer mentioned the upcoming changes in NSPS and ACSM. The societies on the state level need to support NSPS and the changes being made on the national level. He felt that ACSM has outlived its usefulness and restructuring is necessary. He stated that less than one half of the surveyors join a state organization and less than 10% join a national organization.

#### SURVEYING AND MAPPING SOCIETY OF GEORGIA:

Mr. Lonnie Sears, President of SAMSOG, gave a brief update on SAMSOG. The society is currently facing some legislative challenges. The governor of Georgia vetoed a four year degree requirement. SAMSOG is pushing for privatization of their board of registration due to lack of efficiency with the state run board. Twenty-two (22) states have privatized their state boards of registration. They are trying to become a "survey state," requiring a survey at every closing. They are working with insurance companies to make the change rather then making a new statute. The economy seems to be picking up slowly. They awarded 26 Boy Scout surveying merit badges in 09-10. Both the SAMSOG trig-star winner and their sponsor received a cash award. A current member received 3rd place in the ACSM plat contest. Southern Polytechnic had three winners in the college competition at the ACSM conference. SAMSOG membership is down. In order to increase membership, they are running a promotion where any member who brings in 3 new members gets free dues the next fiscal year.

**AGENDA:** The agenda was approved with the following additions: highlights to the NSPS report; special presentation given by Mr. Henry Dingle; update on insurance and budget from Mr. Lee Frank.

**MINUTES:** Minutes of the March 27, 2010 board and general membership meeting were approved as written.

FINACIAL REPORT:

#### DELEGATE REPORTS

#### SC COUNCIL OF ENGINEERING AND SURVEYING

**SOCIETY:** No report.

NSPS: Mr. Henry Dingle submitted a written report and gave an oral report highlighting some of the events and information from the 2010 ACSM Spring Conference, held in Phoenix, AZ. He started with congratulations to national plat contest winners, Joe Frick, Jr., Sal Chaves and Aaron Taylor. Mr. Lee Frank, II, was presented the NSPS Surveying Excellence Award. He is the only surveyor from SC to be selected for that award. The new NSPS President for 2010 is A. Wayne Harrison.

**Education** – NSPS gave out \$19,500 in scholarship money, however, none of this went to SC students. Mr. Dingle is going to make an effort to get Trig-Star in SC schools and is working to

include a surveying curriculum in the current Skills USA program already in several SC high schools. All chapters are asked to support this initiative and can contact him for more information and help in getting programs started in their areas.

**National Museum of Surveying** will open on June 1, 2010 and will be open on Thursdays and Saturdays.

**Equipment theft** continues to be a problem. See your dealer about PIN codes for your equipment. Stolen equipment is being advertised on Craig's List.

**FEMA** has moved its Map Modernization Program to its Risk MAP Program. Under this program, FEMA will try to address gaps in flood hazard data, increase public awareness and understanding of flood risks, lead/support state and local communities in risk based mitigation planning, provide enhanced digital platform that improves management of Risk MAP, and align Risk Analysis programs to enhance decision making capabilities. FEMA is concentrating on acquiring elevation data for NFIP mapping. Local surveying and mapping providers can get work on these projects through the national providers. The three main providers FEMA is working with are as follows, with the prime players listed in parentheses: Baker AECom (Michael Baker, AE Com); RAMPP (Dewberry, URS); STARR (PBS&J, Greenhorne & O'Mare, CDM, Stantec). Additionally, work will come through grant programs. USGS is the main agency working with FEMA on elevation data work.

**COFPAES**, led by the A/E community, is developing federal legislation to create a program to do the following: move towards clean energy; reduce the causes of global warming and climate change; design cleaner, less energy consuming buildings through sustainable and energy efficient envelope design and construction, integrate land use and transportation to cut commute times, reduce pollution, lower energy costs, and continue contributions to cleaner air and water. The Spring COFPAES delegate meeting is set for May 25th, 2010.

**Lobby Day 2010** participants are asked to visit with their Representatives and Senators in their District offices during the August recess (Aug. 9 to Sept. 13). A webinar beforehand will go over issues and answer participants' questions. NSPS will provide participants with handouts and issue packets.

3% Withholding of Payments on Government Contracts

- ACSM is a member of the Government Withholding Relief Coalition. The Coalition is comprised of approximately 70 business associations working together to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. A full repeal of Section 511 was in place in the House passed version of H.R.1, the "American Recovery and Reinvestment Act of 2009," but the final bill signed by the President only provided for a one year delay in the provision's enactment (now set at 2012). The Coalition is still working on full repeal of the provision. Legislation was introduced in the House and the Senate to accomplish that goal; S.292 in the Senate (introduced by Senator Specter) and H.R.275 in the House (introduced by Congressman Meek of Florida).

**Preservation of Railroad Monumentation** - During the past year, we have met with every member of the House and Senate Committees that would handle the preservation of railroad monumentation issue and no one has taken the step of

### MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

introducing the proposed legislation. A staff person for the Senate Committee on Commerce, Science and Transportation advised including the proposed bill into a bigger legislation package like Surface Transportation Reauthorization. Surface Transportation Reauthorization has since been extended through December 31, 2010, but the Committee is considering language to include in the full Reauthorization that will take place next year. We are currently looking for ways to have the proposed legislation included in a larger bill and the possibility of amending the current law relating to railroad abandonment procedures to include the goals of the proposed legislation.

USGS Coalition - Recently, the USGS Coalition met the USGS Director, Marcia McNutt. At the meeting, we were presented with the revised Strategic Plan. Geospatial programs are included in the Dept. of Interior Strategic Plan. Also at the meeting with Director McNutt, we discussed the problem of maps being produced in many federal agencies, leading to duplication and other problems. We urged the Director's support in promoting the need for all federal agency maps to be accessible from one central location, perhaps in the USGS. Director McNutt liked the proposal and agrees with the need for all federal agency maps to be in one central location. She is willing to work with us to make it happen.

**Trig-Star** – Representative Chris Van Hollen will not submit our request for an earmark for Trig-Star funding. . Although the staff did not say with certainty that Trig-Star would not receive funding, they pointed out two reasons, (based on our written request that we submitted to them) why we would not receive funding. We are continuing to look for Trig-Star funding through other sources, as grants.

National Geospatial Advisory Committee – ACSM was denied a seat on the NGAC. John Matonich was nominated to the Committee and a senior member of Congress wrote a letter on John's behalf, but he was not selected. There are no representatives of the surveying community on the Committee and we have written letters to the NGAC voicing concern and disappointment with the exclusion.

Coastal Mapping Legislation – Legislation was introduced earlier this year, Ocean and Coastal Mapping Integration Act H.R. 365 and S. 174, that would direct the NOAA to coordinate federal ocean and coastal mapping and surveying activities with other federal efforts, international mapping activities, coastal state, user groups, and nongovernmental entities. It also authorizes the Administrator of NOAA to convene an ocean and coastal mapping advisory panel consisting of representatives from nongovernmental entities to provide input regarding activities of the committee. The legislation directs the NOAA Administrator to develop a plan for an integrated ocean and coastal mapping initiative within NOAA that identifies all ocean and coastal mapping programs within NOAA, establishing priorities; encourages the development of innovative ocean and coastal mapping technologies and applications; and documents available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other federal agencies, coastal state, and nongovernmental entities. The legislation also authorizes the NOAA Administrator to establish joint ocean and coastal mapping centers of excellence in institutions of higher education to conduct specified activities. It

requires the Administrator to continue developing a strategy for expanding contracting with nongovernmental entities. We are meeting with relevant Committees and staff so that we can play an integral role in the progress of both H.R. 365 and S. 174.

National Land Remote Sensing Outreach Act – The National Land Remote Sensing Outreach Act, H.R. 2489, directs the Secretary of the Interior to establish and maintain a national land remote sensing outreach program within the USGS to advance the availability, timely distribution, and widespread use of geospatial imagery for education, research, assessment, and monitoring purposes in each state and on the lands of the Indiana tribe. The legislation requires the Secretary support geospatial imagery sharing, applied research, and educational programs of each participating state and Indian tribe; identify new geospatial imagery needs and infrastructure; share and cooperate in the development of geospatial imagery applications, education, and training infrastructure in each participating area; cooperate with participating states and tribes to encourage the expansion of geospatial imagery mapping courses taught at educational institutions; encourage expansion of geospatial imagery search at such institutions; encourage expansion of the knowledge and use of geospatial imagery products in the workforce through outreach programs, worships, and other training opportunities; encourage participating state and tribes to build partnerships with local governments to identify unique research and development needs and geospatial imagery application pilot programs; promote cooperation and sharing of expertise regarding geospatial imagery applications among participating states and tribes; and provide a mechanism to enable the state and tribes to transfer geospatial imagery and applications to USGS. It also authorizes the Secretary to provide grants to qualified educational institutions, state, local, and tribal governments, or to consortia of these entities on a competitive basis to advance the interest of the federal government in promoting the use of imagery by educational institutions, state, localities, and tribes; and to achieve specified program purposes. Limits the federal share to 75% of the cost of each program for which a grant is made and directs the Secretary to establish and maintain a committee to advise the Director of USGS regarding the program. Currently, the bill is in the House Committee on Commerce, Science, and Transportation. Its companion bill, S. 1078, passed the Senate.

Federal Register Notice – Definition of "inherently governmental function" - The Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget (OMB) is issuing a proposed policy letter to provide guidance to Executive Departments and agencies on circumstances when work must be reserved for performance by Federal government agencies on circumstances when work must be reserved for performance by Federal government employees. The proposed policy letter lays out the determinations that must be documented by the agency head or designated requirements official before a contract solicitation is issued to show that functions to be acquired by contract are not inherently governmental. It would also require agencies to determine before issuing a solicitation that they have sufficient internal capability to control their mission and operations. During contract performance, agencies would be required to both monitor how contractors are performing contracts,

## MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

especially those involving work closely associated with inherently governmental functions or professional and technical services, and to take appropriate action where internal control of mission and operations is at risk due to inappropriate or excessive reliance on contractors to perform critical functions. The Federal Activities Inventory Reform Act (FAIR Act), Public Law 105-270, defines an activity as inherently governmental when "it is so intimately related to the public interest as to mandate performance by Federal employees." This is a broad definition and leaves little direction and guidance for agencies when faced with determining whether a function is inherently governmental. FAR Subpart 7.5 contains a list of examples of inherently governmental functions. The Federal Register Notice states that under the proposed policy letter, OFPP would create tests for agencies to use in determining whether functions not appearing on the list fall within the definition of inherently governmental. The "nature of the function" test would ask agencies to consider whether the direct exercise of sovereign power is involved. Such functions are uniquely governmental and, therefore, inherently governmental. The "discretion" test would ask agencies to evaluate whether the discretion associated with the function, when exercised by a contractor, would have the effect of committing the government to a course of action. This test was included in OFPP Policy Letter 92-1, Inherently Governmental Functions, and may be found in OMB Circular A-76. This issue was discussed in detail in the April 2010 Bulletin. Comments are due by June 1, 2010.

**Hire Act** – The Hiring Incentives to Restore Employment Act (HIRE Act) was signed by Pres. Obama in March. Although the bill focuses on job creation, it funnels funding to transportation projects as well. The bill extends the Surface Transportation Program through December 31, 2010. It authorizes appropriations out of the Highway Trust Fund (HTF) for FY 2010 and the period October 1 – December 31, 2010, (first quarter of FY 2011) for the federal-aid highway, surface transportation research, and transportation planning programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), with a limit on obligational authority for the programs equal to the total authorized for such programs for FY 2009. It extends the allocation of certain transportation program funds to states for specific programs, including the Interstate and National Highway System, Congestion Mitigation and Air Quality Improvement, highway safety improvement, Surface Transportation, and the Highway Bridge programs; and territories of Puerto Rico. The ACSM met with Congressional staff in support of the inclusion of federal funding for highway projects in the bill.

RESPA Handbook – RESPA recently released its revised handbook and below is the only information about a survey included: "Survey - Lenders or title insurance companies may require a survey to disclose the location of the property. The survey is a drawing of the property showing the location of the house and other improvements on the property. You may be able to avoid the cost of a new survey if you determine the company who previously surveyed the property and request and update. Check with your lender and title insurance company on whether an updated survey is acceptable." We will work to have RESPA issue an addendum or revised definition

of a survey. Letters have been sent to Congress and RESPA officials regarding our concerns and meetings with those officials have been requested.

White House "Educate to Innovate" Program – President Obama will launch the "Educate to Innovate" campaign over the next decade. The President will announce a series of partnerships involving leading companies, universities, foundations, non-profits, and organizations representing millions of scientists, engineers and teachers that will motivate young people across the country to excel in science, technology, engineering and mathematics (STEM). We requested a meeting with the White House to discuss this issue and are waiting for are a response from the STEM Office. ACSM is monitoring this and STEM related legislation working through Congress to determine how we can play a role promoting this program and STEM related legislation.

Conclusion – As you can see, we've been quite busy during the first part of 2010, but we still have a lot of work to do. We need the support of ACSM membership to help us reach our goals this year. We welcome all questions, suggestions and comments on these issues. Finally, the big news from Phoenix is the NSPS Governors and Board of Directors voted to withdraw from ACSM. A letter has been sent to ACSM which begins a two year process of withdrawal. If at any time during the two-year period NSPS determines that this is not in our best interest, we can stop the process.

**SMAC:** No report.

SC UTILITIES COMMITTEE: Mr. Aaron Taylor's written report stated the SC Utilities Coordinating Committee met February 9, 2010, at MCEC in Lexington, SC. Forty-one members were present and La Rita Goolsby with TELICS was the guest speaker. Her topic was "The Safety Side or Right-of-Way and Permitting." A joint meeting with NCUCC will be held April 28th-30th, 2010, at Wrightsville Beach in Wilmington, NC. THE AUXILIARY: No report.

#### **CHAPTER REPORTS**

Aiken: Mr. William R. Tripp's written report stated the Chapter has held 4 meetings since last report, with an average of 7 members in attendance. Meeting speakers and topics are as follows: February 9th, 2010, Utility Location with Mr. Bill Tripp of Tripp Land Surveying, Inc.; March 9th, 2010, Project Management with Mr. Mark Graham, Mr. Ben Christensen and Mr. Robert Carr; April 13th, 2010, Aiken County Zoning Regulations with Mr. Jim White; May 11th, 2010, Aiken County FEMA Flood Maps and County Requirements with Mr. Rick Hallman, an Aiken County Building Official.

Central: No report.

Coastal: No report.

**Foothills:** Mr. William C. Martin's written report stated the Chapter has had one meeting since last report, with 9 members present. After the Chapter's brief flurry of activism in the local political arena, things are starting to die down. Some of their dedicated members have vowed to remain vigilant in trying to have influence in upcoming regulatory events.

**Grand Strand:** Mr. Aaron Leach's written report stated the Chapter has had two meetings since last report, with average attendance of 17 members and 1 guest. Stevy Brown from

### MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

Horry County Planning spoke to the Chapter on Development Regulations at the April 20, 2010 meeting. A business meeting, including elections for 2010-11 officers, was held May 18, 2010. **Low Country:** Mr. Ray Cook's written report stated the Chapter has had one meeting since last report, with 5 members and 2 guests in attendance. Chapter elections were held for 2010-11 with the following results: President - Terry Hatchell; Vice-President - David Youmans; Secretary/Treasurer - John Gray; Chapter Representative - Ray Cook.

Midlands: Mr. George L. Bradley's, written report stated the Chapter has had five meetings from January-May, 2010, with an average attendance of 20 members and 3 guests. Meeting speakers and topics are as follows: January, Lexington County Flood Coordinator, Chris Stone; February, SCDOT ARMS Manual with Brent Dillon; March, Lexington County GIS with Allison Segulpta; April, Lake Regulations with Don Hancock and Tommy Boozer from SCE&G.

Mid-State: No report.
Northwest: No report.
Pee Dee: No report.

**Thomas C. Anderson:** No report.

**Tri-Country:** No report. **Upper Piedmont:** No report.

#### **DISTRICT DIRECTORS REPORTS:**

**District 1:** No report.

**District 2:** Mr. Al Whitworth deferred to Chapter reports. **District 3:** Mr. Tom Abraham deferred to Chapter reports.

**District 4:** No report. **District 5:** No report.

**District 6:** Mr. Mike Culler, Jr., deferred to Chapter reports.

#### **COMMITTEE REPORTS:**

**Activities and Programs:** No report. **Constitution and By-Laws:** No report.

**2010 Convention:** No report. **Education:** No report.

Ethics & Standards: No report. Four-Year Degree: No report. GPS-VRS: No report.

**Insurance:** A written report from Mr. Lee Frank & Mr. Dennis Clinkscales stated they are still collecting comments to assess the will of the membership with regard to the AD&D and Life policies. They plan to meet at the convention and reach a consensus as to the best way to proceed.

Legal & Legislative: Mr. Joe S. Jones submitted a written report stating this year was one of the most active legislative sessions for surveyors and engineers and is quickly drawing to a close with the fate of two legislative initiatives known and the outcome of a third remains to be seen. Representative Bill Sandifer and Senator Phil Shoopman, PE, introduced legislation to separate the SC State Board of Registration for Professional Engineers and Surveyors and other regulatory bodies from the SC Department of Labor Licensing and Regulation for a pilot project to see how registration boards could work outside the umbrella agency. The House Labor, Commerce and Industry Committee passed the legislation out to the House floor after holding two subcommittee meetings and

a full committee hearing. A Senate subcommittee of the Labor Commerce and Industry held a hearing on Senator Shoopman's bill, but the subcommittee did not vote on the legislation after taking testimony from Senator Shoopman, Joe Jones and Ms. Malene S. Pike, Esq., the public member of the SC Board of Accountancy. The House bill met considerable resistance when it went to the House floor for second reading. It was placed on the contested calendar and later was recommitted to the House Labor Commerce and Industry Committee. Hopefully, this legislation will be introduced next year when there will be a full two years to debate and pass it. Two registered engineers who serve in the SC House of Representatives, Rep. Kenny Bingham, PE, and Rep. Nelson Hardwick, PE, introduced legislation to strengthen qualification based selection for surveyors and engineers. This legislation met a strong headwind shortly after it was introduced. It was not set for a subcommittee hearing in the Labor Commerce and Industry Committee. Since the session is nearing its end, this bill will not be debated this year. However, surveyors and engineers must use the summer and fall to educate legislators of the need for qualification based selection for their professional services from public agencies. Plans are to reintroduce this legislation next year. The comprehensive tort reform legislation that passed the SC House of Representatives with an inconceivable number of supporters has been in the Senate since Mar. 10. The bill remains in the Senate Judiciary Committee where it has been the subject of numerous subcommittee hearings and extensive debate by the full committee. In early May, Senate Pro Tempore and Senate Judiciary Committee Chair, Glenn McConnell promised the SC Civil Justice Coalition tort reform would pass this session. At this writing, it has not gotten to the Senate floor where there is going to be extensive debate, but the legislation is expected to pass. However, what the bill may finally look like is unpredictable at this time. Important to surveyors and engineers in the tort reform legislation is limits on punitive damages, tightening the statute of repose for surveyors, engineers, architects, contractors and others in the construction industry, the admissibility of seat belts in court proceedings and limits on bonds for court appeals. The tort reform legislation is important for all the business community because it provides a fair and predictable litigation environment which is vital to attracting and growing business. South Carolina's business leaders believe that it's time to generate more jobs for our state instead of more lawsuits. This legislation is designed to protect small businesses from being crippled by just one lawsuit.

**Membership:** Ms. Frankie Manhardt's written report stated SCSPLS currently has 499 members, broken down as follows: Full – 387; Associate – 46; Complimentary – 24; Emeritus – 23; Student – 4; Sustaining – 15. Currently there are two new member applicants: Associate – Tommy S. Mallard of Fisher and Arnold, Inc, Nashville TN; Complimentary – Garren B. Mullinax of Glenn Associates Surveying, Inc., Jenkinsville, SC.

**Newsletter, Plat Contest, Surveyor of the Year:** 2010 SCSPLS Plat Contest and Surveyor of the Year winners will be announced at the Awards Banquet being held Saturday, May 22, 2010, at 6:00pm.

Past Presidents Council: No report.

Public Relations: Mr. Phillip P. Gerard submitted a written report

## MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

indicating there had been no committee activity since last report. **ROD:** No report.

**Scholarship:** SCSPLS did not receive any scholarship nominations this year. Scholarship raffle tickets are still available and prizes will be awarded at the Awards Banquet being held Saturday, May 22, 2010, at 6:00pm.

S.C. State Parks: Mr. Michael S. Culler's, written report stated the following: Kings Mountain State Park (contact Mr. Kent Hudson, Tri-County Chapter) – The consensus of the Tri-County Chapter is all of the work has been completed; Myrtle Beach State Park (contact Mike Culler, Grand Strand Chapter) – Completed; Paris Mountain State Park (contact Mr. Bobby Foster, Foothills Chapter) – Mr. Bobby Foster reports they are waiting on the Park ranger to get back with them to find out which lines need to be surveyed. The park has not acknowledged the request and the survey is in limbo until further notice.; Santee State Park (contact Mr. Rod Vaughn, Coastal Chapter) – There is a problem with a property line discrepancy and they are currently waiting for the Park to make a decision and get back to them. No additional information. Sesquicentennial State Park (contact Mr. Joe McIntyre, Midlands Chapter) – Completed.

**Survey Contest:** The 2010 survey games will be hosted by the Grand Strand Chapter and will be held following the May 22, 2010, General Membership meeting. Winners will be announced at the Awards Banquet being held that evening.

Website: No report.

**Yearbook:** Mrs. Frankie Manhardt's written report stated work on the 2009-10 Yearbook has begun. Advertising rates have been published in the newsletter and included in convention registration packets. She asked that members consider supporting the society, and advertising their business, by including a business card in the 2009-10 SCSPLS Yearbook. The deadline to place an ad is July 1, 2010.

#### **BUSINESS:**

State Board for Engineers and Surveyors: Mr. Gene Dinkins gave an update on the issues being handled by the State Board. An article, "Four-Year Degree Becoming the Standard for Surveying Licensure," was handed out at the beginning of the meeting at his direction. He noted that South Carolina was ahead of the curve in this area, with a four-year requirement effective June 30, 2010. Programs are in place at Clemson and the Citadel and they are working with South Carolina State to set up a program. SC State has come up with a program similar to the one in place at ETSU and is waiting on proper accreditation.

The bill to privatize the State Board was killed in the House of Representatives. The bill would have made LLR semi-independent. They plan to get it reintroduced next year.

The State Board has money available and has agreed to fund speakers for seminars for the engineers and surveyors. Mr. Dinkins worked hard to make these funds available to the surveying and engineering professionals. Requests for trig-star funding can also be brought to Mr. Dinkins.

Due to lack of staffing and state cuts, investigations are too slow. The board is working with Steve Freshley at LLR to speed the process up. Statute violations should be brought to the Board in writing.

Mr. Henry Dingle is heading a committee to rewrite the state specific exam. The committee's first organizational meeting is being held immediately following this general membership meeting. The FS exam will probably be computer based within the next 2-3 years, allowing more opportunities for applicants to take the test. If a surveyor knows of someone who has not been approved to sit the exam, but feels the person is qualified, be proactive. References are key in allowing someone to take the exam.

The state board recently met with Susan Smith, chair of the State Bar Real Estate Commission, regarding survey affidavits. Ms. Smith and the Real Estate Commission agreed that a new survey should be obtained for every real estate transaction; however, the SC Bard Board of Governors disagreed. The state board is going to continue to work on this issue.

**Special Presentation of Life Service Award:** A Life Service Award was presented to Mr. Gene Dinkins for his efforts in furthering the surveying profession. Mr. Albert Wolfe will also be presented with a Life Service Award at the next Upper Piedmont Chapter meeting.

**Insurance:** Mr. Lee Frank reviewed the letter and survey sent to members receiving Life and AD&D insurance in April. The results of the survey indicate the majority prefer raising dues to dropping the current insurance. Before opening the floor for discussion, Mr. Ben Christensen informed those present that over the past two years, the budget has been cut to a maximum to include the current benefits. There has been a deficit in the budget since SCSPLS began offering the insurance. The full dues have not been raised since 2002 and associate dues since 1994. With the low economy for the past several years, the board agreed not to raise dues at that time. SCSPLS cannot go much further without taking action. After discussion, a motion was made with a second to increase dues to cover current losses. Motion then was amended to present to the board recommendation to increase dues by \$50 with a second. A call on the question was made. Motion carried, with two oppositions. The amended motion to the board recommending the membership dues be raised by \$50 will be brought to the board at their meeting in June. Mr. Lewis Moore asked that all District Directors and Chapter Representatives discuss this issue at their next chapter meeting and come to the June board meeting with

Election Results for 2010-11 Board of Directors: President Elect - Kevin Schwacke; Vice-President - Ben Christensen; Treasurer - Frankie Manhardt; Secretary - Kent Hudson; District 2 Director - Dennis Johns; District 4 Director - Dennis Clinkscales; District 6 Director - Mike Culler, Jr.

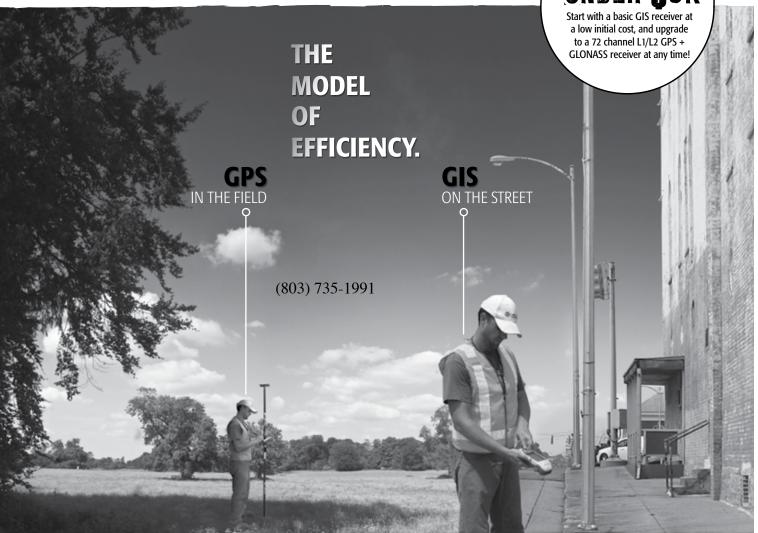
President Moore thanked all those in attendance and all the board members for their dedication to the Board of the SCSPLS and the surveying profession.

Respectfully submitted,

Frances M. A. Manhardt, SCSPLS Secretary

**RECEIVERS** 

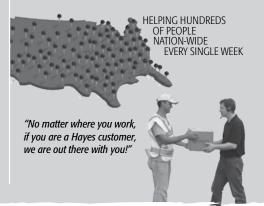
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## SCSPLS COMMITTEES COMMITTEE CHAIRMEN FOR 2010-11

Membership\* Kent Hudson Activities & Programs\* Aaron Leach Newsletter\* Ben Christensen Auxiliary• Charlotte Swygert Constitution & By-Laws\* Ronnie Tyler Past Presidents Council Lewis Moore Education\* Bruce King Plat Contest Ben Christensen

NSPS Delegate• Henry Dingle Public Relations\*

Convention\* Kevin Schwacke SC Utilities

Council of Engrs. & Surveyors Soc. Carl Bostick Scholarship\* Robert Praete

Ethics & Standards of Practice\* Bobby Foster & All SMAC/GIS Committee Ben Christensen

Chapter Representatives State Parks Committee Mike Culler, Jr.
Chuck Dawley Survey Contest Aiken Chapter
Dennis Clinkscales Surveyor of the Year Ben Christensen

Internet Frankie Manhardt Trade Show Executive Board
Legal & Legislative\* Dennis Johns Yearbook Kent Hudson

\*Standing Committees (10) •Elected Position

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## **The Evolution of a National Voice**

### The Future of the National Society of Professional Surveyors

By

Wayne Harrison, NSPS President - Curt Sumner, NSPS Executive Director - John Matonich, NSPS Immediate Past President

The recent NSPS meeting in Phoenix was probably one of the most emotional since NSPS was incorporated in 1981. A motion was introduced at the Board of Governors to request the Board of Directors to initiate the process of separating from the umbrella organization of ACSM. This certainly got everyone's attention and the discussion started. It was emotional at times, rightfully so, bringing many comments and suggestions forth. The end result was a motion passed by the Governors 35 yes, 5 no and 7 abstentions requesting the Board of Directors to initiate the process of separation while charging a committee to study and make a report, by September 15, 2010, on the financial and membership impacts of this action if it were to go full term. This motion was then passed by the NSPS Board of Directors by a vote of 11 yes and 5 no.

A previous agreement with ACSM spells out a two-year term of separation for any of the member organizations (MOs) which can be reversed at any point along the way. The motion that passed holds a lot of wisdom and keeps all options open for NSPS, but it does start the clock and provides a two-year window to work on the future of NSPS and its relationship to ACSM.

Why is this process so important? The answer to that question may be found in the marketing report commissioned by ACSM and all of the MOs to help improve the health of the ACSM and the MOs. An ACSM committee made up of members from all the MOs worked very hard to read through and understand the report. The report gathered information from various sources including association leaders, current and past members, various government agency heads, related association executives and publishing-oriented contacts. There were also online surveys conducted with over 4100 current and former MO members and state affiliate members. The results weren't especially surprising, but were very significant. The primary challenges identified were:

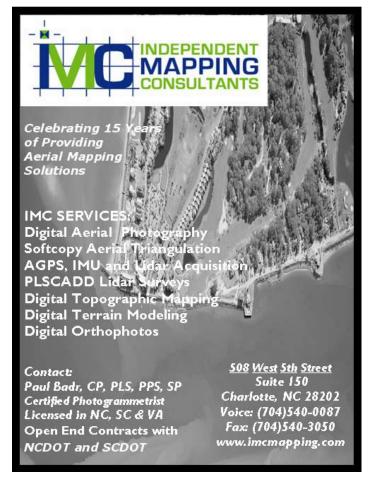
- Lack of awareness
- Lack of perceived value
- Perception of ACSM and MOs as an outdated group that is behind the times
- Negative stereotype of the term surveyor
- High levels of competition amongst the state affiliates, MOs and other associations

The report also recommended "the formation of a single industry-wide membership organization that included all the MOs as well as the state and local pieces of NSPS". The Ad-Hoc committee reported this to the ACSM Congress where a motion was passed to charge a committee to study a possible structure of a unified member organization. Their report is due on September 1, 2010.

Given the state of membership, the current financial situation and the findings of the commissioned report, NSPS and the other MOs have reached a critical juncture and there is no luxury of extra time to move this in the right direction whatever that direction may be. The work that will be done by both the NSPS and ACSM committees will be extremely valuable in the discussions about the future. The two-year time frame

keeps the importance of this issue where it belongs...at the top of the list. What is needed is everyone's input on the possible scenarios. If you have a doubt about whether there needs to be a national voice for the surveying profession, you need to think again. Just as state issues do, national issues touch all surveyors. Public, private, topographic, boundary, layout and many others all have national tones. ALTA standards, Qualification Based Selection, academic accreditations, real estate settlement survey issues, GPS height modernization, letters of map amendments (LOMAs) and many more issues are all dealt with at the national, not the state or local level.

These issues won't go away and some organization will deal with them nationally for the surveying community. The question is which one? The American Society of Civil Engineers, the American Council of Engineering Companies, the American Society of Photogrammetry and Remote Sensing, the Management Association of Private Photogrammetric Surveyors or a true national voice of the Surveying Profession. This is the question being dealt with today and over the next several months. There will be many opportunities for input and when they present themselves, take the time to share your input and counsel. Together, the result will be the best option possible for the entire surveying profession.



## Lobbyist Report Joe Jones

This time of year there is little to report on the State House. I have written the Governor concerning continuing the geodetic survey operations under the Budget and Control Board, the State Engineer's Office and the Community Block Grant Program. Governor Sanford has responded to my letter.

However, I have been in touch with the Budget and Control Board and know final decisions have not been made. Also the newspaper reported the Governor and the Budget and Control Board have been sued for using the community block grant money to fund the entire Budget and Control Board operations.

SCSPLS joined SCSPE in a registration ceremony at the State House in July. The ceremony was held on the second floor lobby and a group picture was taken inside the Senate Chamber. Following the ceremony and group picture, new surveyors, engineers, and their families went to the Palmetto Club for a short reception.

I also attended the SC State Board of Registration for Professional Engineers and Surveyors meeting last month. Below are issues I thought you might like to know:

#### SC State Board of Registration for Professional Engineers and Surveyors Approved Funds for Educational Programs Exceed \$50,000

The SC State Board of Registration for Professional Engineers and Surveyors began providing educational funds to organizations in 2008.

State law allocates \$10 of each engineer's and surveyor's registration fee to be allocated to an educational fund to assist in providing continuing education for registered engineers and surveyors. Since 2008, the registration board has approved requests totaling

\$52,468. ACEC-SC, ASCE-SC, SCSPE and SCSPLS have received funds for programs where professional development hours are awarded. ASCE-SC also received funds to develop a web-based course for the PE Evam

These funds have helped bring strong technical and management programs to engineers and surveyors.

## SC State Board of Registration for Professional Engineers and Surveyors Administrator Given Additional Regulatory Board

Ms. Jan Simpson, SCBRPES administrator, has been given the responsibility of the SC Board of Landscape Architectural Examiners, formerly an Advisory Council under the Department of Natural Resources. This regulatory board was moved to LLR following a law passed last legislative session.

Ms. Sherri Moorer, a longtime employee of the Advisory Council, joins Ms. Simpson's staff and will handle the licensing responsibilities for landscape architects and eventually assist with work for the engineering and surveying board as well as the architect's board.

#### SC State Board of Registration for Professional Engineers and Surveyors Loses Three Staff Personnel

Ms. Jan Simpson, SCSBRPES Administrator, informed the registration board at its July meeting three employees have been reassigned to the LLR Office of Licensure and Compliance.

Ms. Tiffany Connelly will continue to process engineer and surveyor applications in her new position in the OLC division, Ms Miriam Berry, a longtime registration board employee, will work on the licensure renewals in OLC. Ms. Wanda Cook is expected to handle portfolio applications.

The remaining registration board staff – Ms. Simpson, Ms. Melissa Jones, Ms. Alice Richardson and Ms. Sherri Moorer are responsible for board meetings, laws and regulations, hearings and "non-routine" applications.

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## 2010 CONVENTION WILD DUNES RESORT, ISLE OF PALMS

#### TERRY M. WATSON SELECTED 2009-2010 SURVEYOR OF THE YEAR



The South Carolina Society of Professional Land Surveyors recently honored Terry M. Watson, of Conway, SC, by selecting him South Carolina "Surveyor of the Year" for 2010. Mr. Watson was presented with this honor at the Society's Annual Convention on May 22, 2010 at the Wild Dunes Resort in Isle of

Palms Beach, South Carolina. The Surveyor of the Year Award is presented annually by the Society to a surveyor who has made outstanding contributions to the profession of land surveying in the State of South Carolina.

Terry received his professional surveyor's license in 1978 and has owned Terry M. Watson Land Surveying, Inc., since 1981. He was instrumental in establishing the Grand Strand Chapter of SCSPL where he has served as President. He has been an active member of SCSPLS since 1979 and served as SCSPLS President (1994-95) as well as on many Committees serving as Chairman of the Education Committee. Mr. Watson served as the first SCSPLS Chairman of the State Parks Committee. Myrtle Beach State Park became the first completed survey (by members of Grand Strand Chapter) donated to the State DNR by SCSPLS. Terry continues to serve on several community boards and is active in Career Day presentations at local schools. He is presently a member and Past President of Conway Kiwanis and has served on various committees within the City of Conway, SC. Terry and his wife, Judy, reside in Conway, South Carolina where they are active members of Jamestown Baptist Church.



#### 2010 PLAT CONTEST WINNER

Congratulations to Keith A. Wilson, PLS, of Cornerstone Surveying & Engineering for receiving First Place in both Boundary/Cadastral and Miscellaneous plat categories. His winning plats will be entered in the NSPS Plat Contest to be held in February, 2011.

#### **CONVENTION GOLF WINNERS**

1ST PLACE TEAM: Pudgie Mason, Homer Mason, Jr., Tommy Evans, Sammy Harrelson

#### SCHOLARSHIP RAFFLE WINNERS

Winners of scholarship raffle:

Carl Bostick



Britt Feldner



## CONVENTION DOOR PRIZE WINNERS

Charleston Crockery – Sue Boyer, TAPS
Charleston Row House Framed Print – Judy Watson
Charleston Gates Framed Print – Frankie Manhardt
Wild Dunes Two Night Stay Gift Certificate – Nancy Schwacke

## **2010 CONVENTION SURVEY GAME WINNERS**

Cut that Line – Dr. Karen Moore
On Target – Kent Hudson
Chain Throw – Billy Martin
Put it on Line – Frankie Manhardt
Elevation Difference – Claire Moore
North's That Way – David Youmans
How Far is it – Kent Hudson
Step it Off – Billy Martin
Clap-A-90 – Tammy Martin
Bush Axe Golf – David Youmans



















## "LOMA Out as Shown"—A User's Guide

Reprinted from News & Views June 2010 Vol. 22, No. 3.

A publication of the association of State Floodplain Managers (ASFPM)

#### LOMA Out as Shown—A User's Guide

At the recent Flood Insurance Committee meeting at the ASFPM's annual conference in Oklahoma City, one of the points of discussion was the LOMA—Out As Shown (LOMA-OAS). This column summarizes that discussion for those who were unable to attend.

A recent survey by the National Flood Determination Association (NFDA) of its members confirms what many of us have suspected since the beginning of the Map Modernization process: when new FIRMs become effective, about the same number of structures are being taken out of the mapped floodplain as are being included within the floodplain.

Good news for some, not so good for others. There are many options for property owners who believe that they have been incorrectly mapped in the Special Flood Hazard Area (SFHA), but perhaps the most effective—and least utilized—is the LOMA-Out as Shown (LOMA-OAS).

As many local officials will tell you, even though they have more accurate data that demonstrates that a property is out of the SFHA, many lenders will only accept official documents from FEMA for purposes of lifting the mandatory flood insurance purchase requirement.

A traditional LOMA (form MT-EZ) is certainly an acceptable method, since it establishes the actual lowest adjacent grade around a structure and is certified by a Registered Land Surveyor. For many properties, however, the time and expense involved with a traditional LOMA is not necessary. If the property owner or the community has reliable documentation clearly demonstrating that the structure (or building site) lies outside of the SFHA, the LOMA-OAS is in most cases the quickest and cheapest way to remove the mandatory purchase requirement.

The LOMA-OAS is a document issued by FEMA that officially shows that a property and/or structure is not located in the SFHA. To obtain a LOMA-OAS, the applicant must submit mapping and survey data for the property, much of which is available from the municipality in which the property is located (e.g., the City Hall, County Courthouse).

Remember; only use this method if it is clear, visually, that the structure/building site is not in the SFHA.

Applying for a LOMA-OAS To obtain a LOMA-OAS, the applicant must provide information to locate the property and/or structure on the FIRM. There is no fee for FEMA's review of a LOMA-OAS request, but the applicant is responsible for providing all of the information needed for FEMA's review.

The following items should be submitted in support of all LOMA-OAS applications.

- 1. A copy of a recorded plat map for the property or a copy of the recorded deed for the property and a copy of the local tax assessor's map of the neighborhood in question (or other map that shows property lines, local roads, and watercourses).
- 2. A completed MT-EZ application form with "out as shown" written at the top. This form is available on the FEMA website (http://www.fema.gov/plan/prevent/fhm/dl\_mt-ez.shtm). Write in "OAS" after the word LOMA in the fourth box down from the top. In the next box down, answer question 1 as "No." Under question 2 write "See Attached." Under question 3 check the third box "A structure on your property? What is the date of construction?" and write "N/A LOMA-OAS" at the end of the question. Fill out the last box on page one of Section A. Write "OAS" after "Structure located on natural grade (LOMA)." Write "OAS"

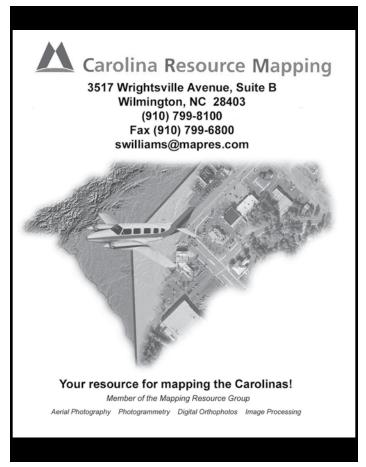
after "Legally recorded parcel of land or portion thereof (LOMA)." Fill out the rest of the form as appropriate.

3. A FIRMette, created at http://www.msc.fema.gov. For information on how to create one, click on "FIRMette Tutorial" at the bottom of the screen.

The issuance of a LOMA-OAS eliminates the federal flood insurance purchase REQUIREMENT as a condition of obtaining federal or federally backed financing. However, the mortgage lender retains the prerogative to require flood insurance as a condition of providing financing, regardless of the location of the structure. The property owner also needs to be reminded that there is still a risk of the property's being flooded; it has been just reduced, NOT REMOVED.

If you have questions about the use of the LOMA-OAS form, you can call 1-800-FEMAMAP (877-336-2627). For an example of the easy procedures for completing a LOMA-OAS, we have placed on our Insurance Committee web page a copy of directions with illustrations that Steve Samuelson, CFM, and Alicia Benson (Kansas Department of Agriculture, Division of Water Resources) use to help applicants complete the form. If you have any comments that you would like to share about LOMA-OAS, please email us at InsuranceCorner@floods.org.

— Your Humble Insurance Committee Co-Chairs Gary Heinrichs & Bruce Bender





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## Gene L. Dinkins, Sr., Given Life Service Award

Gene L. Dinkins, Sr., was presented with the SCSPLS Life Service Award on May 22, 2010, at the General Membership meeting held during the convention at Wild Dunes Resort on the Isle of Palms.

Mr. Dinkins was nominated by fellow surveyors Dennis Johns and Henry Dingle (pictured with Gene Dinkins). Mr. Dinkins is the President and CEO of Cox and Dinkins, Inc., where he has led the day to day surveying and engineering operations of the firm since 1973. He is a graduate of Clemson University with a Bachelor of Science Degree in Chemical Engineering and a graduate of the University of South Carolina where he received a Bachelor of Science Degree in Civil Engineering and a Master's Degree in Environmental Engineering. He has been a member of SCSPLS for 33 years, joining in April of 1977.

Mr. Dinkins has given unselfishly to the surveying profession locally, statewide and nationally. In October, 2004, the Governor of South Carolina appointed Mr. Dinkins to the SC Board of Registration for Professional Engineers and Surveyors where he currently serves as Chair. He has also served as Chairman of both the Richland County Planning Commission and the City of Columbia Planning Commission. In August 2009, he was elected Treasurer for the



National Council of Examiners for Engineering and Surveying (NCEES) where he also served as Vice President of the Southern Zone from 2007-2009.

Mr. Dinkins resides in Columbia, SC, with his wife Nancy. Their two sons, Gene, Jr. and Sanford, represent the fifth generation of surveyors in their family.

### SCSPLS LIFE SERVICE AWARD RECIPIENTS

The SCSPLS Life Service Award recognizes lifetime contributions toward the advancement of land surveying as a profession in South Carolina. The SCSPLS Board of Directors voted to approve the Policy Statement of the SCSPLS Life Service Award at the April 26, 1996 Board meeting.

*The following are recipients of this award:* 

- 1. Mr. Sid Miller, Easley, SC, Convention 1996, Springmaid Beach, Myrtle Beach, SC
- 2. Mrs. Mary M. Law, SC Department of LLR, Columbia, SC, July, 1996, SCCESS Awards Dinner
- 3. Mr. Gary Thompson, NSPS Area 3 Governor, Convention 1999, Landmark Hotel, Myrtle Beach, SC
- 4. Mr. Thurl and Mrs. Helen Amick, Simpsonville, SC, 2000 Convention, Landmark Hotel, Myrtle Beach, SC
- 5. Mr. Larry Coker, Lexington, SC, Convention 2003, Kingston Plantation, Myrtle Beach, SC
- 6. Mr. Al Whitworth, Lexington, SC, 2003 Convention, Kingston Plantation, Myrtle Beach, SC
- 7. Mr. Terry M. Watson, Conway, SC, 2005 Convention, Kingston Plantation, Myrtle Beach, SC
- 8. Mr. Charles J. Ido, SC Department of LLR, Columbia, SC, 2006, Convention, Kingston Plantation, Myrtle Beach, SC
- 9. Mr. Joe H. Baird, Clover, SC, 2007 Convention, Kingston Plantation, Myrtle Beach, SC
- 10. Mr. Edward F. Woodward, Rock Hill, SC, 2009, Given while a patient at Hospice House & Community Care, Rock Hill, SC
- 11. Mr. Gene L. Dinkins, Sr., PLS, PE, Columbia, SC 2010 Convention, Wild Dunes Resort, Isle of Palms, SC

Character is what you are. Reputation is merely what others think you are.

## LICENSING CEREMONY

The S.C. Department of Labor and Licensing announces the following were recently licensed as a Professional Land Surveyor.

#### Those passing PLS exam in April, 2010:

Jason B. Bowick Justin Brown Christopher G. Donald Ryan A. Edwards Jimmy N. Faires Jason M. Forsberg James C. Gray Thomas M. Green, Jr. Jason B. Hairfield Frederick S. Johnson William T. Lavender Kevin D. Medeiros Nathaniel J. Pettit John B. Primm Jeremy W. Reeder Joel B. Russell Teodoro L. Silva Phillip J. Smith James T. Thomas William Weathers James B. West



LICENSING CEREMONY FOR PLS AND PE AT STATE HOUSE

Congratulations to those passing the LSIT exam in April, 2010:

Raymond W. Billbrough, Eric Fernandez, Joshua B. Huntley and Joseph K. Suddeth

### **CONGRATULATIONS 2010 NSPS AWARD WINNERS!**

The National Society of Professional Surveyors presented their 2010 awards at the ACSM/NSPS Annual Convention held in Phoenix, AZ, in April. Congratulations to the following plat contest winners from South Carolina:

**Joe Frick, Jr.**, of Glenn Assoc. Land Surveyors, Jenkinsville, SC First Place: Boundary/Cadastral Map for Columbia International University

**Aaron Taylor** of Cornerstone Surveyors and Engineers, Summerville, SC Second Place, Miscellaneous Maps: An Easement Plat for Charleston Water System

**Sal J. Chaves**, Thomas & Hutton, Myrtle Beach, SC First Place, Subdivision Plat of Phase II Creekhaven at Prince Creek West

The NSPS Surveying Excellence Award was presented to **R. Lee Frank, II**, for outstanding contributions and dedication to the surveying profession. This is the first time anyone from South Carolina has ever been given this honor.

In Memoriam Lamar O. Reddick August 26, 1939 – May 14, 2010

## **How Much Research is Sufficient?**

## Kristopher M. Kline, N.C.P.L.S. L-3374

Note to S.C.S.P.L.S. readers: this article originally appeared in the "Tarheel Surveyor" (June, 2010) and was written for a North Carolina audience. Some of the information discussed in this article is specific to North Carolina and may not apply elsewhere

There are probably as many standards regarding what constitutes sufficiency of deed research as there are surveyors to apply them. Unfortunately, deed research is now often perceived as a chore that must be "gotten through" before the serious work of field location and drafting can began, instead of being correctly treated as the essential first step to any complete boundary retracement. This article examines the concept of minimum research standards from various sources.

## Standards of Practice (Title 21, Chapter 56, General Administrative Code)

#### 21 NCAC 56 .1602 SURVEYING PROCEDURES

(a) A Professional Land Surveyor shall spend the necessary time and effort to make adequate investigation to determine if there are encroachments, gaps, lappages, or other irregularities along each line surveyed.

These standards go on to state that...

(c) With respect to investigation of property boundaries and recorded easements, the surveyor shall examine the most recent deeds and recorded plats adjacent to the subject property as well as all deeds and plats recorded after the date of the deed or plat upon which the survey is being based (the survey reference deed or plat).

Note that, while .1602(c) clearly defines a minimum research standard by stating which deeds and plats must be examined by the surveyor, .1602 (a) could be construed to broaden the minimum research requirement with the phrase "necessary time and effort".

#### Marketable Title Act (Chapter 47-B)

This Act is frequently cited as a minimum standard by Attorneys, and theoretically extinguishes some title problems originating more than 30 years in the past. This Act states, in part... "It is the purpose of the General Assembly of the State of North Carolina to provide that if a person claims title to real property under a chain of record title for 30 years, and no other person has filed a notice of any claim of interest in the real property during the 30-year period, then all conflicting claims based upon any title transaction prior to the 30-year period shall be extinguished... Subject to the matters stated in G.S. 47B-3, such marketable record title shall be free and clear of all rights, estates, interests, claims or charges whatsoever..."

However, a more complete reading of this Act quickly

shows an extensive list of exceptions contained in 47-B-3, including but not limited to possible Adverse Possession claims (item 3), Mineral Rights (item 5), and Easements or Rights of Way (item 7)

#### Is there a National Standard?

At least one surveying text attempts to quantify a minimum research standard for the surveyor. In "Evidence and Procedures for Boundary Location" (Curtis M. Brown, Walter G. Robillard, and Donald A. Wilson) the authors admit the difficulty of determining a single standard. "How much research should be done? There is no definitive answer to that question". However, the authors go on to say that, "...as a minimum, a property surveyor who decides to make a survey from a written description assumes the responsibility for obtaining copies of (1) necessary adjoiner conveyances called for in the legal description furnished him, (2) all maps called for, (3) pertinent recorded adjoining surveys, (4) public agency maps that are kept in such a form that they are available..."

#### **ALTA-ACSM Land Title Survey Standards**

These standards include language stating that "Complete copies of the record description of the property, any record easements benefitting the property, the record easements or servitudes and covenants affecting the property (Record Documents), documents or record referred to in the Record Documents, and any other documents containing desired appropriate information affecting the property...shall be provided to the surveyor for notation...It should be noted that performing a survey to ALTA-ACSM Standards does not absolve the surveyor of the responsibility of conforming to all applicable North Carolina Standards.

In addition to the various sets of standards defined above by the sources listed, additional research is often required, not by specific statute, but by the dictates of accepted boundary retracement principles. These include...

#### Junior – Senior Title situation

Given that a correct resolution for many boundary retracements will require the correct application of the principle of Junior vs. Senior Title when the various parcels of land were created by sequential conveyance, a complete understanding of the situation cannot be achieved without sufficient deed research to determine (1) the sequence of the original conveyances (accompanied by the original descriptions creating the boundary

lines in question), (2) any subsequent conveyances of fractional parcels which could legitimately create additional complications in boundary locations subsequent to the original conveyances, and (3) any re-combination and / or re-subdivision of the tracts in question.

Research to the ultimate source of the subject parcel or parcels

Researching deeds back to state grants may seem excessive, but there are situations where this may be the only way to collect all relevant information regarding a boundary problem. It is surprising how often current boundary lines are ultimately controlled by old state grants, particularly in rural areas. There is a general belief that original grants were always thousands of acres in size, and that those grant lines have since been swallowed up by subsequent recombination and later development and sale of smaller parcels. While this is certainly true in many cases, many state grants were 100 acres or less in area, and many grant lines remain boundary lines today.

Examples of this type of situation are not unusual. In the course of a recent survey in Buncombe County, an adjoiner called for in a current deed description turned out to be the grantee named in a 1789 state grant. On another survey, a 10" diameter Black Gum was observed with corner marks painted on the trunk, but deed research revealed that the Black Gum in question was originally called for in 1795.

Since an original boundary line never moves once created, calls for grant lines and corners are still significant and sufficient research, both in the courthouse and in the field, should be performed to insure that the surveyor has full knowledge of the nature of the controlling monuments.

Yet another reason to search back to state grants is the issue of transcription errors. When property descriptions are repeatedly transcribed into later conveyances, they suffer from

transcription errors, later additions and deletions, or even the complete removal of lengthy portions of the original description. One recent research project revealed that four calls of a metes and bounds description for an adjoiner had been removed and replaced with the phrase "With the old line". Only in the original state grant was the complete description preserved.

Donald A. Wilson, in "Forensic Procedures for Boundary and Title Investigation" (2008) makes a strong case for tracing deeds back to the parcel of origin. He states, "Without taking a description back in time, there are seven things that cannot be known about the tract of land, any of which may be very significant." Mr. Wilson's list includes (but is not limited to); Interpretation under the surrounding circumstances, Declination conversion, and Early surveys and plans.

#### Courtroom "Standard"

This standard is based on the simple principle that, if a surveyor is called into court due to disagreement over the location of a boundary line, and the court finds that the surveyor in question is in error, then the surveyor's protest that he performed research to an acceptable minimum standard will fall on deaf ears. The appropriate quote for this standard has been around for many years: "A surveyor with a ten thousand dollar theodolite can be proven wrong by another surveyor with a ten dollar shovel." There is a long tradition here, that the court system is not interested in excuses, only in results.

This is by no means a complete list, but seems sufficient to underscore the extreme responsibility that the Professional Surveyor assumes for every retracement performed under his or her supervision.

©Kristopher M. Kline, April 2010

### September is the peak of hurricane season. Are you prepared for an emergency?

Following is a Disaster Supply Kit from the National Hurricane Center Website. Most of us, especially those on the coast, have seen this a dozen times but have you actually gotten your kit together? Remember, this is a *disaster* kit and is important for every household regardless of whether it is likely to be in the path of a hurricane.

#### **Disaster Supply Kit:**

**Water** – At least 1 gallon daily per person for 3 to 7 days is recommended.

**Food** – At least enough for 3 to 7 days is recommended and should include: non-perishable packaged or canned food/juices, foods for infants or the elderly, snack foods, non-electric can opener, cooking tools/fuel, paper plates/plastic utensils,

#### Blankets/Pillows, etc.

**Clothing** – Seasonal/Rain Gear/Sturdy Shoes

**First Aid Kit** – Include both prescription and over the counter medications in your kit.

Special Items – for babies and the elderly Toiletries/Hygiene Items/Moisture Wipes Flashlight/Batteries

Radio – Battery operated and NOAA weather radio
Telephones – fully charged cell phone with extra battery and a traditional (not cordless) telephone set

**Cash (with some small bills) and Credit Cards** – Banks and ATMS may not be available for extended periods.

#### Keys

#### Toys, Books and Games

**Important Documents** – Put insurance policies, medical records, bank account numbers, Social Security card, etc., in a waterproof container or watertight re-sealable plastic bag.

**Tools** – Keep a set with you during the storm.

#### Vehicle fuel tanks filled

**Pet Care items** – Pet care items should include proper identification/immunization records/medications, ample supply of food and water, a carrier or cage, and a muzzle and leash.

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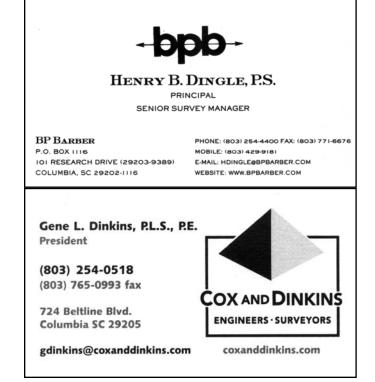
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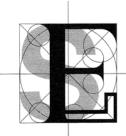
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