

SCSPLS GENERAL MEMBERSHIP MEETING

Friday, June 23, 2017

Saluda Shoals Park, River Center, Columbia, South Carolina

The SCSPLS General Membership meeting was held on Friday, June 23, 2017 at the Saluda Shoals Park River Center in Columbia, SC.

President Andrew Wadsworth welcomed attendees to the last membership meeting of the 2016-17 SCSPLS year. He appreciates that you took the time to come to the meeting. Wadsworth called the SCSPLS General Membership MEETING to order at 11:33 AM.

First, Wadsworth began the meeting with a prayer and the pledge of allegiance.

Wadsworth said SCSPLS uses the Robert's Rules of Order for today's meeting.

Wadsworth said the first item is the Agenda. The agenda was approved.

Next, Wadsworth asked for the Approval of Minutes from January Meeting. The meeting Minutes were approved.

Wadsworth gave the presidents report. Wadsworth said we've had a great year and wants to keep the momentum going for 2017-2018. We want to push forward with keeping our name in the forefront of the Legislature. In order to get the changes made to help our profession, we need to stay active.

Wadsworth said he thinks the most important issue for surveyors this year and every year is the declining numbers of people choosing our profession. It is so important to educate and inform the younger generations about Surveying and the opportunities available for the surveying profession. He said to talk to your crew and stir interest in Professional Land Surveying and SCSPLS.

Wadsworth thanked all for attending the meeting today and asked attendees to encourage others to become active in the society. The state meetings are an opportunity to stay on top of the latest rules, regulations and legislation that affect our profession.

Finally, he thanked everyone for making his year as president a success.

The next order of business was the SCSPLS financial statement. Treasurer Floyd Sweatt reported that the books are now being handled by Jones, McAden and Associates. Sweatt said this has stream lined the process for the position of treasurer.

Wells Fargo ...7096: \$26,155.46

Scholarship ...7754: \$3,246.43

Wells Fargo ...1285: \$167,182.00

Floyd said that you can contact him with any questions or comments.

NSPS Representative Henry Dingle was unable to make the meeting. The NSPS report is as follows:

NSPS Executive Director Report – June 20, 2017

Certified Floodplain Surveyor (CFS)

NSPS is preparing a letter of support for the establishment of a CFS program by the Tennessee Association of Surveyors (TAPS) and the Tennessee Office of Emergency Services, following the model operated in North Carolina by the state surveying society (NCSS) and the , and taking advantage of the offer of assistance from NCSS to get the program started. NCSS, with assistance from the North Carolina Emergency Management/Risk Management Office and NSPS, recently

presented a webinar about setting up a CFS program. Since then, the number of state societies expressing interest in the program has risen to 10.

Even though FEMA has indicated that it will not offer expedited processing of LOMA submittals from states other than NC, the benefits of the training and collaboration among surveyors and review agencies is considered very valuable.

News Flash: NSPS has recently begun to receive a number of inquiries from the public asking how to find a Professional Surveyor in their area to provide services related to a LOMA submittal. Upon further research, NSPS has learned that apparently FEMA is sending notifications to landowners informing them that they might be able to reduce their flood insurance premiums based on a LOMA application, and that a Professional Surveyor can assist them.

Highlights from 2017 NSPS Spring Meetings/Conference

In conjunction with the NSPS spring conference (held with MAPPs) in March, many NSPS members participated in the annual Capitol Hill Day activities, presenting the NSPS perspective on issues of interest to the surveying profession that are to be considered during this session of Congress, as well as discussing some issues affecting individuals' respective states.

During its annual meeting, the NSPS Board of Directors voted that it will may not continue (on an annual basis) to hold its NSPS Capitol Hill Day in conjunction with MAPPs. Discussion has begun regarding whether "Lobby Day" might consist of NSPS members visiting with their respective national legislators during the week when of them are at home on break. The Board also voted that it will not hold NSPS Spring business meetings jointly with MAPPs every year.

The annual Student Competition was held just prior to the beginning of the conference with nine (9) schools represented. A decision was taken by the competition committee and the participating schools that the competition will not be held every year at the same time and location as NSPS Spring meetings.

During the conference, NSPS and PRIA (Property Records Industry Association) presented an interesting, and well-attended, program on the concept of creating programs to get more Surveyors' plats recorded in local government GIS databases as a means of improving the quality of that data. Some such programs already exist, with what is reported to be good results.

During the NSPS Board of Directors meeting, Certified Survey Technician (CST) program pioneers Bob Moynihan and Ron Torrence were honored for their efforts in making the program successful through their 30 years of continuing service on the CST Board since the program's beginning.

Minutes of BoD meetings can be viewed on the NSPS website, <http://www.nsp.us.com/?page=Minutes>.

Boy Scouts Jamboree Donations

In response to a solicitation by NSPS for donations to support the NSPS team that manages the Surveying Merit Badge booth during Boy Scouts Jamborees (a once every four years event), more than \$8500 has been donated this year by state surveying societies/chapters and individual Surveyors. NSPS thanks all who have contributed to date, and urges societies and individuals to establish an annual contribution program to support the perpetuation of the team's participation in future Jamborees. The 2017 Jamboree will take place in July.

NSPS Advocacy

Public Sector/Private Sector Professional Surveyors

NSPS recently responded (http://c.ymcdn.com/sites/nsp.us.site-ym.com/resource/resmgr/Public_Private_Surveyors/NSPS_Policy_on_public_privat.pdf) to a question posed by some members of the Professional Land Surveyors of Ohio (PLSO) regarding the NSPS position on whether all surveying activities should be conducted by the private sector.

Hydrographic Surveys – Separate License?

NSPS is researching a recent report of an effort to create a separate (perhaps national) license to conduct Hydrographic surveys, perhaps even as they relate to land boundary issues. As NSPS members are aware, NSPS (in cooperation with

The Hydrographic Society of America) operates a Hydrographic Surveying certification program which was created years ago at the request of the federal government. This certification does not qualify those who hold it to perform services specifically assigned to those who are professionally licensed as surveyors (or engineers). NSPS will report further on this issue as information continues to be received.

Future of Surveying/Workforce Development

With the understanding that the future of the surveying profession not only involves maintaining an adequate number of Licensed Professionals, but also requires an adequate number of qualified Survey Technicians, NSPS intends to incorporate both issues into its role as the lead organization for the Future of Surveying Task Force (NCEES ceded this role to NSPS prior to the 2016 meeting of the Task Force) by supporting the participation of the Young Surveyors Network and the NSPS Workforce Development Committee in the Task Force.

NSPS encourages its members and all state societies to utilize the links that can be found on the NSPS website to State Career and Technical Education offices: <https://www.careertech.org/cte-your-state>, and to local workforce boards: <http://www.servicelocator.org/workforcecontacts.asp>

for information about how that office can work with our organizations.

Upon requests from members/state associations, NSPS has written letters in support for a number of surveying education programs, including the most recent letter related to the establishment of a Surveying Technician program at Maryville Community and Technical College located in Kentucky.

NSPS Comments on General Services Administration's CIBORG Proposal

NSPS has sent a [Letter](#) to Mary Anne Sellman, US General Services Administration (GSA), dated May 15, 2017 expressing its concern about a planned procurement document, stating (in part), "It does not appear that the GSA and NGA conducted an analysis of state licensing laws regarding the practice of surveying with regard to the CIBORG proposal. The scope of work includes services defined as the practice of surveying.....and fails to include a requirement that a licensed surveyor be in responsible charge of the work".

Bureau of Labor Statistics (BLS)

During the communications leading up to the letter written by NSPS supporting the two-year program at Maryville Community and Technical College located in Kentucky, it was disclosed by representatives at the school that one thing which could affect whether that program would be created is information from the BLS noting an anticipated drop in Survey Technician jobs. Executive Director Curt Sumner had a lengthy conversation with BLS staff about the fact that Survey Technicians are currently in high demand, and that the anticipated drop in demand for Survey Technician jobs (as stated on the BLS website) is not likely to occur because, regardless of "new technologies" there will remain a demand for the Survey Technicians to utilize those technologies in gathering data.

Accordingly, although there may not be a significant increase in Survey Technician jobs, the current demand is not likely to drop significantly. NSPS expects that there will be a change in the next BLS statistics related to Survey Technician jobs.

Direct Point Positioning Survey (DPPS) –

During the NSPS 2017 Spring Board of Directors meeting, NSPS voted to send a follow-up position paper (http://c.ymcdn.com/sites/nsps.site-ym.com/resource/resmgr/govt_affairs/NSPS_Positon_on_DPPS.pdf) to the Bureau of Land Management (BLM) reiterating the position of NSPS opposing the BLM- proposed DPPS solution for future surveys in Alaska, or anywhere else.

National Surveyors Week - 2017

By all accounts, National Surveyors Week 2017 activities by the respective state societies was a big success, with many Proclamations obtained from governing bodies, from local to national.

Thanks to all state societies and local chapters for their stellar work in getting recognition for National Surveyors Week.

Interaction with Council of European Geodetic Surveyors (European equivalent to NSPS)

In April, NSPS Executive Director Curt Sumner accepted an invitation from CLGE to make a couple of presentations during its Spring 2017 conference/business meetings in Lausanne, Switzerland. He was joined on the trip by NSPS Head

of Delegation to FIG/FIG Foundation Chair John Hohol. Executive Director Sumner spoke on the topic of the surveying system(s) utilized in the U.S., and on the state of surveying in the U.S.

Sumner and Hohol also attended the business meeting of CLGE to ask for support from its 38 member countries for the NSPS proposal to host the 2022 FIG Congress. The proposed location is Orlando, FL. The last FIG annual meeting (Congress, or Working Week) held in the Western Hemisphere was the ACSM/ASPRS-sponsored Congress in 2002 in Washington, DC.

NSPS Participates in NGS Symposium on NAD 2022

NSPS Director David Doyle spoke on behalf of the organization during the April 24 NGS Summit in Silver Spring, MD on the provisions of NAD 2022 template for model legislation

(http://www.nsp.us.com/resource/resmgr/NGS/Template_Draft_-_Final.docx).

NSPS worked closely with NGS in the development of model legislation language for states to use in calling for adherence to NAD 2022 provisions for surveys.

American School Counselor Association (ASCA)

NSPS will again participate in the annual ASCA conference which will be held in Denver, CO in July 2017. NSPS again has a group of members volunteering, this year from the Professional Land Surveyors of Colorado, and led by PLSC and NSPS Board of Directors member J B Guyton.

NSPS President Elect Kim Leavitt and his brother Darren are taking the “sandbox” demonstration to the conference. The follow up with school counselors and state school counselor associations following NSPS participation in the 2016 ASCA conference has been encouraging.

NSPS Government Affairs Program Creates “PLATS” (<http://nsp.us.com/page/PLAT>)

The NSPS Political and Legislative Alert Team (PLAT) is an arm of NSPS that mobilizes grass roots action on national public policy issues of interest to the surveying profession. The purpose of PLAT is to identify and engage surveyors who know, have relationships with, or are willing to establish relationships with members of Congress to influence policy in a manner favorable to the profession.

Results of Journalism, Map/Plat Competition, and Scholarships

The NSPS/AAGS Scholarship competition (managed by the NSPS Foundation) attracted 42 applications from students studying at 22 schools vying for the [14 scholarships offered in the 2017 program](#). Thanks to the diligence of this year's judges, the winners have been notified and scholarships are being awarded in record time.

Judging has also been finalized for the [NSPS Map/Plat Competition](#) and the [NSPS Journalism Competition](#).

NSPS offers its congratulations to all of the recipients of scholarships and awards, and its sincere appreciation to all who participated. All members are asked encourage surveying students in the college/university

Appointments

NCEES “Surveying Programs of Distinction (SPoD)”

NSPS has named NSPS Board of Directors member Henry Dingle (SC) to serve on the selection panel for this award.

NOAA Hydrographic Panel

NSPS is submitting the name of Immediate Past President Tony Cavell in nomination for a seat on NOAA’s Hydrographic Panel.

Bill Tripp of Aiken said they have had low attendance in Augusta an Aiken. He also wanted thank SCSPLS for bringing the conference back to Columbia.

Next, Gene Dinkins provided a report for the SC State Board of Registration for Professional Engineers and Surveyors. Dinkins received an email approximately one month before the meeting by the Army Corp of engineers stating the process and issuance of a Jurisdictional Determination for Surveys.

The letter from U.S. Army Corps of Engineers, Charleston District is as follows:

April 28, 2017

Regulatory Division

PUBLIC NOTICE U.S. Army Corps of Engineers, Charleston District This public notice details the U.S. Army Corps of Engineers, Charleston District's position with respect to the processing and issuing Jurisdictional Determinations. These changes are effective May 1, 2017 for all new requests. Any requests received prior to this date will be converted; a new submittal is not required. 1. Regulatory Guidance Letter (RGL) 16-01: The U.S. Army Corps of Engineers, Charleston District through this notice, announces the Headquarters issuance of a new Regulatory Guidance Letter (RGL) 16-01 regarding "Jurisdictional Determinations" (enclosed). RGL 16-01 explains the differences between "Approved Jurisdictional Determinations" (AJDs) and "Preliminary Jurisdictional Determinations" (PJDs), and provides guidance on when it may be appropriate to issue an AJD as opposed to a PJD, or when it may be appropriate to not prepare any JD whatsoever.

RGL 16-01 is available online at: <http://www.usace.army.mil/Missions/CivilWorks/Regulatory-Program-and-Permits/Guidance-Letters/>.

A set of Questions and Answers and other supporting information can be found online at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>.

2. District Specific Changes for Types of Jurisdictional Determination Letters:

An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.

Effective May 1, 2017, the Charleston District is no longer offering the options for accurate/approximate approved jurisdictional determinations and accurate/approximate preliminary jurisdictional determinations; all Charleston District jurisdictional determinations will either be issued as AJDs or PJDs.

The requestor may still submit a survey plat of the aquatic resources when requesting an AJD or PJD; however, a survey plat is no longer required for an accurate depiction of the wetlands and/or other aquatic resources on site. The Charleston District will generally accept a map, sketch, or survey plat to accurately depict the limits of aquatic resources for an AJD (or to approximate the limits of aquatic resources for a PJD). In other words, a survey plat is no longer the only means to accurately depict the limits of the wetlands and/or other aquatic resources on site.

The project area/site boundary for both AJDs and PJDs should be depicted by a survey, tax map, or GPS coordinates with the coordinates provided. Tax maps may only be used if the site includes the entire tax map parcel. 3. AJD, PJD, or "Delineation Only": In addition to RGL 16-01 regarding AJDs and PJDs, the Charleston District is also providing information regarding delineations of aquatic resources that are not associated with a request for an AJD or PJD.

For clarification, delineation defines the geographical limits of an aquatic resource whereas a jurisdictional determination generally indicates whether the Corps has, or may have, jurisdiction over an aquatic resource. Please note that if an AJD or PJD is requested, delineation is required in order to complete the request.

An AJD, PJD, or “delineation only” may be requested through the use of the enclosed, “Jurisdictional Determination Request and Delineation Submittal Form.” In other words, the same information and signature provided in the request should be submitted to the Charleston District regardless of whether the request is for an AJD, PJD, or “delineation only.”

To help you understand whether you may need “delineation only,” a PJD, an AJD, or no jurisdictional determination, please see the enclosed Questions and Answers for RGL 16-01, Quick Reference Chart, and Sample Questions to help guide which JD depending on circumstances. All of these and more can be found on the HQs website at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>.

“Delineation Only” with DA Permit Application:

An AJD or PJD is not a prerequisite for submitting a Department of the Army (DA) permit application or Pre-construction Notification (PCN); however, applicants should provide a delineation of aquatic resources in support of an individual permit application (i.e., standard permit or letter of permission). Also, a delineation of aquatic resources is required in order to determine that a pre-construction notification (PCN) is complete per General Condition 32 of the 2017 nationwide permits.

Requirements for “Delineation Only”:

The same information and signature provided for an AJD and PJD request should be submitted to the Charleston District for a “delineation only” request. All information that should accompany an AJD, PJD and/or “delineation only” request can be found in the enclosed 2

“Jurisdictional Determination and Delineation Guide,” and on our website at <http://www.sac.usace.army.mil/Missions/Regulatory/Permitting-Process/>. The “delineation only” request should identify all aquatic resources within the project area. If the Charleston District determines that the information provided does not identify and adequately depict the limits of the aquatic resources onsite, a site inspection may be required and the application/PCN would be determined incomplete.

DA Permit applications/PCNs with new AJD or PJD request:

Should the applicant wish to request an AJD or PJD at the same time as the submittal of an application/PCN, the application/PCN will not be considered complete until the AJD or PJD has been issued.

Standalone AJD or PJD:

AJD or PJD requests that are submitted without a DA Permit application or PCN can be evaluated and reviewed independently. Some standalone JDs may later be associated with permit actions, but at the time of issuance are not related to permit applications.

4. Charleston District Prioritization of Projects:

Based on RGL 16-01 and current workload prioritization, the Charleston District has determined the most effective and efficient way to serve the public is to prioritize incoming actions in the following manner:

1. DA Permit applications/Pre-construction Notifications (PCNs) with existing, valid AJD or PJD; 2. DA Permit applications/PCNs with “delineation only”; 3. DA Permit applications/PCNs with new AJD or PJD request and; 4. Standalone AJD or PJD. This Public Notice updates previous information published by the Charleston District regarding approaches to processing and completing jurisdictional determinations for the purpose of identifying jurisdiction pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 United States Code (U.S.C. § 403) and Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344). If you have any further questions concerning the information presented in this public notice, please contact your local Regulatory Office. See attached Regulatory Office Service Area Map.

Enclosures 1. Regulatory Guidance Letter 16-01: Jurisdictional Determinations 2. Request For Corps Jurisdictional Determination (JD)/Delineation 3. Jurisdictional Determination and Delineation Guide 4. Regulatory Office

REGULATORY GUIDANCE LETTER

US Army Corps of Engineers ®

No. 16-01 Date: October 2016

SUBJECT: Jurisdictional Determinations

1. *Purpose. Approved jurisdictional determinations (AJDs) and preliminary JDs (PJDs) are tools used by the U.S. Army Corps of Engineers (Corps) to help implement Section 404 of the Clean Water Act (CWA) and Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA). Both types of JDs specify what geographic areas will be treated as subject to regulation by the Corps under one or both statutes. This Regulatory Guidance Letter (RGL) explains the differences between these two types of JDs and provides guidance to the field and the regulated public on when it may be appropriate to issue an AJD as opposed to a PJD, or when it may be appropriate to not prepare any JD whatsoever.*

The Corps has long provided JDs as a public service. In U.S. Army Corps of Engineers v. Hawkes Co., 136 S. Ct. 1807 (2016), the Supreme Court held that AJDs are subject to judicial review, and several members of the Court highlighted that the availability of AJDs is important for fostering predictability for landowners. The Corps recognizes the value of JDs to the public and reaffirms the Corps commitment to continue its practice of providing JDs when requested to do so, consistent with the guidance below. This clarification RGL does not change or modify the definitions of AJDs and PJDs included in Corps regulations, the documentation practices for each type of JD, or when an AJD is required by the terms of its definition (e.g., only an AJD can be used to determine presence/absence of waters of the U.S.). This RGL also does not address which aquatic resources are subject to CWA or RHA jurisdiction.

The aim of this RGL is to encourage discussions between Corps districts and parties interested in obtaining the Corps views on jurisdiction to ensure that all parties have a common understanding of the different options for addressing CWA and RHA geographic jurisdiction so that the most appropriate mechanism for addressing the needs of a person requesting a JD can be identified. This RGL does not limit the discretion afforded a district engineer by the regulations to ultimately determine, consistent with the guidance below, how to respond to a request for a JD. After a requestor is fully informed of the options available for addressing geographic jurisdiction, the Corps will continue its current practice of providing an AJD consistent with this guidance if the party continues to request one. The uniform understanding of the different types of JDs and the well reasoned use of discretion in the manner described in this guidance is of substantial importance within the Regulatory Program. The district engineer should set reasonable priorities based on the district's workload and available regulatory resources. For example, it may be reasonable to give higher priority to a JD request when it accompanies a permit request. This RGL addresses similar issues included in RGLs 0701 and 08-02. Both RGL 07-01 and 08-02 are hereby superseded by this RGL.

2. *Background. The regulations implementing the CWA and RHA introduced the concept of JDs when they "... authorized its district engineers to issue formal determinations of the applicability of the [CWA or RHA] to ... tracts of land." 33 C.F.R. 320.1 (a)(6). The use of such determinations was not addressed by either statute, and the regulations make their use discretionary and do not create a right to a JD. The regulations authorize their use as a service to the public, and the Corps has developed a practice of providing JDs when requested, and in appropriate circumstances.*

Corps practice has evolved to address questions of jurisdiction through the use of AJDs and PJDs. However, some jurisdictional inquiries may be resolved without a JD. For example, a letter confirming that no Corps permit is required for activities on a site may be sufficient for responding to requests in a particular case. These different means of addressing questions of jurisdiction are discussed further below.

It is the Corps responsibility to ensure that the various types of JDs, their characteristics, and the reasons behind the JD request, have been adequately discussed with the requester so requesters can make an informed decision regarding what type of documentation will best serve their needs. The JD requester, after being advised by the Corps, will

determine what form of JD, if any, is best for his/her particular circumstance, based on all the relevant factors. These factors include, but are not limited to, the requester's preference and reasons for the request, whether any kind of permit authorization is associated with the request for a JD (e.g., individual permit or general permit), and the nature of any proposed activity needing authorization. Such factors are also relevant to how such requests are prioritized by the district engineer. The Corps regulations implementing the CWA and RHA leave the decision of whether to issue a JD to the discretion of the district engineer. However, it will continue to be the agency's practice to honor requests for JDs unless it is impracticable to do so, such as when the Corps is unable to gain access to a site to complete a JD or the Corps lacks other information necessary to respond to the request based on a sound technical record.

3. *Approved JDs.* An AJD is defined in Corps regulations at 33 CFR 331.2. A definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a parcel and the identification of the geographic limits of jurisdictional aquatic resources on a parcel can only be made by means of an AJD. AJDs may be either "stand-alone" AJDs or AJDs associated with permit actions. Some "stand-alone" AJDs may later be associated with permit actions, but at time of issuance are not related to a permit application. A "stand-alone" AJD may be requested so that impacts to jurisdictional aquatic resources may be avoided or minimized during the planning stages of a project, or it may be requested in order to fulfill a local/state authorization requirement.

a. Except as provided otherwise in this RGL, and provided that the Corps is allowed legal access to the property and is otherwise able to complete an AJD, the Corps will issue an AJD upon receiving a request for a formal determination regarding the jurisdictional status of aquatic resources on a parcel, whether or not the request specifically refers to an "AJD."

b. An AJD: (1) will be used if the Corps is determining the presence or absence of jurisdictional aquatic resources on a parcel; (2) will be used if the Corps is identifying the geographic limits of 2 jurisdictional aquatic resources on a parcel; (3) will remain valid for a period of five years (subject to certain limited exceptions explained in RGL 05-02);

(4) can be administratively appealed through the Corps administrative appeal process set out at 33 CFR Part 331; and, (5) may be requested through the use of the enclosed "Request for Corps Jurisdictional Determination (JD)" in Appendix 1. Even if the JD requestor does not use the enclosed "Request for Corps JD", the same information and signature provided in the "Request for Corps JD" should be submitted to the Corps district with each JD request.

4. *Preliminary JDs.* A PJD is defined in Corps regulations at 33 CFR 331.2. When the Corps provides a PJD, or authorizes an activity through a general or individual permit relying on an issued PJD, the Corps is making no legally binding determination of any type regarding whether jurisdiction exists over the particular aquatic resource in question. A PJD is "preliminary" in the sense that a recipient of a PJD can later request and obtain an AJD if that becomes necessary or appropriate during the permit process or during the administrative appeal process. See Appendix 2 for the PJD form.

a. A PJD: (1) may be requested in order to move ahead expeditiously to obtain a Corps permit authorization where the requestor determines that it is in his or her best interest to do so; (2) may be requested even where initial indications are that the aquatic resources on a parcel may not be jurisdictional, if the requestor makes an informed, voluntary decision that it is in his or her best interest not to request and obtain an AJD; (3) may be used as the basis for a permit decision; however, for purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all aquatic resources that would be affected in any way by the permitted activity on the parcel as jurisdictional; (4) may include the delineation limits of all aquatic resources on a parcel, without determining the jurisdictional status of such aquatic resources; and, (5) may be requested through the use of the enclosed "Request for Corps Jurisdictional Determination (JD)" in Appendix 1. Even if the JD requestor does not use the enclosed "Request for Corps JD", the same information and signature provided in the "Request for Corps JD" should be submitted to the Corps district with each JD request.

5. *No JD whatsoever.* The Corps generally does not issue a JD of any type where no JD has been requested and there are certain circumstances where a JD would not be necessary (such as authorizations by non-reporting nationwide general permits). In some circumstances, including where the Corps verifies general permits or issues letters of

permission and/or standard permits, jurisdictional questions may not arise. In other circumstances, where no DA permit would be required because the proposed activity is not a regulated activity or is exempt under Section 404(f) of the CWA and is not recaptured, preparation of a "no permit required" letter may be appropriate, and no JD is required, so long as that letter makes clear that it is not addressing geographic jurisdiction.

6. *Processing. The "Request for Corps Jurisdiction (JD)" in Appendix 1 of this RGL is intended to help both the requestor and the Corps in determining which type of JD, if any, is appropriate. When the Corps receives a request for a JD, the Corps should first explain to the requestor the various types of JDs and their characteristics to ensure that an informed decision is made by the requestor as to the type of JD the Corps will issue, if any. The Corps should discuss with the requestor the intent and purpose of the JD request rather than responding to the request through issuance of a JD without such understanding. Providing an explanation upfront as to the differences between the types of JDs and discussing what the requestor may need can help clarify which JD type may be appropriate for the requestor, if any. It is agency practice to honor requests for JDs unless it is clearly impracticable to do so, such as when the Corps is unable to gain access to a site to complete a JD or the Corps lacks other information necessary to respond to the request based on a sound technical record.*

7. *Coordination with U.S. Environmental Protection Agency (EPA) and posting. The Corps will continue to coordinate with EPA per applicable memoranda. The Corps will also continue to post final AJDs on Corps websites until the AJDs expire (generally five years, see RGL 05-02). PJDs will not be coordinated with EPA or posted on Corps websites.*

8. *This RGL remains in effect unless revised, superseded, or rescinded.*

Major General, USA Deputy Commanding General for Civil and Emergency Operations

Per Dinkins, this is quite a change from what was before. Dinkins said the Board does not see now a wetland boundary can be accurately depicted in a tax map or a sketch. A very strong letter went to Jackson from the Board. Dinkins said surveyors have the definition in our standards. Aaron Leach asked where the original letter sent. Dinkins said it was a public notice.

Thurl Amick asked if our requirements would still be required. Dinkins answered not really. He said the Board cannot say what the Corps of Engineers will or will not accept. Amick said we have a set standard. Amick said if it is on a plat, it must meet state standards. Joe Jones asked if this is this for SC as a whole or the Corps district. Dinkins said it is basically Charleston district only. Dinkins said the Board thinks this is a very bad idea.

Dinkins said an active topic with Surveyors is the use of UAVs. Dinkins mention that anyone, surveyor or non-surveyor, can use them as toys as long as you do not use them for mapping.

Dinkins stressed the Board does not regulate the tool. However, if the drone is used for photogrammetry, that falls under photogrammetric survey.

Will Fairey said SCSPLS has taken a position to request a rewrite of regulations to address it. Dinkins said the current regulations and statutes categorize this as photogrammetry.

Michael Culler, III asked Dinkins if you take pictures, it is ok to use? Dinkins said it is ok to look, but not to map.

William Martin said, to further complicate this issue, some engineers think they have the right to use a UAV and do a photogrammetric survey. Dinkins said if engineers do use a UAV for a photogrammetric survey, he or she will be in violation.

Next, Dinkins said the State Specific exam will be computer based starting in October 2017.

Finally, the Board is working on a rewrite of regulations which would include the survey standards. The last rewrite of the regulations was about 11 years ago. If you have questions or comments regarding the regulation, please send to Gene Dinkins in writing. Dinkins reminded everyone regulations cannot overrule statutes.

The next report was provided by Aaron Leach on Trigstar. Leach started by thanking everyone for their support as Trigstar continues to grow. This year, SCSPS has 6 participating schools. CA Shealy has 2 schools, Brian Bonds has 1 school and Leach has 3 schools. Leach said one more school in Charleston is interested in participating next year. One of the teachers who participated in the past is moving to Greenville and wants to do it in Greenville. Leach asked everyone to try to get in front of a school. All that is needed is to give the presentation and do the test.

210 students competed. This is down from last year. The ages of the winners are: First place student – 11th grade, 2nd place - 10th grade and 3rd place - 11th grade.

Leach said kids are excited and teachers are excited too. The annual meeting will be in Fredrick, MD July 28-29, 2017. Leach thanked everyone again for their support. He ended by asking everyone to help to spread the word.

Next, Joe Jones gave the Legislative Report.

As you probably know, the 2017 Legislative Session is over. Legislators are not expected to be recalled to Columbia to override Governor McMaster's budget vetoes.

However, there are still a number of unsettled issues left pending since legislators aren't expected to return. Legislation that passed both the House and Senate, but with different language and even different intent were sent to Conference Committees. These bills are in limbo; unless the legislature is called back to Columbia, there is no chance these committees can attempt to come to an agreement. So, no action will be taken on these bills.

Also, since 2017 was the first year of a two year session, there are hundreds of bills that were introduced in 2017 that have had no action. Some of these bills may move when the legislature returns in January.

That's where we are right now.

Let's look at 2017 and what was accomplished for the surveying community. Two bills that directly affect the surveying profession passed: the Surveyor Volunteer Act and the Roads Bill.

The Surveyor Volunteer Act now allows surveyors to volunteer after a natural disaster and not have to worry about professional liability with regard to surveying decisions made when volunteering. There are some restrictions in this bill. First, the protection kicks in only when the Governor has declared an emergency and the protection lasts for only the 30 days following the Governor's declaration of emergency.

The Surveyor Volunteer Act was very popular this year and it passed. Sen. Kent Williams was the proponent. This bill gave us a new ally in the Senate. Williams thinks a lot of surveyors.

Frankly the need for surveyor protection was realized after the 2015 flood and punctuated by Hurricane Matthew in 2016. Elevations became very important along bodies of water. The widespread flooding in 2015 and the surprising flooding in the Pee Dee after Hurricane Matthew showed Emergency Management personnel that professionals needed to be available and volunteering to help predict flooded areas and identifying potential evacuation routes.

The other liability everyone should think of when volunteering is still only partially solved. Being hurt while volunteering is the other problem. Everyone should consider this situation before volunteering, especially after a natural disaster. As a volunteer you may be asked to go and work in areas where conditions are unknown and/or unstable. You could be vulnerable and an accident could occur. If you are injured, who or how will your medical bills be paid?

If you are hurt on the job, your worker's compensation covers your expenses. However, if you are volunteering, will or should your employer cover you through the company's worker's compensation insurance?

If you volunteer, you should ask, and if you are an employer, I suggest you check with your insurance company.

I suspect if you are volunteering, you are probably taking annual leave or your employer has authorized you to take the time to do this volunteering work.

You should know, there is a fix for this situation. Workers' Compensation is covered for participants in the SC Guard. You can join the SC Guard and be covered through the Guard for workers' compensation. I won't go into the types of participation in the Guard, but there is a "ready reserve" that requires minimal participation and training.

Having worked on volunteer coverage for a number of years, the SC Guard has been the only solution to workers' compensation coverage.

The road bill is the other major legislation for surveyors this session. Its passage should bring work to surveyors as well as engineers and contractors.

We talked to a number of legislators about our interest in brokering legislation, but we haven't had any success with anyone wanting to champion the issue for us. We are looking a legislation that passed the Senate last session dealing with brokering of funeral services. The bill mostly dealt with advertising funeral assistance on the Internet, but some idea may come from this legislation. Hopefully, we can get language that we can adapt for surveying and engineering and be acceptable to the legislature, especially the attorneys in the House and Senate.

Qualification Based Selection is even in a tougher spot. Legislators aren't warm to wanting to expand this procurement process beyond what is already in the law; however, we are looking for the opportunity to address it legislatively.

Now for the future, the SC State Board of Registration for Professional Engineers and Surveyors knows it has to review its regulations for surveyors and engineers after the update passed last year. The new regulations must be presented to the General Assembly for approval. The Registration Board was planning to begin this process next month, but due to staffing problems at LLR, the board is postponing the review.

There are a couple of issues surveyors should want to change and protect. The issue with DRONES/UAVs might be addressed in the regulations to expand the use of these technological devices. Second, there is language in the regulations that gives some advocacy for QBS. I suggest we make sure that language remains.

SCSPLS has always been good at having surveyors attend the Registration Board's meetings. Just remember, Allison King attends every meeting, too.

Allison King reported about Certified Floodplain Surveyor (CFS) program. CFS began many years ago, with assistance from FEMA, but after the eLOMA process became popular, FEMA decided not to participate in CFS training for Surveyors beyond North Carolina, which is where the "pilot program" took place. Since then, the North Carolina Society of Surveyors (NCSS) and the North Carolina Department of Public Safety (NCDPS) have continued the program, and have responded to requests from other states that are interested in setting up the program, which is very beneficial to Surveyors regarding surveys related to flood zones/classifications/etc. Recently, the Tennessee Association of Professional Surveyors (TAPS) and the Tennessee Office of Emergency Services have decided to implement the program there.

Floyd Sweatt volunteers to take part in the pilot program. Timothy Davis is interested as well.

Next, Allison King reported the 2018 Convention and Technical Conference will be held at the Double Tree by Hilton in Columbia, SC February 1-2, 2018. A survey was sent to all members and it was determined, by a very small margin, to return to Columbia.

If you have a preferred speaker, please let Allison King know by email.

King also reported on the meeting schedule for 2017 – 2018.

Oct. 21, 2017 – SCSPLS Quarterly Meeting – Ripley's Aquarium with Aquarium Admission

Feb. 1 – Feb. 2, 2018 – 2018 SCSPLS Convention and Technical Conference – Doubletree, Columbia, SC

April 21, 2018 – SCSPLS Quarterly Meeting with Oysters – James Island County Park

June 22, 2018 – SCSPLS Quarterly Meeting with Officer Inductions – Saluda Shoals Park, River Center, Columbia, SC

Finally, the Installation of officers was performed by Past President Brian Bonds.
The 2017-2018 SCSPLS Executive Board and three District Directors

PRESIDENT – F. William Fairey, IV, PLS, The Brigman Company, Conway, SC

PRESIDENT-ELECT – Timothy L. Davis, PLS, Timothy Davis, PLS, Loris, SC

VICE PRESIDENT – Floyd A. Sweatt, Jr., PLS, Sweatt land Surveying, McConnell's, SC

TREASURER – Christopher W. Bass, PLS, Carolina Central Electric Power Cooperative, Inc. Columbia, SC

SECRETARY – Nancy "Dee Dee" Schwacke, Bowman Consulting, Charleston, SC

District Directors

District 1: Charles (Chuck) Dawley, PLS, Charles F. Dawley, Jr., R.L.S., Wando, SC

District 3: C.A. Shealy, Shealy Land Surveying Inc., Prosperity, SC

District 5: William (Bill) Hipp, Hipp Land Surveying, Richburg, SC

EX-OFFICIO BOARD MEMBER:

Past President: Andrew B. Wadsworth, Sr., PLS, Charleston, SC

The meeting concluded with newly elected President William Fairey thanking everyone attending. Fairey asked that all board members stay after lunch for a brief board training.

Meeting adjourned at 12:13 PM.

Respectfully submitted by Allison King.