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The magazine is published quarterly by LSAW and accepts advertising. Ads should be page-ready copy for photo-offset printing. The rates are as follows:

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<td>Half Page</td>
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2 Evergreen State Surveyor Summer 2012
The May Board of Trustees meeting was held in Pasco and was well attended.
The hospitality shown by the South Central Chapter was fabulous! The facility and the food were just as remarkable. We from the Westside appreciated the sunshine that was ordered for the meeting. Thanks again to Alex Matarazzo and his Chapter for hosting the meeting.

The minutes of the BOT meeting are enclosed, but here are some highlights:

The L&I appeal to the Governor to repeal the prevailing wage scope of work description for construction site surveyors was denied. That has not hampered efforts from LSAW to hold the feet of L&I to the fire by requesting information that would assure compliance to the prevailing wage laws. The assurance that all survey companies obey the existing laws would level the playing field for bidding on prevailing wage jobs by surveyors.

When you see advertising in the Evergreen State Surveyor from a Washington college offering a Surveying program, that advertisement is gratis due to action by the Board of Trustees. Also, a College outside of this State is allowed to advertise for free in the ESS if that College resides in the same State that allows our colleges to advertise for free in their Society publication.

A lot of discussion has taken place regarding a holding spot (depository) for LSAW Monuments. There have been placements over the years by the LSAW Historical Society, local Chapters and individual groups, of monuments of significance around the State and in neighboring countryside’s. We are in the information gathering phase at this point in time, so any knowledge of location and description of any said monuments can be given to Lynee Forsythe of the Snohomish Chapter or to me.

It was encouraging to hear that removal of the term “engineering surveys” and its definition was removed from the NCEES model law. Another NSPS action is in the works to create a program for a “Certified ALTA/ACSM Land Title Survey Surveyor.” After passing the test you would be able to put CAALTSS after your name... if you have room after PLS and CFed.

NSPS is requesting that LSAW (actually all State Societies) members be 100% in membership with NSPS. Forty dollars is a small price to pay to have national representation. A survey was taken and about 75% of LSAW members that took part in the poll favored such an idea of 100% membership, if the dues in NSPS were lowered. It is very important to have a National voice in our profession. For an example, Light-Squared would not have been defeated without the efforts of NSPS. TrigStar would not exist without NSPS. These are just two examples of the importance of having a Nationwide influence working for the betterment of the survey profession. A vote will be taken at the August BOT meeting to see if LSAW will become the next State Society that will become 100% membership in NSPS.

I see that the Board of Registration has withdrawn its proposal to have public meetings across the State regarding the clarification of the current scope of land surveying practice in the administrative laws. I would encourage you all to report suggestions to the proposed changes to the BOR at: Engineers@dol.wa.gov. You may also send comments to P.O. Box 9025, Olympia, WA 98507-9025 or via fax to: (360-664-2551).

Lastly, we discussed the seriousness of using copyrighted material without an author's permission (plagiarism). Anytime an instructor spends an enormous amount of time and energy to research, compile, compose and edit intellectual material for presentation, that instructor likes to be assured that that information is under his/her ownership. Plagiarism is usually not done maliciously or meant to be harmful in any way. Just the same, the BOT passed a motion that should prevent this from occurring in the future.

That was pretty much the essence of the BOT meeting.

I was able to get out and visit a North Puget Sound Chapter meeting and a Southwest Chapter meeting. Both of those Chapters were very gracious hosts. The North Puget Sound met at Renton Tech. I was handed a pile of resumes from some very sharp students. I should have handed out a few myself……just kidding. The SW Chapter had a very energetic talk by Dan Price on TrigStar. I’ll be heading up to the San Juan Branch of the NW Chapter in June. Like I said at the Conference banquet, I’ll try to make it to every Chapter by the end of the year. Hope my old Dodge will hold out!

I am really concerned about the future of the Teaching with Spacial Technology (TwIST) program. For the second year in a row the program had to be cancelled for lack of teachers (who (Continued on page 4)
As many of you, if not all, have heard, our Board of Registration of Professional Engineers and Land Surveyors have been trying to put forth a set of clarifications for the existing laws at which we are governed by. These clarifications were the result of both engineers AND surveyors coming together to meet the technology issue head on. No longer is the industry standard a transit and chain. The industry standard is, at the very least, a total station and most of the time GPS. The fundamentals of surveying have not changed but the tools have.

Technology has been outpacing our existing laws for years and these clarifications were designed to separate the fundamentals of surveying from the tool which is used. Keep in mind, under our state constitution of the State of Washington, a RCW can only be created or amended by the legislature. The RCW for this discussion is RCW 18.43. This statute was created (and amended) by the legislature over a number of years; therefore it has evolved over time. Much of our existing definition of Land Surveying was created in 1947 at a time when transits and chains were the industry standard. Are these the same tools used today? Has the technology changed since 1947 and why do you suppose our profession is still working from the same sets of laws as in 1947?

The reason that I bring this issue to your attention is that we continue to have a significant amount of “push-back” from those organizations which are outside of our profession. They believe that our existing laws of 1947 are in line with our industry standard. They also must believe that our tools have not changed since that date. I guess they haven’t thought about the changing technology when they call me at the site with their iPhone. They haven’t thought about the site photos with were just transmitted to their email moments ago. I encourage you to become involved and educate those outside of our profession.

I want to introduce you to the 2012 Summer Issue of the Evergreen State Surveyor. Enjoy!

From the President (continued)

are actually students) to register for the course. Even with the deadline postponed for a week, the TwiST event failed to meet the minimum number of students to make the occasion come to fruition. The problem, as I see it, is that no one person is in charge of acquiring the appropriate quantity of students required for a successful outcome. We will kick it around at the August BOT meeting, but Tim Kent and I would be glad to hear any suggestions, any time, so that we can make next year’s TwiST program a success!

By the time you read this, we will have said goodbye to Mike Mickiewicz at his Celebration of Life on June 3rd. I am sure by this time Mike has been training rookie angels on how to pull chain to measure the expanse of the heavens. There are surveyors in heaven, you know, because it says so in the Good Book. Zechariah 2:1 states, “Then I looked up and there before me was a man with a measuring line in his hand.” This surveyor Zechariah saw was asked where he was going and he said he was going to measure the height, width and breadth of the New Jerusalem. I can just see Big Mike preparing an as-built survey of this city of incredible dimensions, i.e., 7.3 million feet per side. Only in heaven could a city of that size exist. Only in heaven could a surveyor that has the size of Mike’s character exist. Like I’ve said before… man, do I miss that guy!

I hope you enjoy the Summer edition of your Evergreen State Surveyor.
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Call to Order: The meeting was called to order by President John Thomas at 10:00 a.m. By a call of the roll it was determined that a quorum was present (see list at State Headquarters for the names of those present).

Agenda Updates

a. South Central & North Central President Oath: President Thomas administered the oath of office to 2012 North Central Chapter President, Erik Gahringer; and 2012 South Central Chapter President, Alex Matarazzo

Approval of Minutes: By MO 12-13 it was MSP that the draft minutes from the March 10, 2012, Board of Trustees’ meeting be approved as presented.

President’s Report: President Thomas verbally updated the total figure of 2012 conference refunds given to LSAW members to $12,600. He also informed the Board that HB 1559 was signed by Governor Gregoire. LSAW members in attendance at the signing were Ken Swindaman, Pat Beehler and John Thomas.

OLD BUSINESS

a. Spring Seminar Update: South Central Chapter President, Alex Matarazzo, informed the Board that there were approximately 14 attendees at the Spring Seminar hosted by his chapter. The seminar was well received by those in attendance. He will have a final report for approval at the August BOT meeting.

b. L&I Petition Update/Atty’s Fees/Petersen Motion: Jim Coan and Ben Petersen gave an update on LSAW’s appeal to Governor Gregoire of the Department of Labor & Industries’ rejection of LSAW’s petition to repeal the prevailing wage scope of work description for construction site surveyors. The appeal to the Governor was denied. By MO 12-14 it was MSP that LSAW empower its Prevailing Wage Committee to pursue such Labor & Industry information as necessary to cross-check industry compliance with existing prevailing wage laws for surveyors. Request and received information to be funneled through LSAW headquarters for subsequent distribution to the Committee. It was suggested that LSAW bring this topic to AELC’s attention for assistance. Lynee Forsythe informed the Board that our AELC Representative, Jon Warren, has indicated that AELC has committed to looking at Prevailing Wage next year.

c. NSPS 100% Participation: See NSPS report under 12.

d. SOY/AOY Committee Update: Jim Coan gave a synopsis of his committee’s report which had not previously been provided in the meeting packet. Jim brought forward a suggestion that SOY/AOY be voted on by a Committee of past SOY and AOY recipients, who would vet the candidates prior to selection. Discussion ensued regarding the motivation for a change in the current policy, and whether some of what the committee was proposing was not already covered in the current policy. General consensus appeared to be that selection of AOY/SOY should remain with the BOT. The committee will present something more concrete at next meeting.

e. Incidental Surveying Committee Report: Committee chair, Aaron Blaisdell, reported
that the committee had met twice thus far, via conference call. Aaron pointed out that it is too early to report much progress because of the amount of information coming in. The committee remains in the fact finding stages. They will report further when more is known.

f. **TwiST Registration Deadline**: The deadline to submit teacher candidates for the TwiST program has been extended to May 18. LSAW has already submitted the registrations for the two teachers they are sponsoring. The Lower Columbia Chapter was to find and pay for a teacher in their area.

**NEW BUSINESS**

a. **Free ESS Advertising for State Colleges Offering 2 yr. Degree Programs**: By MO 12-15 it was MSP that LSAW allow Washington State Colleges offering a degree in surveying to advertise for free in the Evergreen State Surveyor. In addition, when adjoining states allow our colleges to advertise for free in their publications, we would allow their colleges reciprocal free advertising in the ESS.

b. **2013 Conference Venue, etc.**: State Conference Chair, Amanda Askren, reported that she had overwhelmingly positive comments on the location for the 2012 LSAW Annual Conference. That being the case, by MO 12-16 it was MSP to hold the 2013 LSAW Annual Conference at Tulalip Resort. There was one dissenting vote. Amanda mentioned that she is considering the East side of the Mountains for the 2014 Conference.

c. **BOT Meeting Dates**: President John Thomas pointed out that he had been considering a move to postpone the BOT meeting dates each by one month. After further thought, it was decided that would mean that the 4th Quarter meeting would be in December, which would be problematic for most. After some discussion and no motion being put forth, the dates will remain the same, taking care to avoid scheduling meetings on holiday weekends.

d. **Middleton Book Rights Transfer**: The rights to LeRoy Middleton's book have been assigned to LSAW. A requisite of that agreement is that proceeds be donated to surveying programs. What programs those will be can be decided at a future time. Sale of the book will be implemented on the LSAW website at the online store.

**LSAW Monuments (Historical)**: Further discussion of the appropriate place to collect and memorialize LSAW placed monuments was discussed. Memorializing Final Points Monuments for fellow surveyors who have passed was also discussed. Lynee Forsythe will do some research into this subject and will report back to the BOT.

**ExComm Actions**: The necessity for X2012-01 regarding State funding of the TwiST program was rendered moot because of arrangements made with WFPS regarding same. Thus the motion was rescinded.

**Exec. Report**: As submitted in the packet. By MO 12-17 it was MSP that the 1st Quarter Financial Report presented by State Headquarters be approved as submitted.

**State Conference Committee Financial Reports for questions and approval**: State Conference Chair, Amanda Askren, commented that her financial report was prepared prior to calculation of final proceeds and expenses for the 2012 Conference. She will have a complete report ready for the August BOT (Continued on page 8)
Highlights of the Board of Trustees Meeting (continued)

meeting. Amanda mentioned that because we now have a location for the 2013 LSAW Annual Conference, she has amended the 2013 conference budget to reflect more concrete figures. By MO 12-18 it was MSP that the 1st quarter financial report and 2013 Conference Budget be approved as submitted.

Chapter Reports (written only) – IE; LC; NC; NOly; NPS; SNO; SW, as submitted in packet.

Committee Reports:

DNR: Todd Pocock explained that the DNR appropriates funds via recording fees to take care of monumentation preservation and replacement. The recording fee is currently $46 and applies only to survey documents. There is a proposal to reduce that to $10 and to apply it to all recorded documents. Some of this money would be used for monument preservation. This would be new legislation and the process will be slow. Oregon and Michigan are doing this as well. It was suggested that this matter, too, should be turned over to AELC for assistance.

NSPS: Jim Wengler recently attended the NSPS meeting in North Carolina. He reported that outgoing NSPS Governor, Bill Glassey, was presented a presidential award for his years of service to NSPS and for his work on GPS day activities. He also reported that there were three motions passed by both the Board of Governors and Board of Directors which are as follows:

8.5: Removal of the term “engineering surveys” and the definition of the same from the NCEES model law.

8.7: To develop a program for the training, certification and promotion of NSPS “Certified ALTA/ACSM Land Title Surveyor.

8.8 NSPS 100% Participation – the NSPS Board of Directors voted for 100% membership at $40 per member for state affiliate organizations at their recent meeting. If LSAW becomes an Affiliate (100%) member, we would be entitled to a vote on NSPS’s Board of Directors. Scenarios for payment of these dues were discussed. Results of LSAW’s survey on this topic were also discussed. This matter requires further discussion at local chapter meetings and will be discussed again at the August LSAW Board of Trustees’ meeting. Jim Wengler explained how important NSPS is to all surveyors and used the defeat of LightSquared as an example.

OIT – Bryan Thorp attended his first meet-

(Continued on page 9)
ing as the LSAW OIT Liaison on May 11. He reported that OIT is instituting an accelerated program for those who have a BS in another field, which will allow them to take a two year program in Geomatics. He also reported on the status of their Wilsonville program. They are running into obstacles, but hope to have it up and running this Fall.

Update Definition/BOR – Jim Wengler mentioned an e-mail received from Gary Rowe – Washington State Association of County Engineers (WACE). This e-mail misrepresents what LSAW is trying to accomplish. Jim telephoned Mr. Rowe to point out the misconceptions contained in his e-mail. Beginning May 15, 2012, the BOR will be holding workshops across the state. Mr. Rowe has asked engineers to attend these workshops and oppose what LSAW is trying to do. The BOR will comment to engineers at the workshops to appease this situation. If LSAW members attend, Jim suggested that they ask if this new proposal would change the Incidental Surveying Policy the BOR now has in place for engineers.

WFPS – Carla Meritt commented that she has yet to attend a meeting, but will do so in June and will report at the August BOT meeting.

Nominations: Bryan Thorp requested the BOT and chapters to provide him with nominations for the 2013 Executive Committee Secretary/Treasurer position by the August BOT meeting.

Correspondence: Governor Gregoire re SHB 1559; Scott Freshwaters-PLSO SOY

In addition to the correspondence included in the packet, John Thomas read a letter received from Mitch Duryea lodging a complaint regarding conference materials. This matter was discussed and the seriousness of taking steps to ensure that this does not happen in the future was made clear. By MO 12-18 it was MSP that any speaker providing intellectual content at an LSAW-sponsored event shall read and sign an acknowledgment of the provisions and stipulations for such materials, according to the LSAW Seminar Policy, Complying with the Law-Speaker Contracts/agreements.

Good of the Order

a. Mike Mickiewicz Celebration of Life – June 3, Lynnwood Convention Center, 3711 – 196th
b. The BOT was reminded that on September 1, the survey recording fee will increase by $10 to help with homelessness. St. S.W., Lynnwood, WA 98036 – 1:00 – 4:00 p.m.
c. The South Puget Sound chapter announced that the SPS Survey Camp will be held the weekend of June 8 at Alder Lake.

The meeting adjourned at 2:16 p.m.
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1:00 p.m. to 4:30 p.m.
“FUNDAMENTALS OF PROPERTY TITLE & INSURANCE”
by Nancy Moore, Manager, Thurston County Title Insurance Co.

This seminar is FREE to all LSAW members.

➢ Check-in opens 7:45 a.m.; Limited to the first 75 registrations.
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➢ Lunch will not be provided, but there are many local services within walking distance.
➢ Registration is required for admission to provide a head count for seating and for hot/cold beverage service. Any cancellations must be received by 5:00 pm on Monday Sept. 10, 2012. A confirmation of registration will be sent either by email message or by phone.
➢ Non-members of LSAW may attend plus receive a year of membership in LSAW by completing the application process. Apply on-line at http://lsaw.org or complete the mail-in form and include the LSAW application along with the appropriate fee with this seminar registration form.

For questions call Steve Ivey at 360-902-1379 (w), 360-459-4751 (h), sivey98506@comcast.net

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Unfortunately we did not have a new location nearer to the Puget Sound, but the new site at Toppenish is a fine site and will serve the Inland Empire and the state well for real-time and static reference frameworks needs.

Please send any questions to:

Gavin Schrock, PLS
Administrator, Washington State Reference Network
Gavin.Schrock@seattle.gov

Approximate Location of Monument
Latitude: 46° 22’ 9.744527” N
Longitude: 120° 17’ 4.765873” W
Elevation: 211.364 m

Note: Geographic Coordinates: NAD83(CORS96)-Epoch2002.00 - Elevation shown is Ellipsoid Height to Antenna Reference Point (ARP)
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Did You Know if it wasn’t for the LSAW, there would be no surveying program at Renton Technical College? True story, here is how it happened.

In 1988 Mel Garland, Education Committee Chair for the LSAW at the time, came to Renton Technical College (RTC) to discuss the possibility of creating a dedicated two-year Surveying program at Renton Tech. At the time, RTC had a one-year Civil Engineering Technology program. There was one semester in hand drafting and engineering technology, and one semester in surveying (field procedures and calculations). As you can tell, the one-year program was not much more than an overview of these topics.

After meeting with the school administration, there was an agreement to study the possibility of a new program provided the surveying industry felt a need for it and would support it. We decided to put together a curriculum, go to the LSAW BOT meeting to present the curriculum and, if we received the LSAW’s backing, we would take it back to the RTC administration for their final approval.

At this point, Mel put together a committee consisting of our Advisory Committee of the one-year program as well as other prominent surveyors. We met with Paul Greco, Dean of the program, and started to work. Paul asked the committee, “If you could have anything you wanted in a curriculum for a two-year surveying class, what would it be?” As the committee started talking and bringing up ideas, Paul would list the ideas on a big whiteboard. These topics were segregated into first-year topics and second-year topics. They were listed in logical order for the first year and second year. As you can imagine, this was a long, arduous task taking several meetings. While we were going through this process, it became evident that in order for this program to work, we would need to hire a second instructor, one for the first-year students and one for the second year students.

Once it was finished to the satisfaction of RTC and the Committee, we approached the LSAW BOT. They reviewed the curriculum and gave us their support. This was the turning point. We could now go the Dr. Bob Roberts, President of RTC, with a new course which curriculum was intact and had the support of the Land Surveyors Association of Washington. After reviewing everything we had assembled, Dr. Roberts gave us the approval to proceed.

The new program first-year class began in the Fall of 1989, and I was the instructor. During this time, we advertised for a second instructor. The criteria required the instructor be a Professional Land Surveyor, wanted to teach and was able to teach. After several interviews, RTC hired Martin Paquette, PLS, and he began teaching in the Fall of 1990.

The first-year curriculum consisted of:

- Survey Drafting (hand drafting was still the norm and CAD drafting was introduced)
- Beginning, intermediate, and advanced mathematics for field surveying
- Computer applications and communications
- Introduction, intermediate, and advanced field surveying
  - Field Survey lectures
  - Field Survey labs
  - Surveying calculations
- Industrial First Aid
- Washington State flagger certification
- Field surveying summer practicum or cooperative education

As can be seen, the emphasis for the first year of the program is on field work. The student learns about field procedures in the classroom and the labs reinforce the lectures. The student also becomes very involved in survey (cogo) calculations. These were completed using longhand without the aid of CAD or data collectors.

The summer practicum was (and still is) a field surveying problem. They ranged from topo and mapping, to section corner recovery, to construction staking. During this time, the student is treated like a member of a field crew under the supervision of the instructor. If the student is lucky enough to get a cooperative summer internship, they go to work for a company as a member of a field crew.

The second-year curriculum consisted of a number of more sophisticated surveying courses. They were:

CAD for Surveying

(Continued on page 22)
Volunteerism is a step in fostering professional development, enhancing personal growth and furthering your career. A volunteer reaps many other personal and professional benefits as well, such as:

1. **Expanding Networking Possibilities.** You can meet new people in your community and/or your profession. Volunteering can be fit into time slots which meet your schedule. I volunteer as a Lunch Buddy at a local grade school just a short distance from my work during my lunch hour. While acting as a volunteer you can develop lifelong friendships, hear about job opportunities and expand your list of references.

2. **Honing and Retaining Skills:** Volunteering helps you to keep skills sharp and fresh. I have always liked to tie flies. Since getting involved with the Boy Scouts I have been able to refresh those tying skills and can now tie a Royal Coachman like the store bought ones! I am able to pass these skills on to a younger generation of boys. The Surveying Merit Badge is another skill I am able to help the Boy Scouts achieve. Working with an old T-16 and chain brings back old memories while at the same time passing on a skill to these young men.

3. **Developing New Skills:** Well rounded individuals are the prize employers are looking for. Not only personnel that have varied professional skills, but people who have a wide array of proficiencies in other areas. I cook at Fort Vancouver National Park to help hone my culinary deftness. This has been a benefit to my Boy Scouts, my hunting camp and most recently, my work. I won first place in the Chili/Soup Cook-off where I was able to send a couple of hundred dollars of winnings to my favorite charity. New skills developed in areas of teamwork, facilitation, planning and budgeting have come from being on the LSAW Executive Committee.

4. **Risk Free Environment to Practice Old and New Skills.** You will not get fired as a volunteer. You have the chance to observe those who practice good leadership and sundry skills which will benefit your career. By volunteering you have the chance to gain self-confidence by practicing those new techniques you observed in your volunteer position.

5. **Exploring New Horizons:** New career opportunities may avail themselves through exposure from association with different people, personalities, cultures, age groups, demographics, geographic regions, etc. Being on the Executive Committee has allowed me to visit all four corners of the State and meet all sorts of interesting people. The Boy Scouts have taken me to some of the most pristine landscapes of the Pacific Northwest. During those trips I have met a huge variety of personalities and cultures that I would not have otherwise had I not been a volunteer.

6. **Contributing:** Knowing that you are doing something good for your community and/or your profession is a great feeling. Being the positive change rather than the passive complainer gets things done. Not only do I feel good about visiting my Lunch Buddy every Monday, but I have found out through his teachers and councilor that he feels good after our visit too. I may return home from a Scouting weekend tired and feel that I did not make a difference in a person’s life that weekend, but later on a Scout or a Dad will comment on the positive effect my adult leadership had on the youngsters during that time together. The LSAW State Conference Committee puts a huge amount of effort into making the Conference a World Class event. These volunteers run the risk of offending someone, somewhere, with each and every decision they make. But, in the end, the Conference is a huge success due to the volunteers that put it all together. There are many opportunities for you to volunteer in your professional organization, whether it be to help out with the conference, on a State committee, or in your chapter. Remember, more will be accomplished by your positive participation than any other way.

7. **You Are Put Into the Spotlight:** Perhaps that is not the right term... maybe it should be that you become visible. At any rate, people take notice of the good work you are doing. And that is where the focus should be... on the good works and good results of that work, rather than on you personally. Being exposed to the community is good for the profession you represent and for the cause you wish to further. To be seen as a “Mover and Shaker” is showing others that you want to get things done!

8. **You Have the Chance to Get Energized and Renewed:** Sure, strength and energy is required to volunteer. Who wants to work with someone who is a bump on a log? But through association with those that pour out energy like water flowing over Multnomah Falls, you tend to get re-energized. That en-
energy can pour over into your work and even relieve stress and tension. If the situation you are volunteering in does not, then quit and volunteer in a field that does.

9. **Develop Leadership Skills**: When you volunteer be observant and imitate leadership skills from effective leaders who you admire. Take on those characteristics and qualities and then exhibit them yourself. Volunteer groups are usually made up of peers who respond to leadership more than management. Opportunities are afforded to lead by persuasion, ideals, ideas and innovation.

10. **It Will Enhance Your Résumé**: Why would I be concerned about a résumé? After all, I only have a couple of years until retirement. I received word a short while ago that 90 employees will be leaving my office before my proposed retirement date and that my job will, more than likely, be given to someone with more seniority. Having years of volunteer service will look good in anyone's portfolio. It can't hurt. Those looking for a new hire will be searching for people that have skills showing management, leadership, customer service and practical experience. Said skills show balance in life which will be valuable qualities needed in an exemplary employee.

A journey through life has many curves and bends. Sometimes those paths are headed in directions you least expect. Volunteering will help you to be more than just a passive traveler down this road of life. Through planning and actively pursuing skills afforded through volunteering you can enhance your professional life and enhance the lives of those you come in contact with. There is no tuition and are no fees, just a simple commitment of time and energy and you are on your way.

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**The LSAW Legacy Project**

-Capturing the History of Surveying in Washington State

Your LSAW is exploring the publication of a Who's Who / History of Surveying In Washington State. Active surveyors will be provided the opportunity to submit their biographies and photos, and become part of the unique legacy of surveying in the Evergreen State. Most importantly however we need to track down biographies, obituaries, photos, documents and other information pertaining to past surveyors. We are just in the “let's-see-what's-out-there” stage of the project but if you have any leads on families, widows and friends of past surveyors and survey firms, please let us know.

Did you help survey a Washington landmark? Or work for some of the great survey firms of the past? Do you have some personal memories or unique survey experiences to share? Help us capture history. You don’t need to be Hemingway, just brief bulleted memories will do.

E-mail tracyc@plsincsurvey.com or call (425) 313-9378 or fax to (425) 313-9379 and let us know you have something to share. Be part of history.
TO: all sponsors of the North American Land Surveyors (NALS).

FROM: Denny DeMeyer, NALS Chair & Team Captain and Robert Allen, NALS Assistant Chair & Team Captain

05/31/2012: Installation of Large Sign: “DAVID THOMPSON IN PEND OREILLE COUNTRY” Rotary Club Park, Oldtown, Idaho and Newport, Washington.

Hello All,

In late May, the Rotary Club of Oldtown, ID and Newport, WA installed a large 48” x 96” color sign titled “DAVID THOMPSON IN PEND OREILLE COUNTRY” featuring the surveyor and explorer David Thompson.

This project was identified during our overnight stay in Oldtown, ID on June 14, 2011 while on our 6 week, 1100 mile trip as part of the 2011 David Thompson Columbia Brigade.

Because of your support, NALS were able to produce this sign with funds left over from the 2011 David Thompson Columbia Brigade. It is another of our efforts to fulfill our commitment to you to honor David Thompson and promote our surveying profession.

There are more projects in the works... next venture is an exhibit about the “150th Anniversary of the Survey of the International Boundary” and “Evolution of the Oregon Territory and International Boundary” that will premiere on Sunday, June 10, 2012 at the annual 2012 Hands Across the Border Ceremony attended by over 5000 people in Peace Arch State Park, Blaine, WA.

A review of our efforts (after the 2011 DTCB) include helping establish ‘Fort David Thompson Children’s Park’ in Thompson Falls, Montana, and power point presentations speaking about David Thompson and the Brigade to the Snohomish Chapter of LSAW and at the 2012 surveying conferences of Montana, Oregon, British Columbia and Idaho.

Presentations also included: Sechelt Lions Club by Robert Allen; Tetrahedron Outdoor Club (by NALS paddler Sue Duxbury showed the video), Kimberly, BC (BC surveyors John Armstrong and Robert Allen were there to support Karen Proudfoot's presentation and to answer questions afterwards).

Stay tuned and thank you for believing in us!

Denny DeMeyer & Robert Allen on behalf of the North American Land Surveyors
The National Society of Professional Surveyors (NSPS) and the American Congress on Surveying and Mapping (ACSM) are in the process of consolidating the two organizations. The new national society will be known as NSPS. NSPS will own and continue to use the name ACSM for those functions clearly identified as ACSM by the public and ACSM’s partners until they can be rebranded as being a function of to NSPS. This consolidation has opened an opportunity to revise the relationship between NSPS and the Affiliated State Societies. The opportunity to have LSAW participate in the national organization as a 100% affiliate needs to be taken seriously.

NSPS members paying dues is the only funding for the many NSPS programs that benefit us as individual members of LSAW and the surveying profession as a whole. These include:

- The annual national legislative initiative with the U.S. Congress in DC, “Day on the Hill”.
- Lobbying on a national basis. The recent defense of GPS against LightSquared.
- ALTA/ACSM Land Title Survey Agreement.
- ABET College Accreditation.
- NCEES and the NCEES POLC (Participating Organizations Liaison Council).
- International Federation of Surveyors (FIG).
- Federal Emergency Management Agency (FEMA).
- National Oceanic and Atmospheric Administration (NOAA).
- National Geodetic Survey (NGS).
- Federal Geographic Data Committee (FGDC).
- Coalition of Geospatial Organizations (COGO).
- ACSM/THSOA Hydrographer Certification.
- NSPS Certified Survey Technician (CST).
- Certified Floodplain Surveyor (CFS).
- Trig Star.

Background:

There are around 4,000 current members of NSPS, and around 28,000 members of state affiliates. A coalition of interested states is putting together a plan to have a majority of the states join NSPS with 100% of their members. This will result in the dues for NSPS membership decreasing as more state affiliates join on a 100% basis. The goal is to get the regular NSPS membership dues lowered to between $35.00 & $50.00. If this is adopted by LSAW you will see the increase on your LSAW dues statement under joint billing.

If only LSAW were to join under the current NSPS dues structure we would not get as good a break. Currently joint membership dues for affiliates that adopt 100% NSPS membership results in a reduction of their dues for NSPS membership to 50% of the current individual rate. The NSPS dues are now at $240 for regular members, $155 for associate members, $120 for Life members and $30 for students. The resulting dues would be $120 for regular members, $77.50 for associate members, $60 for Life members and $15 for student members.
Q. Why is NSPS doing this?
A. 100% participation is the goal. To be the national voice for surveyors, we need to increase our influence by increasing our membership to include as many of the 30-50k U.S. surveyors as possible as opposed to the current levels.

Q. What happens to members who are voting members of multiple States?
A. Multi-state members will be counted on the roster of the State of their primary business or residence.

Q. Are voting members of the state society who do not pay dues counted on the roster submitted to NSPS?
A. It is the option of the state and can be addressed in a memorandum of understanding (MOU) with the State Society.

Q. Can members of the affiliate state societies who do not have voting rights, join NSPS as individuals at the reduced rate of $40
A. Yes, it can be addressed in a memorandum of understanding (MOU) with the State Society.

Q. What is the minimum number of affiliate states needed to participate in the program for NSPS to consider this program a possible success.
A. Approximately 10.

Q. Will the state be compensated for any additional costs to administer the program? i.e. collect dues, revise membership applications, credit card fees.
A. NO, however, NSPS could consider shared credit card fee arrangements.

Q. What happens to the area director if only some of the states in their region become Affiliation Members?
A. The director will remain in place to represent those states on the BoD who are not Affiliation Members unless a majority of states in their respective area become Affiliation Members. In this case those states which are not Affiliation Members will continue to have a governor (liaison) but no Area Director representation to the BoD.
A High School Trigonometry Skill Awards Program

PURPOSE OF THE CONTEST
❖ To promote the study of Trigonometry in High School, and to promote excellence in the mastery and application of Trigonometry, by honoring the individual student who has demonstrated his or her superior skill among classmates at the High School level.
❖ To acquaint the high school trigonometry student with the use and practical application of Trigonometry in the Surveying and Mapping professions.
❖ To build an awareness of careers in Surveying and Mapping among high school students, guidance counselors, and mathematics teachers.

SPONSORSHIP APPLICATION
Contact Dan Price, TrigStar Chair, 253-875-8075

Renton Technical College and the Land Surveyors Association of Washington (continued)

Advanced Computer Applications
Subdivision Design Calculations
Basic and Intermediate Math for Land Surveying
Special topics in math
Technical Writing for Land Surveyors
Business Fundamentals and Ethics
Boundary Law
Legal Descriptions
Land Survey Systems (PLSS)
Photogrammetry, Survey Research and GIS
Global Positioning Systems
Geodetic Surveying

The emphasis for the second year was office work. They not only learned how to do more advance calculations and CAD, but they also studied the more sophisticated aspects of surveying.

From these beginnings, the Survey program at RTC has grown to be one of the premier two-year programs in the country. The Advisory Committee, instructors, and school officials continually strive to keep the program updated by evaluating the curriculum, sending the instructors to classes and conferences to ensure they stay up to date, and by updating equipment when needed to ensure the students are learning on the latest equipment. It should also be mentioned, the industry has played a large part in the success of the program. Topcon of North America, through the PPI Group, has donated GPS equipment, Total Stations, Electronic levels, and software to the surveying program. Several companies in the state of Washington and beyond come to RTC and hire students for intern positions between their first and second year, and go on to hire these students when they graduate.

To date, Renton Technical College has produced 34 Professional Land Surveyors and 14 LSITs. There are also two Cfeds among the graduates.

In 2006, I retired from RTC and returned to the profession I have proudly been a part of since 1968. July Csisek, a graduate of the program, replaced me as instructor. She and Martin are taking the program into the 21st century. It remains a successful program and a valuable resource to the surveying community in the state of Washington.
20th Annual

GEORGE F. WALKER MEMORIAL SCHOLARSHIP GOLF TOURNAMENT

BENEFITING THE GEORGE F. WALKER MEMORIAL SCHOLARSHIP FUND

THE GOLF CLUB AT REDMOND RIDGE
REDMOND, WA - FRIDAY, AUGUST 24th, 2012

- 4-PERSON SCRAMBLE FORMAT - $125 / SINGLE, OR $500 / TEAM
- ENTRY FEE INCL: GOLF, CART, RANGE BALLS, PRIZES, LUNCH
- AWARDS FOLLOWING GOLF WITH LOTS OF GREAT DOOR PRIZES!!
- HOLE IN ONE CONTEST FOR A $10,000 CASH PRIZE!!
- CONTESTS FOR LONG DRIVE (MEN'S & WOMEN'S), KP'S, LOW GROSS, LOW NET, PUTTING CONTEST AND MUCH MORE !!
- INDIVIDUAL & JOINT OPPORTUNITIES AVAILABLE FOR ALL LEVELS OF SPONSORSHIPS (CASH DONATIONS ALSO ACCEPTED)
- CHECK-IN CLOSES @ 7:30 AM – SHOTGUN START @ 8:00 AM
- LIMITED TO FIRST 80 PAID PLAYERS / 20 PAID TEAMS

REGISTRATION ENDS AUGUST 4th

FOR REGISTRATION & SPONSORSHIP INFORMATION CONTACT:
GREG BROOKS: MAIL TO: gbrooks@ch2m.com PHONE: 1-425-233-3089

COMPANY / TEAM NAME: __________________________________________
TEAM CAPTAIN ________________________________________________
ADDRESS ______________________________________________________
CITY _______________ STATE ____ ZIP CODE _______ HDCP_______
PHONE # (       ) _____-_______ EMAIL __________________________
GOLFER # 2 _________________________________ HDCP __________
GOLFER # 3 _________________________________ HDCP __________
GOLFER # 4 _________________________________ HDCP __________

PLEASE MAKE CHECKS PAYABLE TO: WALKER CUP GOLF

RETURN FORMS & PAYMENT TO: GREG BROOKS, 18033 129th PL SE, SNOHOMISH, WA 98290
ATTN: WALKER CUP GOLF TEL: (425) 233-3089 FAX: (425) 468-3060
20th Annual

GEORGE F. WALKER MEMORIAL SCHOLARSHIP GOLF TOURNAMENT

BENEFITING THE GEORGE F. WALKER MEMORIAL SCHOLARSHIP FUND

THE GOLF CLUB AT REDMOND RIDGE
REDMOND, WA - FRIDAY, AUGUST 24th, 2012

- “REGULAR” TEE-BOX SPONSORSHIPS - $150 PER HOLE
- INDIVIDUAL GREEN SPONSORSHIPS - $100 PER HOLE
- CONTEST TEE-BOX SPONSORSHIPS - $200 PER HOLE (2 KP’S, LONG DRIVE, “GUESS YOUR DRIVE” & MARSHMALLOW DRIVE)
- GOLFER “GRAB BAG” SPONSORS - $500 - $1000 (CALL FOR DETAILS)
- $10,000 HOLE-IN-ONE CONTEST - $500
- AWARDS LUNCH SPONSORSHIP - $1500
- OTHER SPONSORSHIP ITEMS AVAILABLE – CALL FOR DETAILS !!
- DOOR PRIZES (GIFT CERTS / TICKETS / PRIZES), AS WELL AS DONATIONS (CASH/CHECK/CREDIT CARDS) ARE GLADLY ACCEPTED!!

THE GEORGE F. WALKER SCHOLARSHIP FUND IS A TAX-EXEMPT 501(C)(3) CORPORATION, TAX ID # (EIN) = 91-16263650

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ATTN: WALKER CUP GOLF  TEL: (425) 233-3089  FAX: (425) 468-3060
1. NSPS Testifies at Hearing on H.R. 4233 — NSPS recently testified at a hearing on H.R. 4233, the Map it Once, Use it Many Times Act. The hearing took place in Colorado Springs, CO on May 3, and Brian Myers, PLS, Principle of the Farnsworth Group in Denver, CO testified on behalf of NSPS. Mr. Myers based his testimony on written testimony previously submitted by NSPS. He noted that the Congressman Doug Lamborn, who held the hearing and is the sponsor of H.R. 4233, was quite receptive to his testimony. Mr. Myers reiterated that NSPS is ready and able to help move this important bill through Congress.


2. COFPAES Spring Delegate Meeting — On Thursday, June 7, COFPAES will host its Federal Architect/Engineer Forum. The purpose of this meeting is for Federal officials involved in programs and contracting in A/E related activities, and representatives of the nation's leading architecture, engineering, surveying, mapping, GIS, and construction firms, trade associations and professional societies here in Washington, DC, to meet as an organized community to discuss issues of mutual interest. The Forum will feature timely presentations on policy and practice issues. The session will begin at 9:00 AM the morning of June 7 and will conclude with a networking lunch at 12:00 noon. There is of course, no charge for this event.

Representative Bill Huizenga (R-MI) author of H.R. 3634, the Federal Prison Industries Competition in Contract Act, and Dr. Khem R. Sharma, Director, Office of Size Standards, Small Business Association (SBA), are confirmed speakers for the forum. Rep. Huizenga's bill is intended to eliminate unfair government sponsored competition by Federal Prison Industries (FPI), a corporation in the U.S. Bureau of Prisons (operating as UNICOR). Mr. Sharma will provide updates for SBA adjustments in size standards for the A/E profession (including surveying and mapping) and the construction industry.

COFPAES Delegates will meet during the afternoon of June 7 to discuss issues important to the A/E community including the Brooks Act, the GSA Schedule and other procurement issues.

3. NSPS Joins Letter on A-76 Defense Outsourcing — NSPS joined over 20 other national organizations in a letter to Chairman Howard “Buck” McKeon of the House Armed Services Committee regarding language in the National Defense Authorization Act relating to the private sector’s ability to contract with the Department of Defense. The organizations recommend that previously enacted provisions on “insourcing” - the conversion of work currently performed by private contractor firms to performance by federal government employees - and limits on Pentagon contracting out of commercial activities, not be included in the 2013 Authorization bill.

The letter recommends enacting a number of provisions, including: (1) placing a moratorium on the insourcing of commercial activities by the Department of Defense; (2) conducting “yellow pages” test for all commercial activities currently performed by government employees in the Department of Defense; and, (3) lifting the moratorium and limitations on OMB Circular A-76 competitions in the Department of Defense.

4. LightSquared Update — As you may have already heard, LightSquared recently filed for bankruptcy. But that hasn’t stopped them from continuing to meet with the FCC and press their case for a solution that would allow their proposed plan to go forward.

During a recent meeting with the FCC, LightSquared reiterated its views that (i) the Commission has a number of legal and policy responses that it can take to address the inability of a limited number of GPS receivers to operate properly in spectrum that has not been allocated for GPS use, including working with LightSquared and NTIA to develop spectrum solutions to enable LightSquared to deploy its network; (ii) the actions proposed in the Commission’s February 15, 2012 Public Notice are disproportionate and inappropriate, especially in light of the current administrative record; (iii) LightSquared stands ready to continue to work with federal government stakeholders and the GPS community to find a solution that will placate all affected constituencies; and (iv) as contemplated by the January 2010 Conditional Waiver Order, the Commission should provide LightSquared with the time and engagement necessary for such an outcome to occur, which would
serve the public interest, while also encouraging the GPS community to adopt a more constructive posture in promoting and achieving mutually acceptable results.

Recently, the House Energy and Commerce Committee has indicated that it will be pursuing hearings on the details of the relationship between the FCC and LightSquared, and on the interference dispute between LightSquared and GPS to better understand the actions taken by the FCC in approving the deployment of a terrestrial network using a license originally granted for satellite service. In addition to the broader broadband implications, the Committee will look at the FCC’s rushed process that resulted in special waivers and conditions and billions of wasted dollars. As we’ve said before, this fight is not over. We need to keep our guard up and we will continue to monitor this very important issue.

Likely none of us needs a reminder as the upcoming leap second has been all over the news outlets for the past few days. But just to provide the details again, read this article.

Presumably, all GPS receiver manufacturers have checked to make sure their receivers will handle the leap second properly. However, at least one late-model high-end receiver from a leading manufacturer is currently reporting incorrect advance leap second information in its data files.

The European Satellite Services Provider (ESSP), the EGNOS system operator and EGNOS safety-of-life service provider, announced in a service notice dated 22 May that there might be an interruption in service for a 72-hour period should the leap second not be managed correctly.

AGI, a company that develops commercial modeling and analysis software for the space, defense and intelligence communities, has warned: “The consequence of failing to accommodate this event is that orbit in-plane motion and corresponding Earth orientation will both become inaccurate by at least one second until the leap second is properly implemented. This will also affect estimating orbits using time sequences of observations spanning this leap second event. GEO satellites might be inaccurate to about 3 km and LEO satellites to about 8 km. How great the discrepancy will be depends on how long one waits to implement the leap second. The probable inaccuracies may be within the collision keep-out zones of many satellites, causing either false alarms or totally missed threat detections.”

And it has also been reported that some computer operating systemsmight hang due to improper handling of the leap second.

(As seen in GPS World Online – June 29, 2012, Titled: “Reminder: Leap Second This Weekend”)

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ATTENTION LICENSEES

Earlier this year, you had received a notice of our intended plan to hold a series of workshops to discuss the content of conceptual rule language clarifying the current scope of land surveying practice.

In the interest of using the most cost effective method to hear from you, the Board has cancelled the planned workshops effective today. In the alternative we will use electronic messaging to report on suggestions coming from your fellow licensees and any proposed changes to the text below. We encourage each of you to study this proposal and discuss it amongst your colleagues. We encourage and welcome any and all comments as we strive to find the best content to consider for possible rule development. You may provide any thoughts or comments directly to the Board at: Engineers@dol.wa.gov.

You may also send comments to:
Board of Registration for Professional Engineers and Land Surveyors
P.O. Box 9025, Olympia, WA 98507-9025 or via fax to: (360-664-2551).

It is important to understand that this proposal is initiated by the Board because of their belief that the current statutory language in the Engineer's Act is outdated and could benefit from interpretive rules that reflect contemporary land surveying practice. This proposal is not connected to and has no bearing on the current Board policy that defines certain incidental surveying activities by engineers. If this proposal ultimately becomes an administrative rule in its current form it will not replace or remove the policy.

We also urge you to encourage your fellow licensees to participate in this process. The best way to do that is to subscribe to the Board's List Serv so they can receive the most up to date information as it becomes available from the Board.

Thank you for your continued support of Board efforts to improve the content of their administrative rules.

PS TO BECOME CLOSED-BOOK EXAM

June 14, 2012

The NCEES Principles and Practice of Surveying (PS) 6-hour exam will become a closed-book exam in April 2013. At this time, examinees will use NCEES-supplied references during the exam and will no longer be allowed to bring other reference material into the exam room.

This change is a result of a motion NCEES passed at its 2011 annual meeting. The motion was presented by the NCEES Committee on Examination Policy and Procedures, which is responsible for reviewing the effectiveness of NCEES exams.

“There were two reasons to go to a closed-book exam: to increase the security of the exam and to prepare for the possibility of the PS transitioning to a computer-based format,” explained NCEES Director of Exam Services Tim Miller, P.E. “A closed-book exam will prevent candidates from copying exam content into their references or bringing in prohibited items. It will also make for an easier transition if the PS exam moves to a computer-based format at computer testing centers, where space for references is limited.”

A new edition of the NCEES Principles and Practice of Surveying Sample Questions and Solutions will be available for sale in November 2012. It will reflect the new exam specifications and include the supplied references. The supplied references will also be available online for free download at ncees.org.

The Washington State Specific 2-hour Land Surveyor's exam will remain an open-book exam.
Practice of Land Surveying. The practice of land surveying, as defined in RCW 18.43.020(9) includes all activities where specialized knowledge and skill is needed for; (1) the establishment, re-establishment and recovery of corners, lines, boundaries, and monuments defining property locations. (2) The laying out and subdivision of land. (3) The survey of land areas for the purpose of determining the topography thereof, and (4) The making of topographical delineations and the preparing of maps and accurate records.

Except for work under the authority of county engineers in chapters 36.80, 36.81 and 36.86 RCW, activities that must be accomplished by or under the direct supervision of a professional surveyor include, but are not limited to, the following as they relate to boundary and topographic surveying and mapping:

(a) Evaluation and interpretation of evidence.
(b) Adjustment and authoritative interpretation of survey data.
(c) Certification of positional accuracy of maps or measured survey data.
(d) Acquisition of field data required to authoritatively position the location of features.
(e) Utilization of the principles of land surveying to determine the position of any monument or reference point which marks a property line, boundary, corner, right of way, easement or alignment of those lines, or setting, resetting, or replacing any such monument or reference point;
(f) Setting, resetting or replacing of control points which orient easement, or right-of-way boundaries.
(g) Directly or indirectly giving an authoritative reference or opinion as to the location of a property line, boundary, right of way, easement, or any corner position relating thereto;
(h) The creation and modification of descriptions for use in legal instruments of conveyance of real property and property rights (easements) and the subdivision of land.
(i) The creation of maps and geo-referenced databases representing authoritative locations for boundaries, the location of fixed works, or topography.
(j) The establishment of ground control which determines authoritative elevations or boundaries in relation to photogrammetric or other active or passive remote-based sensing technology.

“This draft language will allow the Board to further clarify the existing law under RCW 18.43*”
April 30, 2012

James A. Coan, Sr.
Land Surveyors’ Association of Washington
30442 – 227th Place SE
Black Diamond, WA 98010

Re: Appeal of L&I’s denial of LSAW’s Petition to Repeal WAC 296-127-01396

Dear Mr. Coan:

I am writing in response to your appeal of the Department of Labor & Industries’ (L&I) denial of the petition to repeal WAC 296-127-01396 and remove construction site surveyors as a prevailing wage job classification. Your letter of appeal states that L&I has failed to adequately address the following four bases of the petition for repeal: (1) the rule is void for vagueness; (2) the policy purpose for the rule does not apply to professionals subject to state licensing requirements; (3) the language of the rule improperly includes professional service providers; and (4) the rule imposes unreasonable costs on land survey engineering firms and Washington taxpayers.

I have carefully considered the issues raised in your appeal, and deny the appeal for the reasons outlined below.

1. The appeal contends WAC 296-127-01396 is “void for vagueness” because the exception from the prevailing wage requirement is “ambiguous or, at best, vague.” I do not agree. Subsection (1) defines what is included in the work of a construction site surveyor and subsection (2) defines what is not included in the scope of work of a construction site surveyor. L&I has described the purpose of its rule as distinguishing between surveying work that is related to “actual construction” and therefore does require payment of prevailing wage and surveying work that is not part of the actual construction and therefore does not require payment of the prevailing wage (such as a boundary line survey). This was accomplished by an explicit statement recognizing some survey services are outside the scope of subsection (1). The Washington Supreme Court has recognized that language included in a proviso that states what is not included in the enacting clause is not superfluous but rather “serves an important end” of “preclud[ing] a misinterpretation of the enacting clause that would extend it beyond its intended purview.” State ex rel. Heavey v. Murphy, 138 Wn.2d 800, 811-812 (1999). When one considers WAC 296-127-01396 as a whole and in context, subsection (2) is not unconstitutionally vague. Additionally, the fact that a statute or rule may be ambiguous does not make it void. “[S]ome measure of vagueness is inherent in the use of language [so] impossible

2. I agree with the observation in the petition that the policy underlying prevailing wage laws is to protect workers performing public works construction from substandard earnings and to preserve local wage standards. Your petition contends that professionals, unlike construction workers, enjoy the protection of licensing requirements which protect local wage standards and therefore should be excluded from the prevailing wage law. No provision of the Prevailing Wage Act contains such exclusion, and I disagree with the suggestion that professional licensing statutes serve the purposes of the prevailing wage law. The assumption that licensing requirements are a barrier to the undercutting of wage standards is not well-grounded.

RCW 18.43.100 allows registration of out-of-state professional engineer or land survey applicants if they are registered in another state with equivalent standards and requirements. Additionally, the purpose of the prevailing wage law is to prevent the depression of local labor wage rates, and requires a prevailing wage rate set on a county basis to avoid employment of out-of-county labor that underrates local wage rates. State licensing requirements, absent prevailing wage requirements, would have no chilling effect on intra-state competition that underrates local wages.

3. Your primary legal argument is that surveyors exempt under the Davis-Bacon Act and implementing regulations should also be exempt under Washington’s prevailing wage statute since the state law was modeled after the Davis-Bacon Act.

Washington’s Prevailing Wage Act is based in part on the federal Davis-Bacon Act, but these laws are not identical. There are textual and policy differences between the two acts that generally work to provide broader coverage under the state’s law. The courts have noted that when the Washington Legislature departs from the language of the Davis-Bacon Act, the cases and regulations interpreting the federal act will be less relevant and less persuasive with regard to interpretation of the state law. *Everett Concrete Products v. Dept. of Labor & Industries*, 109 Wn.2d 819, 824 (1988). The Washington Legislature included the “laborers and mechanics” covered by the Davis-Bacon Act, but also added the term “worker.” Dictionary definitions of “worker” are broad and do not exclude those who perform professional work.

A broader scope in Washington’s implementing regulations may well be appropriate in view of the remedial purposes of the state law. *See Silverstreak, Inc. v. Washington State Dept. of Labor and Industries*, 159 Wn.2d 868, 882 (2007) (“[T]he prevailing wage act is remedial legislation designed to protect the employees of government contractors in this state from substandard earnings and to preserve local wage standards. As such, the act and regulations promulgated thereunder are to be liberally construed in favor of the beneficiary of the act, the worker.”).

Additionally, there is a long administrative history of inclusion of construction surveyors in L&I’s administration of the prevailing wage law. This interpretation was noted in *Heller v. McClure & Sons, Inc.*, 92 Wn. App. 333, 340 (1998):
Rather, the better view is that those workers on public works projects who are classified as "laborers, workers, or mechanics" are entitled to the prevailing wage when their work directly relates to the prosecution of the work that is contracted to be performed and necessary for the completion of that work. For example, the industrial statistician from the Department of Labor and Industries who testified at trial noted that a construction surveyor performs work that the department views as covered by the prevailing wage act, notwithstanding the fact that the survey work is not incorporated into the project itself.

(Emphasis added.) There has never been any indication by the Legislature that it disagrees with this interpretation. The prevailing wage laws have been revisited and revised by the Legislature on several occasions during this time period without any questions raised about this administrative interpretation. In light of this long history of state administrative interpretation and legislative acquiescence, I believe any changes should be made by the Legislature.

You also contend that surveyors are not "contractors" within the purview of the prevailing wage law. The applicable law, RCW 39.12.030, applies prevailing wage requirements to public works contracts with a "contractor, subcontractor, or other person doing or contracting to do the whole or any part of the work contemplated by the contract." Further, RCW 39.12.030 says that "the specifications for every contract for the construction, reconstruction, maintenance or repair of any public work to which the state or any county, municipality, or political subdivision created by its laws is a party, shall contain a provision stating the hourly minimum rate of wage, not less than the prevailing rate of wage, which may be paid to laborers, workers, or mechanics in each trade or occupation required for such public work employed in the performance of the contract." Therefore, surveying work by a person doing or contracting to do the whole or any part of the work as part of a public works contract is covered by prevailing wage whether or not the surveyor is considered a "contractor."

4. Your letter expresses policy and practical concerns about the impact of the prevailing wage law. These concerns include potential additional costs on public works projects and the difficulty of managing wage differentials that may occur when firms employ only a portion of their employees in work covered by prevailing wage rates. These concerns are among the policy issues the Legislature considers when it adopts or amends a law, and are not a basis for repealing an administrative rule implementing the law.

For the reasons outlined above, I am denying your appeal.

Sincerely,

Christine O. Gregoire
Governor
The accuracy of the schedule is based on information submitted to the editor and may not reflect the true date. Check with the actual organizer for a more complete schedule.

### LSAW Schedule

#### July
- **Happy & Safe Fourth of July**

#### August
- **24**: George Walker Golf Tournament – Redmond, WA
- **25**: BOT Meeting, Hilton Garden Inn, Mukilteo, WA

#### September
- **15**: LSAW Free Seminar hosted by SW Chapter

#### October
- **9**: Fall Seminar hosted by NW Chapter – Bellingham
- **10**: BOT Meeting – Lakeway Inn, Bellingham, WA

#### November

#### December
- **Happy Holidays**