

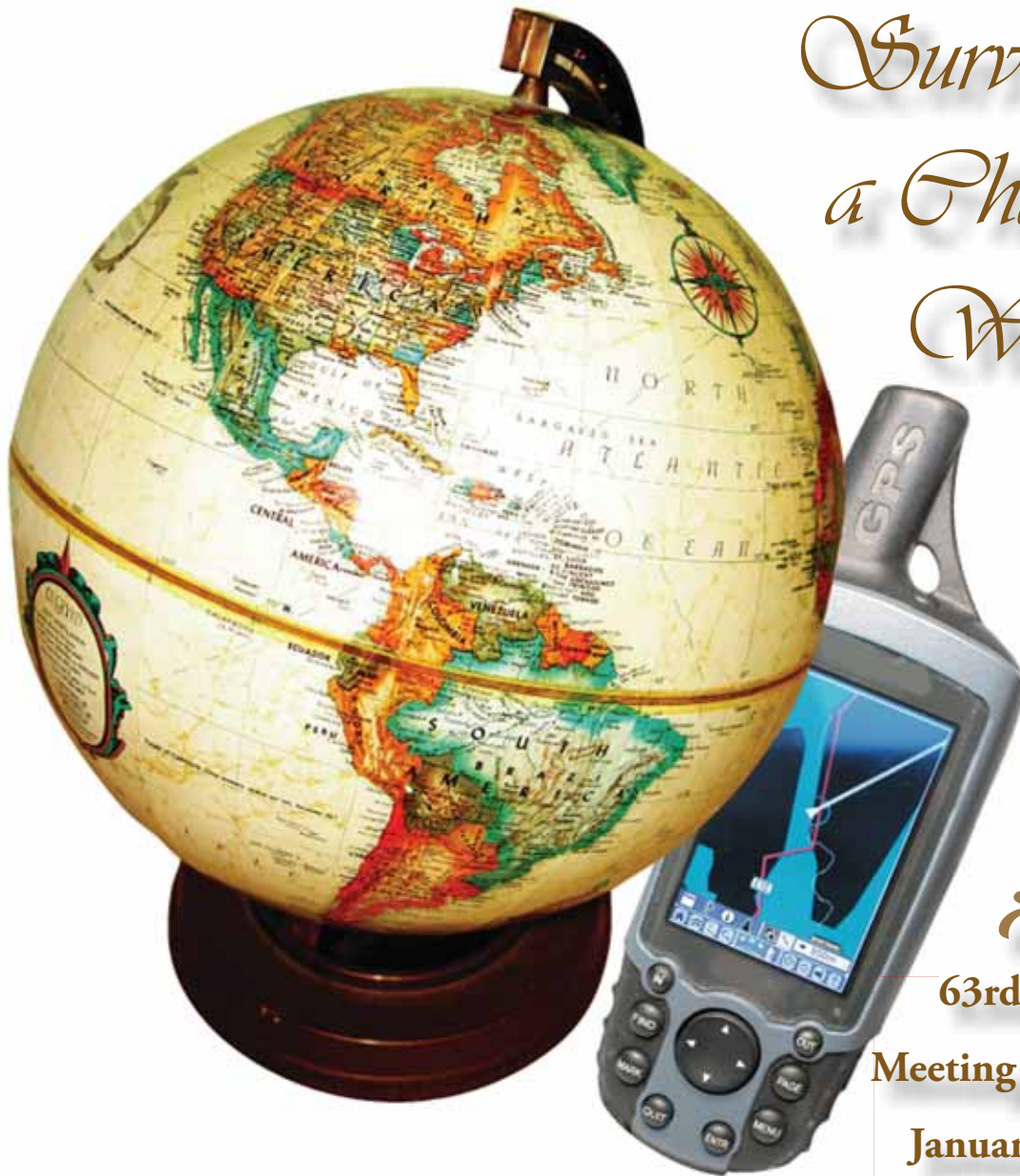
# The OLD DOMINION SURVEYOR



*A Publication of The Virginia Association of Surveyors, Inc.*

*"Every man is a debtor to his profession."*

*Surveying in  
a Changing  
World*



**63rd Annual VAS**

**Meeting and Convention**

**January 27-29, 2011**

**THIS ISSUE: 2011 Convention Highlights  
2011 Slate of Officers • Educational Supplement Fund**

Vol. 47, No. 3

November 2010



## President's Corner

Greetings to one and all; and, I hope and trust that this Note finds everyone doing well and continuing to weather these uncertain economic times. I look out the window and see color in the trees, knowing that the year is coming to a close and winter will be here before we know it.

Since my last report, I have represented VAS at the Georgia Society annual meeting. Like everywhere else Nancy and I have been this year, the folks in Georgia were warm, gracious, and friendly and their annual meeting very relaxing and entertaining. In addition, I have had the pleasure of attending regular membership meetings for the Shenandoah, Bull Run, and Mt. Vernon Chapters, as well as attending the Rappahannock Chapter's annual golf outing and crab feast (the crabs, burgers, and hot dogs were great; but my golf score resembled something similar to the score of a professional bowler). I'm planning on attending as many other chapter functions as my schedule permits before the annual meeting in January.

There are several important issues facing our profession beyond today's uncertain and volatile economic conditions. As most are aware, NSPS is studying whether or not to withdraw from ACSM, which would essentially bring about the end to ACSM as NSPS comprises about 90% of the ACSM membership. Recently, the initial report was circulated to VAS members, who were in turn urged to read it and advise Dave Holland, our NSPS Governor, of your thoughts. The report provided a good background on the issue and identified a number of problems—real and/or perceived. Dave will be representing VAS at the upcoming NSPS Governors meeting next month in Orlando; and, so that he can effectively represent the position of VAS, he needs to know what our members think on this important item.

The next item concerns the Special Committee on Higher Education, formed in response to the news that ODU has elected to discontinue their

*see President's Corner, page 13*



THE OLD DOMINION SURVEYOR

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## Editor's Note

This issue of *The Old Dominion Surveyor* includes the schedule and information about the events and seminars included in the 2011 VAS Convention in Williamsburg. For me it has always been a great time of the year and I have always enjoyed seeing everyone there and attending some of the events and mixing a little pleasure with the business. I think it was great that so many came out last year and made

the convention in Alexandria the success it was and I hope we can duplicate or even improve on that accomplishment this year. This is a great opportunity for you, your family, and your firm to take a breather and reconnect with the history of Williamsburg and the current events of your profession.

This year's seminars are timely and worthwhile and after all, you need the CEUs anyway. The plat contest will give you an opportunity to showcase your skills or those of your staff. Entering the work of a young associate will go a long way toward showing your appreciation for their work, win or not. The Spouses Program could go a long way toward showing your appreciation for an even more important group. I know my wife will never forget the program in Alexandria last year or the first one she enjoyed in 1987.

The July issue highlighted the two-year restoration of the Williamsburg Lodge, so I won't go over that, but it suffices to say that the Lodge is a great facility in a great location and I look forward to seeing many of you there.

—Will Nash, Editor

The Annual Plat Contest will be held during the 63rd Annual Convention and Meeting, to be held January 27-29, 2011 at the Williamsburg Lodge in Williamsburg, Virginia. The categories are the same as the 2011 ACSM/NSPS Plat Competition.

Entries may be machine or hand-drafted and have a maximum plat size of 34" x 44". While each submission must be a single sheet drawing, the drawing may be part of a set. Entries must have been prepared within 30 months prior to the mailing deadline. All entries will be judged on adherence to the minimum standards as set forth by NSPS and VAS.

The judges will consider interpretability, content and layout of data shown, presentation, innovation, applicability to typical client or persons using this type of plat, and correctness. Neatness and accuracy of scale will also be considered. All plats must be signed and sealed with a label stating 'FOR PLAT CONTEST USE ONLY'. Each plat must also be labeled with the name of the category in which it is being submitted. Contest winners will be announced at the Awards Luncheon on January 29th.

### Plat Categories

- Subdivision Plats
- ALTA/ACSM Survey Maps
- Boundary/Cadastral Maps
- Topographical Maps
- Miscellaneous Maps

The first and second place winners in each category can also be entered in the NSPS Map/Plat Contest. First and Second place plaques will be awarded for each category.

Mail your entries to:  
Judy Hite  
8752 Landmark Road  
Richmond, VA 23228

Your entries for each firm or branch office must be received along with the entry fee of \$40.00 (for one to six plats) by January 10, 2011.

Please make checks payable to: Virginia Association of Surveyors, Inc.



## 2011 Spouse Program



The Spouse Program will be held on Friday, January 28, from 9:00 am to 3:30 pm.

Our day begins with a continental breakfast at the Williamsburg Lodge. An historic interpreter will discuss the lifestyles and contributions of 18th-century women and accompany our group to the Historic Area for a walking tour of the Capital and Palace. Of course there will be some free time for shopping at Merchants Square, followed by lunch at one of the colorful colonial taverns. Arriving back at the Lodge, our day concludes with "Wine, Wit and Wisdom".



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# 2011 Convention Program

## 2011 PRELIMINARY CONVENTION PROGRAM 63rd Annual VAS Meeting and Convention Williamsburg Lodge, Williamsburg, Virginia January 27-29, 2011

### Thursday, January 27, 2011

- 7:30am to 8:00am – Technical Sessions I & II Sign-in Desk – *Tidewater Pre-function Area*
- 8:00am to 12:00 noon – Technical Session I – “Riparian Rights” – *Tidewater AB*
- 10:00am to 4:00 pm – Exam Writing Committee – *Liberty Room*
- 12:00 noon to 1:00pm – Lunch for Tech Sessions I&II Registrants & board members – *Lodge Dining Room* (must have ticket)
- 1:00pm to 5:00pm – Technical Session II – “Virginia Condominium Law” – *Tidewater CD*
- 1:00pm to 5:00pm – Convention Registration – *Virginia Room*
- 1:00pm to 5:00pm – Board of Directors Meeting – *Piedmont Room*
- 3:00pm to 4:00pm – Affiliates Meeting – *Virginia Room*
- 3:30pm to 4:30pm – ETSU, ODU, Northern Virginia Apprenticeship Program, and other Educational Institutions Meeting  
– *Hospitality Suite*
- 5:00pm to 7:00pm – Exhibit Hall Opens with President’s Reception – *Virginia Room*

### Friday, January 28, 2011

- 7:30am to 4:00pm – Convention Registration – *Virginia Room*
- 7:30am to 5:00pm – Exhibit Hall Open – *Virginia Room*  
(breaks and lunch in Exhibit Hall)
- 7:30am to 8:00am – Technical Session III & IV- Sign-in Desk – *Tidewater Pre-function Area*
- 8:00am to 5:00pm – Tech Session III – “2011 Rules & Regulations Class” – *Tidewater AB*
- 8:00am to 5:00pm – Tech Session IV – “Know when to hold’em and other procedural pitfalls” – *Tidewater CD*
- 8:30am to 3:00pm – Spouses Program – *Garden Lounge*
- 12:00 noon to 1:30pm – Lunch for Tech Sessions III & IV Registrants and Affiliates – *Virginia Room*
- 12:00 noon to 1:30pm – Foundation Meeting and Lunch – *Colony Room E*
- 3:30pm to 4:30pm – VAS Auxiliary Meeting – *Patriot Room*
- 6:00pm to 7:00pm – Annual Banquet Social Hour – *Colony Room Foyer*
- 7:00pm to 11:00pm – Annual Banquet and Dance – *Colony Room*

### Saturday, January 29, 2011

- 9:00am to 11:00am – Convention Registration – *Virginia Room ABC*
- 9:00am to 12:00 noon – Annual General Membership Meeting – *Virginia Room ABC*
- 12:30pm to 2:00pm – Awards Luncheon – *Virginia Room EF*

## January 27, 2011 Thursday

### Tech Session I “Riparian Rights” – 8:00 a.m. to 12:00 p.m.

*Robert Kennedy, LS, Virginia Beach & Carl A. Eason, Attorney, Virginia Beach*

- Riparian Rights – Common Law vs. Statutory
- Determining/confirming Riparian nature of property
- Legal Descriptions – Boxing in a property owner with Lot @ on plat vs. bounding on watercourse
- Severance of Riparian Rights from upland property by deed
- Property lines extended vs. Riparian Division Lines (Apportionment)
- The possibility of loss of Riparian status
- Research – Sources of information/evidence of historic shorelines
- Determining the current location of the Mean Low Water Line; use of “approximate” MLW
- Determining the “Line of Navigability”
- Natural vs. man made water bodies
- Jurisdictional limits of State and Federal Agencies
- Inter-tidal zone and navigable waters – rights of others
- *Groner v. Foster* (1897) – the case that set the guidelines for equitable division of Riparian areas and other cases related to Riparian Rights
- Modified/improved shorelines and their effect on associated Riparian areas
- Subdivision of upland property – poor geometry of upland division lines can cause problems in the future – clarity of information on plats
- The Quasi-judicial function of the surveyor – recognizing our limits of authority
- Riparian Apportionments – contested, Court ordered, by agreement, Court still involved
- Real world exercises

### Tech Session II “Virginia Condominium Law” –

**1:00 p.m. to 5:00 p.m.**

*Robert M. Diamond, Fairfax, Virginia*

## Friday, January 28, 2010

### Tech Session III “2011 Rules & Regulations Class” –

**8:00 a.m. to 5:00 p.m.**

*DPOR Staff and Phil Nester*

This one day class for land surveyors licensed in Virginia will cover the current Rules and Regulations under which you are licensed by the State of Virginia to work. DPOR staff, APELSCIDLA Survey Section members and licensed Virginia surveyors will present a full day of valuable information. The format of the class will include an overview of the APELSCIDLA Board, a review of enforcement procedures and changes in the general regulations, a review of changes to

the Minimum Standards and Procedures, a case review with participants dividing into groups and taking on the roles as Board reviewers and question and answer periods.

### Tech Session IV “Know when to hold ‘em and other procedural pitfalls” – 8:00 a.m. to 5:00 p.m.

*Kris Kline, PLS, 2 Point, Inc.*

At the core of our profession is the boundary monument, and most of our boundary retracement decisions revolve around the choice to hold an existing monument, set a new monument, or choose between multiple existing monuments. Part one of this seminar includes:

1. Intent of the Parties and the significance of surrounding circumstances.
2. Rules of construction – Discussion of specific types of monuments.
3. Virginia Statute of Frauds.
4. Boundary Line Agreements.
5. Encroachments.
6. Sufficiency of Research; Sufficiency of Evidence.
7. Monuments not original or called for in the deed. These concepts will be examined in the context of existing Virginia Statutes and Case Law.

The second part of this seminar will concentrate on easements, quasi easements and adverse possession, including Virginia court case law examples.

1. Mechanisms of Title Transfer.
2. Relationship of easements with the dominant and servient tract.
3. Negative Easements.
4. Easement by Necessity.
5. Easement by Estoppel.
6. Prescriptive Easements.
7. Easement By Prior Use.
8. Abandonment of Easements.
9. Adverse Possession.

Knowledge of these topics will help the surveyor to improve his research techniques (both office and field) so as to better serve the client in cases where disputes may arise. (8 hours)

Thursday seminars separately will have 4 PDH’s/4 CE Units for licensed surveyors.

Thursday seminars combined will have 8 PDH’s/8 CE Units for licensed surveyors.

Friday seminars will have 8 PDH’s/8 CE Units for licensed surveyors.

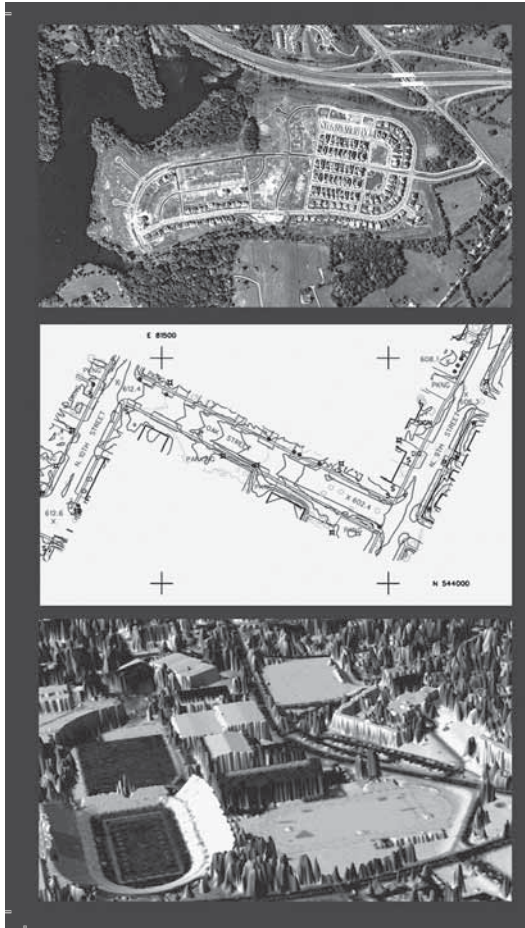
## 2011 Silent Auction

We are doing the silent auction once again this year. We are looking for chapter donations and donations from individuals. You may bring the donation with you to the convention or, if you're not planning on being at the convention, please get your donation to Judy Hite at the VAS office or Nancy Dunlap, 2030 Pieris Court, Vienna, VA 22182.

Be creative, have some fun with it. A basket, a box, a gift card any item will be appreciated.

The auction will begin on Thursday afternoon, continue through the president's reception, all day Friday and will close at 5:00pm on Friday. You must be there to pay for your item(s) and take the item(s) with you.

The proceeds from this auction goes to our Education Trust for scholarships.



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# VAS Slate of Officers for 2011

## President *Pete Moore*

Pete is the surveyor in charge of the Dewberry and Davis office in Manassas, Virginia. He has been surveying since 1979 and was licensed in 1993. Pete became a member of the Association and the Bull Run Chapter in 1995. He has held all offices in the Bull Run Chapter and twice served as their president in 2000 and 2001. He also served a two-year term as Region I Director, Secretary/Treasurer, Second Vice President, and is currently First Vice President of the VAS. Pete has served twice on the Prince William County Design and Construction Review Committee. Born into a military family that moved around quite a bit, he finally settled in the Northern Virginia area in 1973. He has three daughters and currently resides in Haymarket, Virginia.



## Second Vice President *Bruce J. Frederick*

Bruce Frederick is a Vice President and Regional Manager of the Norfolk and Newport News offices of Patton Harris Rust and Associates. Bruce has been with PHR&A for 23 years and was one of the first employees hired when the office opened in Virginia Beach.



Bruce got started in his surveying career with the City of Portsmouth where he worked summers between school semesters. Bruce obtained a Bachelor of Science Degree from the College of Bridgewater in Business Administration with an emphasis in economics.

Bruce was Region III Director in 2008 and is currently Secretary/Treasurer. Bruce was born and raised in the Tidewater area and currently resides in Chesapeake with wife Anne and daughter Nicole.

## First Vice President *W.E. "Will" Nash*

Will has 30 years of surveying experience in both the energy industry and land development and has worked in 10 different states. Settling in Farmville in 1986 and licensed in 1993, Will is currently the Surveyor, Subdivision Administrator, Floodplain Manager and ESC Program Administrator for the Town of Farmville.



Retiring in 2007 from a parallel military career of 24 years which included the U.S. Air Force and Air National Guard Will is now active in the American Legion and Civil Air Patrol.

Will lives with his wife of 27 years, Deanna, in Burkeville, Virginia and has one son, 24, and a daughter, 21, attending Christopher Newport University in Newport News.

Having served in all officer positions of the Southern Chapter and as Region IV Director, Secretary/Treasurer and Second Vice President of VAS, Will believes in the importance of this organization and will work toward helping all Virginia surveyors believe in it as well.

## Secretary/Treasurer *John Sehl*

John is the President of Allison, Baird & Sehl, P.C. in Montross, Virginia. He started surveying in Minnesota in 1979 and has been surveying in Virginia since 1983. He was licensed in 1993 and became a member of the Rappahannock Chapter in 1995 and has held all offices in that chapter. John has also served a 2-year term as Region II Director and is currently on the VAS Budget and Awards Committees. Born in Minnesota, John is one of fourteen children growing up on the family farm.



He moved to Virginia in the early 80's to try and find work during that recession. John and his wife Donna have four children and currently reside in Fredericksburg, Virginia.

## Region I Director *Richard J. Cronin IV*

There is a relatively small segment of leaders in the business world; individuals who seem to build relationships, trust, and rapport with almost anyone, and then are able to broker

*see Officers, page 8*

the relationships and make connections between people, creating partnerships and alliances, and motivating forward momentum to 'get things done'.

I am one of those people, and 'getting things done' and driving results—through collaboration, partnerships, and relationships—the land surveying industry, is what I am all about. With an enthusiastic and friendly attitude, I radiate a sincere passion to my clients.

I pursued a B.S. degree in Mine Engineering at Fairmont State College and graduated in 1981 then worked for a coal company for two years. I decided then to pursue an A.S. degree in Land Survey and attended Glenville State College.



I graduated in 1985 and made a life-changing decision to move from a 380 acre dairy farm in Jane Lew, West Virginia that I grew up on to Manassas, Virginia after accepting a computer position with Dewberry at their headquarters located in Fairfax, Virginia.

While at Dewberry, I became a Licensed Surveyor in the states of Virginia and West Virginia. I taught Introductory Surveying Classes at Northern

Virginia Community College as part of their Adult Continuing Education Program. I'm an active Member of the Mt. Vernon Chapter of Land Surveyors. I have held the Offices of Secretary, Treasurer, Vice President and for the past two years President. I am also a Member of the West Virginia Society of Professional Surveyors.

I am on various committees to promote and develop our Company CAD standards and technical review of surveying equipment, data collectors and various software packages for company standardization.

Currently at Dewberry, I am a Senior Associate and the Survey Manager at our Fairfax, Virginia office. I am responsible for the day to day operations including site plan computations for streets and utilities, structural computations for building layouts, coordination between engineering and architectural plans; and preparation of drawings for stakeout, topographic surveys, boundary surveys and record plats. I have extensive field and office training in current GPS technology along with as-built utility inventories of storm and sanitary sewer systems. This experience includes working on large design and construction projects throughout Northern Virginia.

My family and I are active members in our church for 25 years now. My roles in the church are Deacon, bus driver transporting children and senior citizens for Sunday services and working in the children's ministries.

My wife Cindy and I have been married for 31 years. We have two married daughters and are blessed with four grandchildren.

## Region III Director *Hayden Frye*

Hayden Frye is the President of Hayden Frye and Associates, Inc., located in Virginia Beach, Virginia. Hayden has been active in the VAS since 2000, as served on the Board of Directors for the Tidewater Chapter since 2004, and was 2007 President. Hayden and his wife Victoria reside in Virginia Beach with their daughter Phoebe and son Gresham.



## NSPS Governor *David Holland*

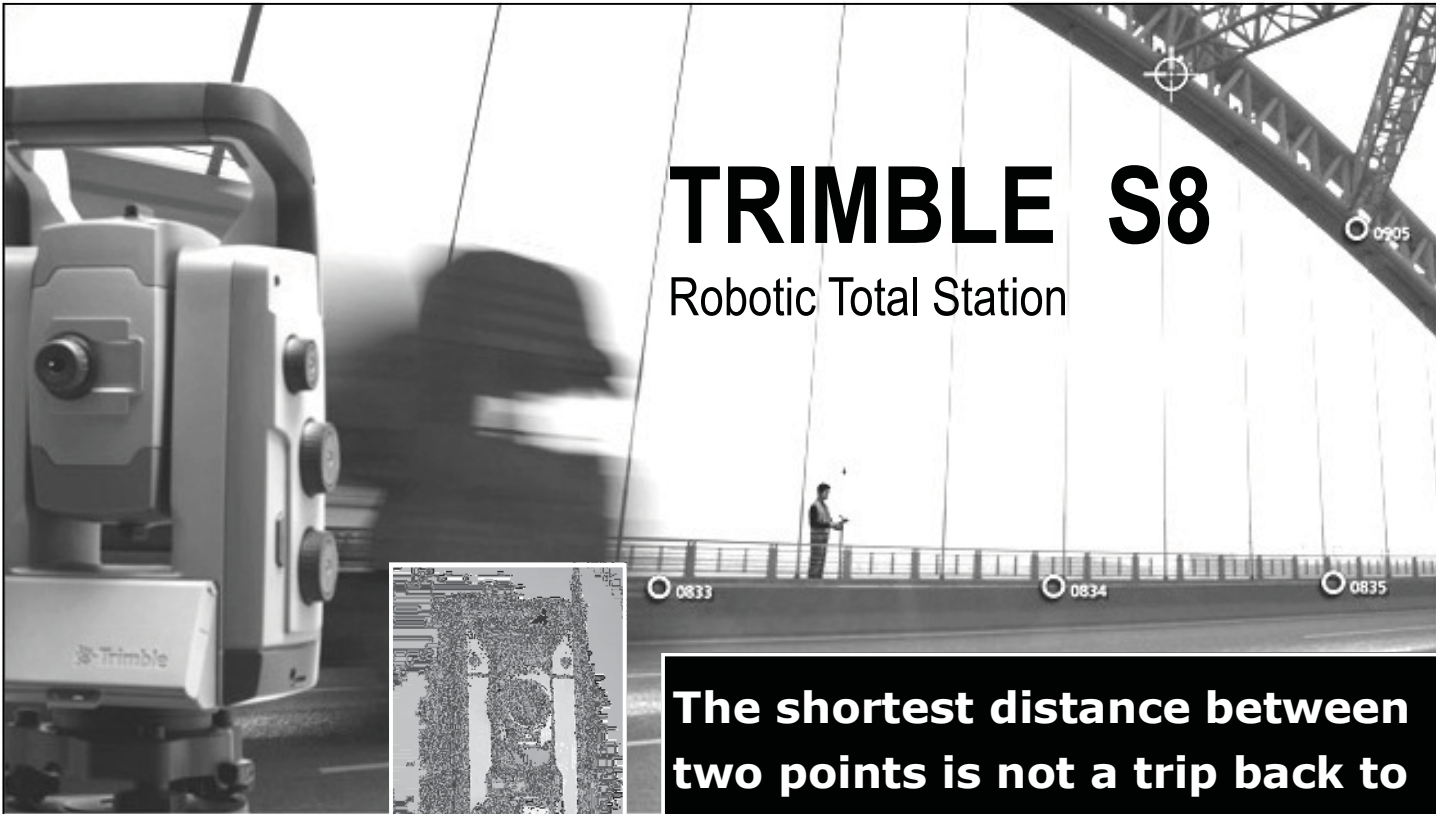
David L. Holland, LS is the County Surveyor for Henrico County, Virginia and a licensed surveyor in the



Commonwealth of Virginia. He holds a degree in Journalism from the University of Memphis and a degree in Surveying and Mapping from the Denver Institute of Technology. He is a Past President of the Virginia Association of Surveyors. He is also a member of the advisory board and an adjunct faculty member for the School of Engineering and Technology at J. Sargeant Reynolds Community College in Richmond, where he

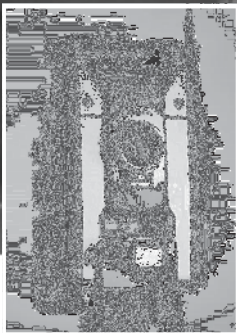
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# Establishing Property Lines as it Relates to Beach Replenishment and Eminent Domain

William E. McGrath, PLS

On June 17, 2010 the United States Supreme Court handed down a precedent ruling as it relates to the establishment of property lines along littoral properties. The case is known as “Stop The Beach Renourishment, Inc. v. Florida Department of Environmental Protection”.

This case is of particular interest to Land Surveyors who are charged with the responsibility of establishing property lines along littoral boundaries.

The Supreme Court case involved beachfront property owners along the Gulf of Mexico in the town of Destin, FL. After the recent hurricanes along the gulf coast, the Florida Department of Environment Protection undertook several beach replenishment projects to add sand to severely eroded beachfront areas. They dredged sand offshore and deposited it along the beachfront adding about 75 feet of beach beyond the mean high water line. Since the State of Florida, in trust for the public, owns everything offshore of the ordinary mean high water line, they concluded that they owned the 75 feet of additional beach. This action in effect, made the upland private property, no longer waterfront property. In addition, it added a 75 foot wide strip of public beach area between the former mean high water line and the new mean high water line.

The property owners filed suit to claim their littoral rights have been taken and sought compensation under eminent domain. They specifically cited two rights: (1) to receive future accretions to their property, and (2) to have their property’s contact with the water remain intact.

The mean-high-water line is the ordinary boundary between private beachfront, or littoral property, and state-owned land. It is a local elevation datum that is determined by averaging all the high tides over a Tidal Epoch (18.6 years). Where this datum intersects the beach is the “mean high water line”. Littoral owners have, inter alia, rights to have access to the water, to use the water for certain purposes, to have an unobstructed view of the water, and to receive accretions (the silting in of former tidelands that occurs naturally, gradually and imperceptibly over time) and relictions (the natural, gradual lowering of sea level) to the littoral property. An accretion occurs gradually and imperceptibly, while a sudden change is an avulsion. There are two types of avulsion: A. Natural avulsion (e.g. erosion by a nor’easter or hurricane) and B. Artificial avulsion (e.g. beachfront replenishment projects). The littoral owner automatically takes title to dry land added to his property by accretion or reliction. With avulsion, however, the seaward boundary of littoral property remains what it was: the mean high-water line before the event. Thus, when an avulsion has added new land, the littoral owner has no right to subsequent accretions, because the property abutting it belongs to the owner of the seabed (ordinarily the State). Accretions most often occur gradually after an avulsion event from a storm or

hurricane. It is a natural process that occurs whereby the sand that erodes off a beach to an underwater shoal offshore is gradually, via natural littoral flow, re-deposited back on the beach.

The above terms and data are not taken from any land surveying text book. They were taken from the U.S. Supreme Court’s oral argument transcripts and written documents of the above referenced case.

Initially the plaintiffs, being the private property owners (Stop The Beach Renourishment, Inc.) brought an unsuccessful administrative challenge. The Florida Department of Environmental Protection approved the permits, and the suit followed. The State Court of Appeals concluded that the Department’s order had eliminated the property owners littoral rights (1) to receive accretions to their property and (2) to have their property’s contact with the water remain intact. Concluding that this would be an unconstitutional taking and would require an additional administrative requirement to be met, it set aside the order, remanded the proceeding, and certified to the Florida Supreme Court the question whether the Act unconstitutionally deprived the property owners of littoral rights without just compensation. The State Supreme Court answered “no” and quashed the remand, concluding that the property owners did not own the property supposedly taken. The property owners sought a rehearing on the grounds that the Florida Supreme Court’s decision effected a “taking” of the property owner’s littoral rights contrary to the Fifth and Fourteenth Amendments. The rehearing was denied by the Florida Supreme Court. The property owners then appealed to the federal courts, ultimately the United States Supreme Court.

The U.S. Supreme Court unanimously upheld the Florida Supreme Court’s ruling 8 to 0. Justice Stevens recused himself, presumably because he owns a beachfront condo in Florida. Although the ruling was unanimous, the justices were divided on the notion that a Court itself, being a branch of government, can effect a “taking” of rights by its mere ruling on rights. Hence, subject to the provisions of eminent domain compensation.

Chief Justice Roberts, and Justices Scalia, Thomas and Alito strongly endorsed the notion that the Constitution prohibits judicial takings. As Justice Scalia observed, the text could not be clearer: “The Takings Clause ... is not addressed to the action of a specific branch or branches.” The Fifth Amendment states that the government must provide “just compensation”



whenever it takes private property for “public use.” There is no exception in the constitutional text authorizing a court, as opposed to a legislature, to take private property without compensation.

Justices Kennedy and Sotomayor did not dispute the absence of any such limitation in the text of the Constitution. However, they were hesitant to decide the question, finding that it was not necessary for resolution of the case and that there were potential complications inherent in recognizing judicial takings. Likewise, Justices Breyer and Ginsberg found that such questions were “better left for another day,” worrying that recognizing a judicial takings doctrine would “open the federal court doors to constitutional review of many, perhaps large numbers of, state-law cases in an area of law familiar to state, but not federal, judges.”

The above case relates to most States that have beach replenishment projects, both completed and contemplated. It would behoove the public to know where the natural mean high water line is just prior to any beach replenishment project. In that way, the public will know the bounds of its future public beach. Adjacent private property owners would also want to know at what point the public would be trespassing on their property.

It would be an easy matter to establish the existing mean high water line, and to a lesser extent a historic mean high water line, by aerial photography. Unfortunately, aerial photography would not produce the required degree of accuracy. A quick audit of the last dozen or so sweep grants recorded in my County Clerk’s Office to clear State tidelands claims ranged in fair market value price from \$ 42 to \$ 107 per square foot. I don’t pretend to be an appraiser, but I think it would be safe to say that property along the Atlantic Ocean would be valued at least \$ 100 per square foot. At \$ 100 per square foot, a degree of accuracy would have to be far more than what aerial photography could provide. The 18.6 year tidal epoch mean high water line elevation datum simply can’t be accurately depicted along a beach with a very slight slope. The correct method

would be field measurements at various intervals along the beach to determine the coordinate points of where the local mean high water line elevation datum intersects the slope of the beach. Unlike



the establishment of the New Jersey Tidelands Claims Line back in 1984, this work should be documented and certified by a Licensed Professional Land Surveyor utilizing the correct method. Somehow back in the mid 80’s the State of New Jersey bypassed our entire profession to prepare those “survey” maps of land previously flowed by tidal water.

Several years ago I had the occasion to appeal a tidelands claim whose source was an 1886 U.S.C.&G.S. Topographic

Map. The width of the mean high water line at the map scale, when rectified to the actual ground resulted in a line 25 feet wide. Not only that, but the Tidelands Claims delineation protocols established by the NJDEP Office of Environmental Analysis in Oct., 1977 and subsequently approved by the courts state: “Locate all delineation lines so that the landward edge of each line is placed along the landward edge of the area delineated as now or formerly below mean low water”. When you do the math utilizing that somewhat unjust protocol at \$ 100 per square foot along 100 feet of frontage times 25 feet of uncertainty equals a plus or minus \$ 250,000. Accuracy matters, and sometimes it absolutely matters. Lucky for us, the State issued a letter of non-interest (quit claim) because of a very old riparian grant that we weren’t sure would apply. If they didn’t, we would have appealed to the courts based on that unjust protocol and I would be busy searching for the plane table field notes used to prepare the 1886 map that actually exist somewhere deep in the bowels of the federal archives in Washington, DC.

In conclusion, and in view of the recent U.S. Supreme Ruling, I am in favor of passing legislation to have a Licensed Professional Land Surveyor measure, document and certify, using the proper accurate (not aerial) methodology, the ordinary local mean high water line prior to any beach replenishment project.

#### ABOUT THE AUTHOR:

William E. McGrath is a Professional Land Surveyor. Over the past 45 years Bill has been associated with the firm of George W. Henn, Inc. The late George W. Henn established the firm in 1945. Bill was chosen “Surveyor of the year” by the New Jersey Society of Professional Land Surveyors in 2010. Bill is a riparian consultant that specializes in tidelands issues relating to grants, licenses, tidelands claims and land use. Bill serves as a resident volunteer on his community’s Flood Hazard Mitigation Planning Committee. His efforts on that committee along with his expertise in the preparation FEMA Elevation Certificates and mitigation measures helped his community obtain a Class 7 FEMA rating. That allows everyone in his community to obtain a 15% discount on their flood insurance premiums. Bill also is the grant writer for, and serves on various committees of the Berkeley Shores Homeowners and Civic Association. Among those are the Allen Road beach stabilization committee, which was responsible for planting over 20,000 sprigs of dune grass. And, the Amherst Inlet dredging committee that helped restore boat access to Barnegat Bay for over 700 waterfront homeowners that were about to lose access. Currently Bill, on behalf of the Berkeley Shores Homeowners and Civic Association has obtained \$7,500 grant from the Barnegat Bay National Estuary Program for a “living shoreline” along Allen Road Beach to check dredge spoils erosion, intercept nitrogen runoff and improve water quality to promote eelgrass restoration.

*As printed by the Maryland Society of Surveyors and the New Jersey Society of Professional Land Surveyors.*



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*President's Corner, continued from page 2*

survey program. This committee, chaired by Dave Ingram, had their initial meeting in July where a consensus of the goals of the committee was quickly reached; and this initial meeting was followed by a meeting in September with the key players at ETSU. At this meeting, the focus of the discussions centered on how the program at ETSU can be made more widely available through cooperation with education sources in Virginia. The current cooperation with a nearby Virginia Community College was mentioned, as well as how credits from the Apprenticeship Program in Northern Virginia could be applied towards a degree in surveying. VAS is highly respected at ETSU due to the past and ongoing contributions that our association has made; and, they are looking forward to further cooperation in the future. While the program at ODU is ending, VAS still has a very much involved partner in ETSU.

The planning for the annual meeting in Williamsburg in January is well under way, with the seminars set and the final details being ironed out. Look for information on the upcoming meeting in this and future issues, plus on the VAS website. Please make plans to attend the annual meeting, as the membership will need to act on an important change to our By-Laws regarding membership classifications. As background, the

Constitution and By-Laws Committee presented a proposed change to expand the membership categories to provide a place for the CST's, licensed professional surveyors from other states and others who may have an interest in our profession to participate in VAS. This amendment, which was approved for final action by the full membership proposes revising the definition of the Associate Member and creating a new "corresponding" membership category for other professionals that, if approved, will allow more people involved in our profession to participate in VAS. These categories are non-voting membership categories.

In closing, I want to again emphasize that I do want to hear from the members. As I stated, I have no specific agenda, am here only to serve the membership and am willing and able to do anything I can to assist the membership. Communication is the key. I look forward to meeting and speaking with each of you as I attend as many of the Chapter functions as I can for the rest of this year.

Thanks, Chuck

Charles F. Dunlap, L.S.  
VAS President

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# Get a Room!

**Get a room.** Most of us have heard it, said it, or thought about saying it usually when we were having too much fun on a date, or saw someone being more affectionate in public than we or someone else thought proper for the setting. Sorry, that is not what this article is about. This article is about The Virginia Association of Surveyors, Inc., the Virginia Surveyors Foundation, the Virginia Association of Surveyors Education Trust and the many organizations and causes that we support.

There is a long list of things that we accomplish through our surveying-related organizations. We give scholarships, we help one another in times of need, we support and propose laws and regulations that enhance our profession and the welfare of the public, and we contribute many thousands of hours each year unselfishly in support of a better world for all of us. All of this and much more is accomplished by our dues, donations, and dedicated time. And we are rightly proud of all of it. That is not what this article is about.



Each year in January, the Virginia Association of Surveyors (VAS) hosts an annual membership meeting and along with this meeting puts on technical sessions, social events, displays of the latest and greatest technologies, and offers opportunities to meet with old friends and competitors. A good time is had by all. In order to make this event a success, the Convention Committee starts signing contracts and planning events about two years in advance. The cost of all of this is based on the number of rooms that the motel/hotel rents to the attendees during the event. For the past several years the VAS has generated in excess of two hundred room nights during our convention. The facility offers pricing to our Association based on the projected number of room nights and associated food sales. If our members do not stay at the hotel or do not attend the events, then the facility charges VAS a penalty for their projected and unrealized profits. This penalty can range between \$5,000 and \$25,000. If this happens, the penalty must be paid from the general fund of the VAS. We have never failed to meet our projected room and food estimates. This year may be different. The economy is hurting many of us. Disposable income is very hard to find and many of us feel that our time and money would be better spent in other ways. Many of us

live close enough that we can commute to the events. That is not what this article is about.

This article is about what each one of us stands to gain if we “Get a room”.

- **“Get a room”**. You will be rested and have time to visit the exhibit hall to look at the latest and greatest technology. The economy is not great for our vendors either. They may be offering deals on their products.

- **“Get a room”**. Wouldn't it be nice to sit down and visit with an old friend or even a competitor? We might strengthen the old ties or come to common ground.

- **“Get a room”**. The technical sessions will be informative and will help offset the new continuing education requirements. You might learn something, teach something, or be heard.

- **“Get a room”**. Your spouse may enjoy the freedom of not having you under foot!

- **“Get a room”**. Go to some of the business and committee meetings. You will probably learn that your organization is doing good work in your name.

- **“Get a room”**. Talk with students and young surveyors and surveyors to be. It will charge your battery and help them.

- **“Get a room”**. You will leave remembering why you are a surveyor.

- **“Get a room”**. You owe it to yourself.

- **“Get a room”**. You owe it to your profession.

- **“Get a room”**. You owe it to your business or employer or employee's.

- **“Get a room”**. You owe it to yourself!!!

**“Get a room”** .....

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First of all I would like to thank all who have given in the past, it is greatly appreciated.

The goal of the educational supplement fund is to supplement and support institutions of higher education, the VAS Educational Trust, other educational entities deemed worthy by the committee, including but not limited to Apprenticeship Programs.

This may sound simple, but each year it is a struggle to find donations. This year I am asking each member to donate the small amount of \$50 to help. There are over 700 members of the VAS and if each were to give the small amount of \$50 we could raise over \$35,000. Donations are requested by December 1st. Make checks out to VAS, and on memo line make sure to specify which program you want your donation applied to. F.Y.I. ODU no longer has a surveying program. A few viable options to designate your donation to are ETSU and the Northern Apprenticeship program.

Make checks payable to the  
Virginia Association of Surveyors, Inc. and mail to:

Virginia Association of Surveyors  
8752 Landmark Road  
Richmond, VA 23228

Here are some items that cost around \$50 to put things into perspective: a tank of gas, a very nice meal for one, an OK meal for two, a bad haircut, and let's not forget a 3D movie ticket with one small popcorn..... the list goes on. If you can find it in your heart to skip one of these items and donate to the Educational Supplement Fund instead, imagine how much better you would feel.

There are many reasons to donate and ways the donation will help the Surveying profession as a whole. Just a few are mentioned here:

- Increase positive perception of surveying in colleges and universities (if we show our support to surveying, we increase surveying's reputation and marketability as a vibrant profession, and one that the universities will promote).



- Each individual that goes into surveying will benefit by having access to state of the art equipment and software thereby advancing knowledge in the profession (the best thing is the graduates can teach us how to use the new equipment).

- You will feel good about yourself.

- I won't ask you for money for another year.

In light of these tight economic times, I know it is difficult to find the extra money to give to educational programs but that is exactly what we must do. If we're to ensure the long-term survival of the surveying profession we need to act now to make sure that the people enrolled in surveying have the equipment, software and resources needed to maintain a professional edge. I know in the past that we have asked each member to donate to the educational supplement fund. In these hard economic times your donation will help more than ever.

P.S. Don't forget to donate your \$50 by December 1st.

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## Memoriams

**Wylie E. Herndon** passed away at his residence on August 26, 2010. He was a past president of the Rappahannock Chapter and co-owner of Herndon and Grymes Land Surveyors in Orange, Virginia. Contributions may be made to the American Heart Association, c/o Nancy Beasley, 305 South High Street, Gordonsville, VA 22942.

**Otto Schulz** also a member of VAS and the Central Chapter passed away this summer.

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## Calendar of Events for 2010 - 2011

**VAS ANNUAL CONVENTION, JANUARY 27-29, 2011. Williamsburg Lodge,  
Williamsburg, Virginia**



**VAS Spring Seminar & Board Meeting** — April 22 & 23, 2011, hosted by the Bull Run Chapter.

**VAS Summer Seminar & Board Meeting** — June 17 & 18, 2011, hosted by the Appalachian Chapter.

**VAS Fall Seminar & Board Meeting** — September 16 & 17, 2011, hosted by the Tidewater Chapter.

**Central Chapter** — December 10, Christmas party. Contact Alison Hanson at [ahanson@hbsurveying.com](mailto:ahanson@hbsurveying.com).