The Driving Force

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(new - Peerless has)
Sharpline

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*(new - Peerless has)*
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### ON THE COVER

ALS News celebrates 40 years (see page 9).

### Editor
Brian E. Munday: munday@alsa.ab.ca

### Advertising and Production
Sharon D. Stecyk: stecyk@alsa.ab.ca

Deadline dates for submission of material to ensure printing are as follows: February 15th, June 1st, September 1st, and December 1st. Opinions expressed by the editor or individual writers are not necessarily endorsed by the Council of the Alberta Land Surveyors’ Association. Original articles may be reprinted with due credit given to the source and with permission of individual writers or where no writer is indicated, with the permission of the Editor. ALS News is published by the Alberta Land Surveyors’ Association for circulation to the Association Membership. Address all correspondence to:

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Ensight
(repeat)

requested this page
I realize that my term as president is fast approaching completion. I have enjoyed this past year and wish to thank Council and all the staff at the Association office for all of their support and co-operation. Reflecting back on this year, I would like to provide the following highlights.

**Educational Requirements**
One of the hot topics this year has been the educational requirement for future Land Surveyors in Alberta and other provinces. What have we accomplished in regards to this item? At times during the year, I was getting the feeling that nothing was happening. However, as I reflect back, I think we now have a better understanding of the problem and possible solutions.

We have a better comprehension of the product produced by the University of Calgary as well as other Canadian institutions.

To attract new members, we have come to the realization that we need to be constantly visible. We can do this with ongoing sponsorship of courses and by attending the social activities of as many educational institutions as possible. More importantly, though, we need to support any possible future options, which may offer further educational routes to future members of our Association. More individual members and our land surveying associations need to be more actively involved in the education of future members of our association. If we choose not to be involved, the educational programs may grow away from us. One of any professional organization’s duties or mandates should include an assurance that future members receive appropriate advanced education from his or her peers. In recent years, as our land surveying profession has become more advanced, for various reasons, we have been shouldering less of this responsibility. We now have to encourage more development of this advanced expertise by providing meaningful support.

I challenge future decision-makers to maintain and further develop these philosophies.

**Inter-Provincial Labour Mobility**
Another issue that has taken some time this year is that of inter-provincial labour mobility among all of the provinces in Canada. We will be having a further report on this item at the annual meeting in Jasper but I will try to provide some advanced information in order that you have the chance to give this issue some serious thought before closing the door.

Before proceeding with providing some information, I ask everyone to keep in perspective that this discussion is only in relation to an existing registered land surveyor in good standing from another Canadian jurisdiction. We are not talking of changing the process for getting an initial land surveyor commission in Alberta.

So now that I have set the stage, we have proposed that the applicant from another jurisdiction be required to complete the professional exams—The Surveying Profession, Practical Surveying and Statute Law. We suggest the applicant would also be required to complete project reports required by our Registration Committee and to participate in and pass an oral exam.

There would be no requirement for the applicant to sign up for articles under an Alberta Land Surveyor. Your Council has had some very frank discussions on this concept and has voted to support the idea. We are of the opinion that if land surveyors have gone through an almost identical process to obtain their initial commission in another province why would they need to be subjected to an additional articling period in Alberta? Further, as we have appointed a Registration Committee to ensure that the individual is competent, it is our suggestion that we should be able to trust their assessments.

Please give this issue careful consideration.

**Western Canadian Board of Examiners**
As a result of the Labour Mobility discussions, another subject that has given rise to some discussion is our current Western Canadian Board of Examiners (WCBE). The WCBE was originally intended to be temporary when it was started twenty years ago, as was the Atlantic Provinces Board of Examiners. During the labour mobility discussions, it became apparent that there may be a need to form one national board of examiners to establish a consistent educational level across Canada. The result would be for all jurisdictions to have an equal educational level for all candidates. At the Annual Meeting of the Canadian Council of Land Surveyors in New Brunswick, the CCLS voted to spearhead some initial research into this item. CCLS is the logical group to carry out this task as they are the accrediting group and they also represent surveyors across Canada.

...continued on page 21
Leica
(repeat)
As a first term councillor, this year has been very enlightening for me. We, as a Council, have deliberated over the many issues that face our Association; the latest issue being the budget for the next year. As Council members, we are also assigned to liaise with one or two of the many committees of the ALSA. I am assigned to the RPR Task Force. I thought that I would use this forum to bring the membership up to date on a major development of this Committee.

The RPR Task Force is in the final stages of developing an online RPR Index System. To start with some background, RPR users have been clamoring for some time for a system which would determine if a survey had been done on a property previously. As many of you will remember, a plan for an RPR repository has been debated at more than one Annual General Meeting. The repository plan was always rejected over concerns such as cost and copyright.

The RPR Task Force then came up with the RPR Index System. With these concerns in mind, the Committee then came up with the RPR Index System.

I predict this project (RPR Index System) will have a great impact on the way the general public perceives the Alberta Land Surveyors’ Association.

The RPR Index System will be a database that can be accessed online through a link on the ALSA website. The database will contain municipal addresses, legal descriptions, date of survey and survey firm information on completed RPRs. It will be populated and maintained on a voluntary basis by the participating surveyors/firms. Since participation is voluntary, only member firms that wish to do update RPRs should upload their data. Surveyors will be able to upload or download their own data through the site. This uploading will occur at the website through a member access screen. Each participant will be assigned a unique user name and password. Once they have accessed the members only area, each user can add single records, upload bulk records, download bulk records, search records or delete records. The members are only allowed access to their own records and can add, delete and maintain them to their own desires.

The database would be user friendly, allowing RPR users to search online for existing RPRs by the address or legal description. Upon a query match, the index system would provide the user with the land surveyor’s name, address, phone number and date of original survey. They then would contact the practitioner for an update.

Db Solutions, a consulting company, was chosen to develop the system after receiving proposals from five companies. Db Solutions has been developing database systems for over fifteen years and, for the last seven years, has developed and maintained a database, billing and invoicing system for a member company. Council was consulted and the go-ahead for the project was given.

At this stage, a prototype is being developed and refined. Hopefully by the date of the next regional meeting a demonstration of the refined prototype can be given to the membership. The goal is to have a working model for the ALSA Annual General Meeting in April.

I predict this project will have a great impact on the way the general public perceives the Alberta Land Surveyors’...continued on page 21
Land Measurement Systems

(repeat)
In March 1961, John Diefenbaker was Prime Minister of Canada and Ernest Manning was the Premier of Alberta. U.S. President John Kennedy just established the Peace Corps. In sporting news, the Chicago Blackhawks were heading toward their first Stanley Cup since 1938 to break the Montreal Canadiens’ five year hold on the Cup. (The Blackhawks have not won the Stanley Cup since then.)

Also in March 1961, history was made when the Alberta Land Surveyors’ Association produced the very first issue of ALS News.

Since 1952, the Association had intermittently published a newsletter outlining new developments and matters concerning the Association. However, with the birth of ALS News in 1961, there was now regular ongoing communication between the Association and its members.

The first ALS News was twelve pages long and featured a cartoon by E.J. Clark was President in 1961 and the very first President’s Message contained several profound thoughts which are as valid today as they were then. “There are a great number of problems discussed informally among surveyors but unfortunately very little ever comes of them except perhaps the surveyors involved can let off a little steam. If they are submitted to Council, official action could be taken.”

Mr. Clark also wrote, “A person receiving a commission as land surveyor is now considered, by law, a professional but the onus is on him to prove it and to gain the respect and confidence it holds in the public mind.”

The President also offered some suggestions to future presidents attending other provincial association meetings:
1. Small air cushion for lengthy speeches.
2. Several jokes—both for male and female company.
3. Confirmed hotel reservation.
4. Confirmed flight return.
He also included a list of some useful phrases, including: “The way we do it in Alberta is....”

Over the next several years, ALS News changed very little. Each issue contained a President’s Message and several committee meeting reports.

In March 1965, the first advertisements appeared in ALS News. There were four in that issue. The first one promoted the Micro Distancer Model MRA3 from Tellurometer Canada. It featured “high accuracy, easy operation and cost savings.” Micro and Survey Instruments of Edmonton and Hughes-Owens each took out half page ads while John Woods, manufacturer of survey equipment of Scarborough, Ontario took out a full page glossy advertisement at the back of the magazine.

In 1968, the first article, as opposed to committee report, was published in ALS News. How Can We Meet Our Professional Challenge? by Winfield H. Eldridge of the University of Illinois was the article in question. The eighteen Good Practice Resolutions (the forerunner to today’s Manual of Standard Practice) was published in 1969. Throughout the early 1970s, there was little change to the physical appearance of ALS News. The pages were mimeographed and the cover contained the Table of Contents. Each issue contained the President’s Message and Association Notes advising the members of new Alberta Land Surveyors or members who had passed away. There were notices of new government regulations, committee reports, several articles on what it means to be a professional and the appropriate educational standards required to be an Alberta Land Surveyor. There were also changes to the register as members started up
new companies or changed employment. Occasionally, there was also the humorous article that had been seen in another publication.

In the winter of 1977, ALS News started to change dramatically. The cover was glossy and advertisements returned to ALS News after an absence of almost ten years. The cover contained a street map of Edmonton showing the Bonnie Doon Shopping Centre where the Association offices were located at that time. This was the first time that a picture or map appeared on the cover of ALS News since the first couple of issues.

However, in the next issue, the masthead changed and had a very 1970s look to it. This issue also introduced the Association’s logo for the first time. This issue also introduced the Association’s logo for the first time. For those unfamiliar with the meaning of the logo, it is intended to represent qualities with which Alberta Land Surveyors have come to be known. They are: precision, responsibility, professionalism and respectability.

Over the years, ALS News continued to grow. Each issue contained more committee reports, more advertising and more articles related to the history of surveying, the legislation affecting surveyors and even certain projects with which Alberta Land Surveyors had been involved. For example, Ed Hodge wrote an article on the Surveyor’s Role in Field Event Distance Measuring at the Edmonton Commonwealth Games for the Fall 1978 issue of ALS News. I understand that Alberta Land Surveyors are also involved with the 2001 World Track and Field Games to be held in Edmonton this summer.

Today, ALS News is an avenue for members to communicate with one another on any number of survey related issues. It is a public relations tool for the Association.

By the end of the 1970s, pictures were being used more and more to spice up ALS News. In 1977, Alex Hittel was the first President to have his picture grace the President’s Message page of ALS News. In 1979, the Association published Ken Pawson’s pictures of the Annual Meeting in ALS News. This was the first time that a photospread of the events of the Annual Meeting had been published.

In the Fall 1980 issue, it was announced that Sharon Stecyk was the Association’s new Executive Assistant. Sharon was described, at that time, as a coal miner’s daughter who preferred working in a small busy office rather than for a large corporate firm. Since that time, Sharon has produced every issue of ALS News. Back then, publishing ALS News required typesetting each article and cutting and pasting all of the articles, advertisements and pictures in place. Any lines that appeared in the newsletter were drawn by hand with a rapidograph. Today, articles are e-mailed to us and pictures are digitally scanned into the computer. Using specialized publishing software, ALS News is a professional publication. In 1980, the cover of ALS News was in colour for the very first time to promote the 75th Anniversary of the Province. The cover was again in colour in 1983 to promote the Universiade Games and in 1984 to promote the 75th anniversary of the Association. Of course, every issue of ALS News has been in colour since the September 1998 issue.

As I look back on the evolution of ALS News, I realize that this is a publication in which all of us should be proud. I believe it has served the members’ needs for the last forty years. It started as a means by which members could learn about Association activities and has steadily grown and evolved.

Today, ALS News is an avenue for members to communicate with one another on any number of survey related issues. It is a public relations tool for the Association. Surfers on the World Wide Web can read selected articles from the magazine. And through the search feature on our website, anyone can research subjects by finding old articles from ALS News.

I hope that ALS News continues to improve and the members continue to enjoy reading it.

I know that I will be constantly asking you, the members, to help me fill up the pages of ALS News by having you write more articles.

Note: If ALS News is forty years old, why does it say volume 30 on the cover? For some reason, the spring 1975 issue was listed as Volume 2 and the next one became Volume 3. There is no ALS News issue listed as Volume 1.
LPP

(repeat)

requested this page
50 Years as an ALS
Mr. L.M. Pals, ALS

Please thank your Council and Executive Director along with thanks to yourself for your recognition of my 50 years as an Alberta Land Surveyor. The presentation of the 50 year certificate along with the wonderful 50 year gold lapel pin and photo will be cherished for years to come.

I still keep active in my retirement with writings and interest in the surveying profession along with trying to golf in the summer and am now back at curling this winter.

Mrs. Webb and myself look forward to attending the AGM next spring in Jasper.

Again, my heartfelt thanks for the recognition.

J.H. WEBB, ALS

Scholarships
It is with great pleasure that we announce the recipient of this year’s Alberta Land Surveyors’ Association award as nominated by the Geomatics Engineering Technology program at NAIT. The selected recipient for 2000 is April Gillam. April is a second year student of the Geomatics Engineering Technology program and has completed her first year with an honour’s standing.

We were very pleased to submit the name of such a deserving student and are very grateful for your ongoing support and generosity to our NAIT students.

BONNIE MEGLEY
STUDENT AWARDS ADMINISTRATOR

Thank you greatly for the Alberta Land Surveyors’ Association Scholarship (NAIT).

APRIL J. GILLAM

Thank you for your ongoing support of advanced education at the Southern Alberta Institute of Technology. It is my pleasure to inform you that the Alberta Land Surveyors’ Association Award for 2000 valued at $750 has been presented to Kyra Loseth, a student of the Surveying and Mapping Technology program.

SAIT is honoured to work with you to provide educational opportunities in this community. On behalf of the students, faculty and administration, please let me express our thanks for your continued support of advanced education.

ROMAINE IRISH
STUDENT AWARDS ADMINISTRATOR
EXTERNAL RELATIONS, SAIT

On behalf of the University of Calgary, I would like to thank you for your contribution to the student awards program. Your financial commitment along with the support of other donors enables the University to offer our students both the recognition and the resources needed to excel.

The support which private donors make available to students with high academic standing is very much appreciated by the entire university community.

JOAN VAN HOUSEN, DIRECTOR
STUDENT AWARDS AND FINANCIAL AID

My name is Jeff Blatz and I am the recipient of the J.H. Holloway Scholarship. I would like to convey my appreciation of your generosity. The money will greatly help pay for next semester’s tuition.

I am married with a one year old daughter and finances have been limited. Therefore, I would like to make you aware of my family’s sincere thanks.

JEFFERY BLATZ

Thank you for the SAIT transfer scholarship (J.H. Holloway Scholarship Foundation). It was very much appreciated.

MARK THEUERKAUF

Corey Levasseur, CST

We are pleased to announce that Corey Levasseur has been certified by our Society as a Senior Technician in the Cadastral discipline.

It is the practice of the Society to inform the successful applicant’s reference of their registration. A full member is allowed to use the designation of CST after their name in any correspondence and is encouraged to display their certificate at their place of work in a prominent place. Your support of our Society and its members through your employees is welcomed and appreciated.

HUGH FURBER, CST
REGISTRAR, ASSMT

Regrets
I am writing to express my regret at not being able to attend your Christmas Open House. ...

My thanks for the invitation and I look forward to the possibility of attending next year.

VIC BIDZINSKI
DEPUTY MAYOR, STRATHCONA COUNTY
Dear Alumni/ae:

You are cordially invited to attend a GGE (SE) reunion marking the 40th anniversary of the Department of Geodesy and Geomatics Engineering (formerly Surveying Engineering) which will take place June 22-23, 2001 at UNB in Fredericton, New Brunswick. The Department celebrations are being held in conjunction with the Digital Earth 2001 International Symposium (June 24-28), the Canadian Institute of Geomatics Annual General Meeting, the Canadian Conference on Geomatics, TExpo, Geomatics Atlantic, and the 3rd Annual GEOIDE Research Conference—all between Thursday June 21 and Saturday June 30.

Space will be going quickly with all these events underway so we strongly urge that you make accommodation reservations as soon as possible. Blocks of rooms have been reserved for these events at the Sheraton Fredericton Hotel, the Beaverbrook Hotel, the Fredericton Inn, and the residences at UNB. Check out the Digital Earth 2001 web site (www.digitalearth.ca/) for a listing of accommodations and rates or http://io.spaceports.com/~nbfred/ for accommodations in Fredericton. Be sure to ask for rooms for Digital Earth 2001 to get the conference rate.

The following activities are planned for the reunion:

- **Saturday June 23 in the evening**—a lobster boil at the newly renovated SUB on campus.
- **Saturday June 23 in the evening**—a wine and cheese reception in Head Hall.
- **Saturday June 23 during the day**—seminar at the Wu Centre reviewing our past performance and predicting our future with contributions from the audience.

We would like you to be a part of our celebrations next year in four important ways:

1. Please send us your email address so that we can continue to correspond with you more cheaply and at a faster pace than Canada Post is willing or able to provide.
2. Join us for just the anniversary, or for the whole conglomeration of events.
3. If you cannot join us for the celebrations but you have reminiscences and pictures that you would like to donate to a commemorative publication we plan to produce, please send those along. We can scan pictures and return the originals to you.
4. Think about supporting excellence and opportunities for current and future students through targeted scholarships and prizes. We will be sending more details and possibilities on this option in the next mailing.

I strongly encourage you to make time in your busy schedule to attend this important event—it should be a good time. To register for the GGE Reunion 2001, contact Debbie Smith at dsmith@unb.ca or call 1-506-458-7228.

We're all looking forward to seeing you in Fredericton next June.

**Natural Gas Rebates**

I am writing to advise your Association and its member companies of the eligibility for a natural gas rebate this winter.

As you may know, on January 30, 2001, the Government of Alberta announced a new $360 million natural gas rebate program available to eligible businesses. The amount of the rebate is $6 per gigajoule, up to a maximum of $30,000 per month, for the period January 1, 2001 to April 30, 2001. The rebate will automatically appear on each respective firm’s monthly natural gas bill.

The rebate is part of the government’s goal of returning part of the province’s high resource revenues back to the owners of the resource: the people of Alberta. We believe the rebate will be a timely help to businesses and institutions facing high gas costs this winter. Premier Klein has made a commitment to continue monitoring prices and responding as necessary to protect business across the province.

If you have questions about the rebate program and/or how it affects your organization and its members, please call Alberta Connects at 310-4455. We will be pleased to answer your questions and provide you with the necessary information.

Detailed information on the natural gas rebate program and the government’s *Action on Energy* can also be found by visiting www.AlbertaEnergyFacts.com.

JON HAVELOCK, QC
MINISTER, ECONOMIC DEVELOPMENT
MLA CALGARY-SHAW

**Lot and Block**

The December 2000 *ALS News* printed a letter to the editor from Mr. Peter A. Walker, ALS in his capacity as representing the Standards Committee. In that letter, it was suggested that all subdivision plans include both a lot and block number for all parcels created by the plan, regardless of their size.

The Land Titles Office fully supports this initiative and would also recommend that it become standard practice to show both lot and block identifiers for all parcels created by subdivision plans. Providing complete parcel identifiers will assist in ensuring that the integrity and reliability of electronic searches is maintained.

RAE RUNGE
EXECUTIVE DIRECTOR

UNB Announces 40th Anniversary

Department of Geodesy and Geomatics Engineering (formerly Surveying Engineering)
New Member
#673 FORAN, W. Cameron
Cam Foran was born in Dalhousie, NB on August 17, 1958. He attended Dalhousie Regional High School, graduated in 1976 and went on to receive a B.Sc. in Engineering from the University of New Brunswick in 1992. He also received a diploma from SAIT in 1988.
Roger Leeman, ALS served as Cam’s principal during his term of articles. The topic of the technical report submitted as part of the qualifying examination was Oldman River Dam Deformation Survey Epoch 5-July 95. Commission as an Alberta Land Surveyor was received on January 12, 2001. He is also a professional engineer.
Cam was employed by Loeppky Matthyssen & Associates Ltd. from 1992 to 1994 and has been with Usher Canada Ltd. since 1994. He also served on the Professional Development of the ALSA from 1998 to 2000.
Golf and Curling take up Cam’s leisure time. Cam is married to Wendy and they have two children, Shannon and Stephanie aged 6 and 4 respectively.

Corrections and Changes to the Register
A.C.S. Geomatics Corp has a new phone number: (780) 439-2707 and a new fax number: (780) 439-2846.
AGRA Land Surveys Ltd. has changed its name to AMEC Land Surveys Limited. Contact information and permit number remain the same.
Boundary Technical Group Inc. (P212) is a new surveyor’s corporation. They are located at PO Box 3775, 25 East Lake Cir., Suite 4, Airdrie, AB T4B 2B9; phone: (403) 948-2198 or (877) 948-2198; fax: (403) 948-4924. The new corporation is under the direct supervision and control of Floyd Strochinski, ALS.
Ian Emmerson, ALS is no longer at Midwest Survey Inc. He can now be reached at: 10967 Valley Springs Road NW, Calgary T3B 5S5; phone: (403) 288-1016.
Geodetic Surveys has new address: 9538 - 87 Street, Edmonton T6C 3J1; new fax (780) 465-5400.
Don Grant, ALS new e-mail address: don.grant@amec.com.
J.K. Smith, Alberta Land Surveyor has a new e-mail address: jk-smith@telusplanet.net.
Dalton Martin, ALS new e-mail address: daltonmartin@mgcl.net.
Matrix Surveys Ltd. has moved to: 4703 Bowness Road NW, Suite 14, Calgary T3B 0B5; phone: (403) 286-2621; toll free (888) 299-0737; fax (403) 286-6632; e-mail address: matrixsl@telusplanet.net.
Darwin Moss, ALS new e-mail address: dlmoss@telusplanet.net.
Raymac Surveys Ltd. employee e-mail addresses:
Ray MacDonald, ALS ray.raymac@home.com
Al Jamieson, ALS al.raymac@home.com
Dave McWilliam, ALS dave.raymac@home.com
Terry Hudema, ALS terry.raymac@home.com
Richard Schlachter, ALS new direct e-mail address: rapaschl@terrealta.com
Terre-Alta Corp. new e-mail address: info@terrealta.com.
Gerald Whaley has taken employment with Maltais Associates Surveyors Ltd. in Calgary effective December 18, 2000. His e-mail address is gerald@masl.com.

Iron Survey Post Punctures Natural Gas Main
Dear Sir/Madam:
The purpose of this letter is to bring to your attention a safety concern that ATCO Gas has with the practice of delayed posting of new subdivisions within its franchise areas.
To date, ATCO Gas has recorded four separate incidents within the Edmonton region where a pressurized natural gas line has been damaged by the placement of a statutory iron survey post by a legal survey firm.
Our first concern is for the safety of the individuals planting the monuments and public safety; fortunately no one has been injured in the above mentioned incidents. However, with this number of occurrences it is apparent we are not dealing with an isolated incident and there is a possibility of this potentially dangerous situation reoccurring. In one occurrence the survey post punctured the gas main allowing the gas to migrate below the frozen surface along the trench to the foundation of the home. Combustible gas readings were taken at the house indicating 100% gas at the foundation.

Editor’s Note: The following is a letter from ATCO Gas dated January 16, 2001 along with the ALSA’s response dated February 2, 2001.
The proposed alignment of ATCO gas mains in new subdivisions is within a set easement inside the property and at approximately 0.8 meters deep. These gas main locations are staked prior to its placement to ensure they are installed at the proper alignment.

ATCO Gas attempts to ensure that the designed location for its gas lines is rigidly adhered to by the installation crews. However, on occasion, encroachment onto the property lines may occur.

In three of the above mentioned incidents, a section of gas main encroached onto the property line and was directly below the location where a statutory iron survey post was planted. The fourth incident was the result of the legal survey firm offsetting the posting within our easement and at one location, directly over our gas main.

Our view is that survey firms should notify “Alberta One-Call” prior to the placement of the iron posts and have the underground utilities located and marked. This action would identify any location where a potential conflict may occur. Subsequent to establishing the location of all underground pipelines, Current General Safety Regulations under the Occupational Health and Safety Act require the employer to ensure that a pipeline is exposed by hand digging prior to any disturbance of soil within 600 millimetres of an existing pipeline.

Proposed revisions to the Occupational Health and Safety General Safety Regulations introduce the concept of a “hand expose zone” to avoid hitting buried facilities. This hand expose zone means a strip of land one metre wide on each side of locate marks for all types of buried services. We feel it would be in the best interest of the Alberta Land Surveyors’ Association to address any concerns you may have with any new proposed revisions.

It is our hope that by bringing this matter to your attention you would relay our sincere concern to your membership that they should know the location of our gas mains prior to planting iron posts in subdivisions that have the underground utilities already installed.

We can’t emphasize strongly enough that our first concern is for the safety of the individuals planting the monuments and public safety.

Please contact me at 420-4113 if you would like to discuss this further.

R.B. JOHNSON
SUPERVISOR CONTRACT CONSTRUCTION/SURVEY
ATCO GAS

Dear Sir:

Thank you for your letter of January 16, 2001 regarding “Iron Survey Post Punctures Natural Gas Main.”

Last year, Alberta Land Surveyors placed over 180,000 statutory iron posts. In addition, our members restored or re-established numerous other legal boundaries and corners. While safety is our concern as well, we believe that calling Alberta One Call is impractical, given the number of posts planted each year and the fact that Alberta One Call does not identify underground utilities to the same precision as required by Alberta Land Surveyors.

As we discussed, this issue was raised by Alberta Resource Development last year. At first, they too encouraged Alberta Land Surveyors to notify Alberta One Call and quickly realized the magnitude of the situation. During our discussion, the emphasis changes to promoting the different mapping series available. An article entitled Alberta’s Rural Gas Distribution Pipeline System was written by Alberta Resource Development and published in the September 2000 issue of our quarterly magazine, ALS News.

Over the course of our ninety year history, the Alberta Land Surveyors’ Association has worked with the oil and gas industry and many others involved with Alberta’s natural resources to ensure that pipelines and rights of way and other interests in land are safely and accurately mapped not only as to where they are supposed to be but also as to where they are actually located.

As you can see, this is an issue that seems to transcend delayed posting subdivisions.

The Alberta Land Surveyors’ Association would be pleased to work with ATCO Gas and others to clearly define the scope of the issue and find a practical and reasonable solution that will best serve everyone.

If you have any further details on the examples cited in your letter, I would be pleased to receive them.

BRIAN E. MUNDAY
EXECUTIVE DIRECTOR

Net Notes

Libraries

The Alberta Library
www.thealbertalibrary.ab.ca/

ALSA Library
www.alsa.ab.ca/member/resource_centre/library.htm

ALS News Index
www.alsa.ab.ca/search/alsnews/alsnews.htm

Canadian Library Index
www.libdex.com/

National Library of Canada – Electronic Collection
collection.nlc-bnc.ca/e-coll-e-index-e.htm

Internet Public Library
http://www.ipl.org/

U.S. Library of Congress
http://www.loc.gov/library/

WWW Library Directory
www.webpan.com/msauers/libdir/

Yahoo Reference Libraries
dir.yahoo.com/Reference/Libraries/
For President:

G. K. (Ken) Allred, ALS, CLS

- Graduated from SAIT in 1961 with Gold Executive Award.
- Articled to Jerry Iwanusiw, ALS, Ilmar Pals, ALS and Hugh Impey, ALS.
- Received ALS Commission in 1965, CLS Commission in 1968.
- Served as ALSA Executive Director from 1977 to 1991.
- Member of most ALSA committees at one time or another.
- Director and Secretary-Treasurer, JH Holloway Scholarship Foundation—1977-1991.
- Served on CCLS from 1977 until 1986 as Secretary-Treasurer, Vice-President and President.
- Adjunct Professor, University of Alberta—1984-1992.
- Member, Canadian Institute of Geomatics.
- Member, Alberta Arbitration and Mediation Society.
- Alderman, City of St. Albert for 15 years.
- Chair, Edmonton Metropolitan Regional Planning Commission—1993-1995.
- Member, Assessment Appeal Board, City of St. Albert.
- Member, Distance Learning Committee.
- Chair, ACLS Discipline Committee.
- Chair, CIG National Committee on FIG.
- Member, FIG Task Force on Cultures and Languages in FIG.
- Practice includes cadastral research, forensic investigations, professional seminars and adjudication.
- Prior employment with all three levels of government; private practice, resource exploration and association management.
- Attended every ALSA annual meeting since 1965.
- Married to Marge, three grown sons.

For Vice President:

D.R. (Dave) McWilliam, ALS

- Began survey career in 1968.
- Received commission as Alberta Land Surveyor in 1978 after serving articles to W.A. Wolley-Dod, ALS, exclusively.
- Joined the firm of Raymac Surveys Ltd. in 1995 and currently employed with them.
- 1989 to 1993—served on the Discipline Committee.
- 1993 to 1997—served on the Practice Review Board.
- 1995 to 1997—served as Chairman of the Practice Review Board.
- Served on numerous community and school based boards from the 1970s to 1990s.
- Live in Calgary with wife, Linda and have two adult sons, Kirk and Chad.
A.W. (Al) Nelson, ALS

- Born in Winnipeg, Manitoba.
- Graduate of the Manitoba Institute of Technology—1969.
- Received ALS Commission in 1977.
- President and General Manager of Meridian Surveys Ltd.—1977-1986.
- Member, Discipline Committee.
- Member, Kananaskis Country Citizen’s Advisory Committee.
- Presently employed by The Focus Corporation Ltd.
- Married to Nancy.

For Secretary Treasurer:

P.A. (Peter) Walker, ALS

- Graduated from University of New Brunswick in 1976.
- Received P.Eng. in 1978.
- Received ALS Commission in 1979.
- Received CLS Commission in 1980.
- Received SLS in 1985.
- Served on Public Relations, Standards, Convention and Social and GPS/GIS Symposium Committees.
- Served as auditor—1984-1986.
- Married to Beverley; two children.

For Council:

D.B. (Dave) Higgins, ALS

- Born in Sudbury, Ontario in 1948.
- Raised in Ontario, British Columbia, Texas, Manitoba, New Brunswick and Alberta.
- Graduated with diploma in Surveying Technology from SAIT in 1969.
- Received ALS Commission in 1975.
- Member of various committees of the ALSA from 1975.
- Obtained private pilot’s licence in 1979.
- Member of two oldtimer hockey clubs since 1974.
- Minor hockey coach for four years.
- Member of the Spruce Grove Municipal Planning Commission and former member of the Spruce Grove Development Appeal Board—1987-1991.
- 4th Spruce Grove Venture advisor, former cub and scout leader.
J.W. (Bill) Lovse, ALS
- Graduated from the University of Alberta with a B.Sc. in 1976 and from the University of Calgary in 1992.
- Research associate and manager of dynamic alignment project.
- Received ALS Commission—December 1998.
- Member of APEGGA.
- Served on the ALSA Professional Development Committee since 1998 and as Chair for 2000-2001.
- Moderator of digital data, natural boundaries, condominium and surveyor as expert witness seminars.
- Guest lecturer at University of Calgary.
- President, Terramatic Technologies Inc. of Calgary.
- President of Condominium Association.
- Married to Kathy; two children, Krista and Lisa.
- Enjoy hockey, skiing and hiking.

N.R. (Ross) Woolgar, ALS
- Born in Moose Jaw Saskatchewan—1943.
- Graduated from the Southern Alberta Institute of Technology (SAIT), Diploma in Survey Technology—1967.
- Articled with W.E. Turner and R. Fulton
- Received ALS commission—1976.
- After SAIT, employed by Midwest Surveys, Walker Newby and Strong Lamb & Nelson.
- Belonged to Toastmasters organization for several years.
- Presently employed with Challenger Geomatics as a Project Manager.
- Started participating in Association affairs as Southern Regional Chairman in the late seventies. Also served on the legislative and planning committees.
- Currently chairman of the Public Relations Committee.
- I am interested in serving on Council to continue supporting the ALSA in their future endeavors.

D.J. (Dave) McArthur, ALS
- Graduated from Survey Technology (Honours), Algonquin College—1975.
- Graduated from Surveying Engineering, University of New Brunswick—1978.
- Received Professional Engineer designation—1979.
- Received CLS Commission—1980.
- Received ALS Commission—April 1999
- Employed with All West Surveys Ltd. in Edmonton.
- Married to Lynne; two children, Caroline(11) and J.D. (9)
- Hobbies include coaching hockey, baseball, wood working, skiing and reading.

Wellsites in Unsurveyed Territory

The Standards Committee recently developed a questionnaire to examine current practice and to gather some feedback pertaining to wellsites in unsurveyed territory. The questionnaire below shows a summary of the responses. The total number of respondents noted on different questions varies due to a reluctance to interpret answers that were ambiguous.

The questionnaire was distributed to 20 randomly selected firms involved in oilfield work and replies received were from a combination of individual land surveyors and “joint” company responses.

Recommendations 4A and 4B going to the 2001 AGM were developed using this feedback.

D.A. JAMIESON, ALS, CLS

Questionnaire Results

1. There is no existing standard in the MSP for wellsites in unsurveyed territory that lie within two kilometres of an existing survey performed in accordance with the Surveys Act. What minimum standards (if any) should be added?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>13</td>
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<td></td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. With the use and availability of GPS, is there still a need to file a plan when outside the 2 kilometre proximity?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>No</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

3. Do you use the ATS file to calculate local coordinates? Is the accuracy (or inaccuracy) a problem?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>No</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

4. Do you use the Supplement to the Manual of Instructions to calculate local coordinates?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>22</td>
<td>2</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

5. Should all monument plans prepared as a wellsite traverse contain a local coordinate table referenced to the NE 33?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17</td>
<td>7</td>
</tr>
<tr>
<td>No</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

6. Should all monument plans prepared as a wellsite traverse include a physical tie to either baseline posts or posts shown on an existing wellsite traverse plan or registered plan?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>No</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

7. Is ninety days from completion of survey to submit a plan reasonable? Should it be longer?

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>No</td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option</th>
<th>180 days</th>
<th>1 year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>
**Stockwell Day - A Professional Liability Scenario**

“In my heart, I know there’s no way (Day) would ever have settled. The case was a frivolous lawsuit and would’ve been laughed out of court in most jurisdictions where freedom of speech is protected.”

Calgary lawyer Gerald Chipeur, who was Stockwell Day’s first lawyer in his defamation lawsuit.

I wouldn’t normally use this space to discuss a subject with political overtones but I think it is instructive to talk about the Stockwell Day situation in the context of professional liability insurance claims since the former is so topical and the latter is a day-to-day (no pun intended) cost of doing business and is a matter of interest to surveyors.

As we all know, Stockwell Day made some allegedly defamatory remarks about a Red Deer lawyer and school trustee. The lawyer filed a statement of claim against Day alleging defamation, the case went to court and after nearly three years was settled on the courthouse steps as they say. Stockwell Day was Provincial Treasurer when he wrote the letter and later became the leader of the Official Opposition in Parliament. Because Day was a Minister of the Crown at the time of the alleged defamation, his actions were covered by the Risk Management Fund of the Province of Alberta. The Risk Management Fund has a $1 million deductible which is payable by the Province and the excess is covered by a commercial insurance policy. This is essentially the same policy that covers land surveyors employed by the provincial government.

The out-of-court settlement was apparently for the sum of $60,000 plus a certain portion of the plaintiff’s legal fees. The end result was that the Province of Alberta covered damages and legal fees (including Day’s legal fees) in the amount of about $800,000.

So what is the relevance of this scenario vis-a-vis the land surveyors’ professional liability insurance program?

...unless common sense prevails at some point along the way, and one of the parties moves towards a settlement, the action continues and the legal fees continue to mount.

The relevance is this. Very often when an insurance claim is made, either the defendant surveyor or the insurance company thinks that a principle is involved and the defendant has no liability. The claim goes to an adjuster who investigates the circumstances of the claim and the reasonableness of the damages claimed. If the insurance company agrees to accept the claim and fight it, they hire a lawyer to defend the surveyor. The surveyor has nothing to lose except his deductible and his time. This is where things start to get out of hand. The lawyer files a statement of defence, and commences to build his case. Third parties may be added to the claim and counterclaims may be filed. The lawyer probably has to hire expert witnesses to assist him in understanding the practical circumstances relative to the action. He may also have to hire other expert witnesses to assess the reasonableness of the claim for damages. He may engage further expert witnesses to give evidence in trial.

The action proceeds to discovery either before or after he has engaged the experts. Lay witnesses, including the plaintiffs and the defendants, are examined in discovery. After discovery, the respective lawyers, and by this time there might be several depending on the counterclaims and the number of third parties, reassess their cases and decide whether to continue with the action. If they feel that their client has a strong case, they proceed full steam ahead towards a trial which may be months, or even years, down the road.

It should be obvious from the foregoing that the costs of this imbroglio are adding up at a phenomenal rate, and unless common sense prevails at some point along the way, and one of the parties moves towards a settlement, the action continues and the legal fees continue to mount.

Very often, the parties do not get serious about settlement until the week before trial, and by this time you probably have a couple of years worth of legal fees to contend with, not to speak of the expert opinions, and the like. The delays between steps also add to the cost in that, every time a lawyer or expert must review the matter, even for a simple meeting, each must spend time to review their reports and files in order to get back up to speed.

It is very clear what the result of this potential litigation is - someone is going to have to pay a large legal bill! In so many cases, the legal fees end up being far in excess of the initial claim. It has been stated in the case of Stockwell Day that the claim could have been settled for $55,000 a few months after the alleged act and now nearly three years later the total cost is $800,000 - to what avail?

The analogy between this politically charged litigation is really not all that different in comparison to many other actions including survey claims. $800,000 to settle a $55,000 claim? Something to think about!

G.K. ALLRED, ALS
Delayed Posting—Is Our Time Up?

Are we exercising enough caution in the practice of delayed posting subdivisions pursuant to section 43 of the Surveys Act? In a recent court action, a surveyor was being sued for damages that resulted from a builder using survey monuments placed under a section 43 delayed posting subdivision. The posts that were accepted by the builder had been placed in error. However, the surveyor had not yet filed the affidavit required by section 43(3)(b). The error was discovered by the surveyor when he came to do a real property report for the builder.

From the surveyor’s perspective, the posts should not have been used until such time as the affidavit was filed and the Registrar had endorsed the plan. On the other hand, the builder was likely unaware that the subdivision was a delayed posting plan, and probably would not have understood the implications of section 43 in any event. It is arguable that the surveyor probably would not have discovered the error prior to filing the affidavit if he had not been called to do the RPR. The plaintiff in this action based his case on the duty of the surveyor to warn of the dangers of proceeding with development prior to filing of the affidavit.

We will never know what the court would have held in this case since it was settled out of court at the last moment. The question remains—“do we take sufficient precautions to warn the public that the posts do not govern until the affidavit is duly filed?” The surveyor’s contact is usually with the developer, and not necessarily with the builder. It could also be argued that, if there is a duty to warn, it is the developer, as the vendor of the lots that bears that duty. The obvious answer is—“hire a surveyor to do the stakeout.” But is that always practical? In this particular case, the surveyor was located several hours away from the subdivision in question, and probably did not even know that housebuilding had commenced.

All argument and speculation aside, do we, as land surveyors, need to examine our practices regarding the delayed posting phenomena? Both the Manual of Standard Practice and the Land Titles Manual are silent on the subject.

We have been fortunate that in the twenty-five years that the Surveys Act has permitted delayed posting, there have been very few problems. Perhaps we need to examine the matter and see if there are ways we can improve the practice to avoid future problems and keep the matter out of the hands of the courts.

G.K. Allred, ALS

CFE
(new - Peerless had)
Digital Plans
The issue of digital plans seems to have settled down and is not requiring as much attention as in previous years. However, one issue that has recently come to our attention is the legal description of parcels. When we create a single lot we need to consider using a full description of Lot/Block/Plan number in order to facilitate future processes. As Land Titles has stated, it is not currently regulated that these descriptors are to be completed in this manner. However, we must give consideration to changing to this format in the future. Please give this some thought as you proceed with your business.

Throughout this year, you have given Judy and I the opportunity to travel from coast to coast. We have met many interesting people and have actively participated in other provincial association meetings. It has been a very satisfying learning experience and we have thoroughly enjoyed this opportunity. I believe that I have been able to bring back some suggestions and processes to our Association that may be of assistance in the future. I look forward to seeing everyone at the upcoming Annual Meeting in Jasper.

President’s Message continued from page 5

Councillor’s Forum continued from page 7

public perceives the Alberta Land Surveyors’ Association. Already there has been very positive feedback from lawyers and realtors that have been notified of the plan. Please let anyone know about this initiative who you think might be interested. If you have any comments on the system or ideas on how it should be promoted, contact the ALSA office who will then pass them to the Committee.

In closing, I would like to say that serving on Council is a very rewarding experience and I would encourage all members to get involved, be it in Council or one of the various committees. I hope to see you all this April at the Annual General Meeting in Jasper.
INCOME AND BENEFITS SURVEY—ACTIVE MEMBERS

Year of registration
1995-00 ........................................ 15
1990-94 .......................................... 5
1985-89 .......................................... 7
1980-84 .......................................... 7
1975-79 .........................................11
1970-74 .......................................... 2
Prior to 1970 .................................. 6

Nature of present endeavour
(averages per year)
Sole Proprietor or Partner (22)
Work Week (hrs.) ........................ 47
Earnings............................. $147,591
Vacation (weeks) ........................... 4
Private Practice - employee (23)
Work Week (hrs.) ........................ 47
Earnings ............................... $90,765
Vacation (weeks) ........................... 3
Industry (2)
Work Week (hrs.) ................. 45
Earnings ............................... $85,000
Vacation (weeks) ........................... 4.5
Government and Education (6)
Work Week (hrs.) .................... 40
Earnings ............................... $69,900
Vacation (weeks) ........................... 4

Percent of field of practice
Municipal ...................................... 27
Resource Development ............... 38
Construction ................................. 15
Other ............................................ 20

Office of employment
(averages)
Annual Earnings Median = $93,000.00
Avg. Personal Earnings = $111,773.58

Edmonton (17)
Work Week (hrs.) .................... 45
Annual Earnings ............... $123,965

Calgary (21)
Work Week (hrs.) .................... 46
Annual Earnings ............... $109,171

Other Alberta Centre (15)
Work Week (hrs.) .................... 47
Annual Earnings ............... $101,600

Employment benefits received
(yes out of 53 replies)
• payment of annual registration fees .................... 53
• payment of professional development course fees ........ 53
• payment of Annual Meeting expenses ................... 51
• provision of car allowance, company car .................. 36
• provision of pension plan participation .................. 22
• provision of medical benefits plans ..................... 46
• provision of Stock Options .......................... 20

Allied qualifications
(yes out of 53 replies)
Other Commissions ..................... 18
MCIP ............................................. 1
Professional Engineer ................ 16

Comments:
Income Survey for Members
The number of responses was up to 53 from 47 last year.
Last year the median salary was $76,800; this year it went up to $93,000, likely reflecting higher oil prices for much of 2000.

Wage Survey for Technical Staff
The wage levels, for the most part, are higher than they were in 1999.

Wage Survey for Technical Staff
(averages)

Party Chief II - capable of project control and management ..... (21)
ASSMT Rating : Senior Technologist
Employees ..................................... 4
Average Hours Per Week ............ 47
Hourly Salary ......................... $21.52

Party Chief I - good academic background or extensive experience ........................................... (26)
ASSMT Rating ................. Technician
Employees ..................................... 8
Average Hours Per Week ........... 43
Hourly Salary ......................... $12.05

Survey Assistant - experienced survey aide working under full supervision .................. (25)
ASSMT Rating ................. Technician
Employees ..................................... 8
Average Hours Per Week ........... 43
Hourly Salary ......................... $12.05

Secretary/Receptionist ............ (20)
Employees ..................................... 3
Average Hours Per Week ........... 37
Hourly Salary ......................... $13.64

CAD Operator II - capable of computing and drafting the most complex projects ........ (21)
ASSMT Rating ................. Technician
Employees ..................................... 3
Average Hours Per Week ........... 42
Hourly Salary ......................... $22.78

CAD Operator I - capable of drafting average projects with minimal supervision .... (19)
ASSMT Rating ................. Technician
Employees ..................................... 5
Average Hours Per Week ........... 41
Hourly Salary ......................... $17.93

Calculator Person - capable of computing from field notes and checking plans ........ (14)
ASSMT Rating ................. Technician
Employees ..................................... 3
Average Hours Per Week ........... 43
Hourly Salary ......................... $23.69
IHS Accumap
requested this page
(new - Peerless has)
Howard Douglas Farnell
(repeat)
As can be seen from the case study articles published to date, many problems uncovered in Systematic Practice Review relate to an inadequate search for original survey evidence. The current case study follows this same pattern. It is only through field inspections that these inadequate searches are uncovered, making field inspections one of the most important components of Systematic Practice Review.

The Land Surveyors Act defines the practice of land surveying and restricts the practice to Alberta Land Surveyors, surveyor’s partnerships or surveyor’s corporations (practitioners) established under the Professional Practice Regulation. In essence, only persons qualified by virtue of their education and training are eligible to practice land surveying. As much of the training and education required is in survey law and survey evidence assessment, land surveyors are the acknowledged experts in boundary establishment and retracement.

Establishing new boundaries is the easy part of a land surveyor’s work; retracing or re-establishing an original boundary can be a different matter. It is very rare today that a land survey will not involve the determination on the ground of the boundary of some previously surveyed parcel. In determining such a boundary, it is important to remember that the land surveyor is only providing his opinion as to where that original boundary was. If that opinion is based on the original survey monuments, it can be quite definitive and is unlikely to be the subject of a judicial challenge. If, however, the opinion is based on another land surveyor’s re-establishment of the original boundary, the opinion is necessarily conclusive and it is not binding upon all parties. Because of this, land surveyors should consider carefully any monument that has been re-established to mark an original boundary.

The importance of digging

Before placing a re-established monument cannot be overemphasized; digging is the conclusive method of searching for survey evidence.

If a land surveyor accepts a re-established monument as defining the corner or boundary limit of a parcel, he is, in effect, agreeing with the re-establishing surveyor. He, too, is certifying that this is the best evidence of the original boundary. If the re-establishing surveyor erred in the assessment of the best evidence to re-establish the monument, subsequent land surveyors perpetuate that error by accepting the re-established position. Two wrongs never make a right. Anyone who has seen copies of the evidence photos presented at the Getting It Right seminars, and shown in the field staff seminars, knows how often SPR field inspections find survey evidence or traces of survey evidence missed by a practitioner.

...the field inspections tell the true story.

While plans examined in the course of the Systematic Practice Review program usually rate very well, the field inspections tell the true story. If the field inspection finds dual monumentation at a re-established position, or finds traces of original evidence not considered by the practitioner, the best and most mathematically correct plan in the world will not compensate for this faulty field survey. The importance of digging before placing a re-established monument cannot be overemphasized; digging is the conclusive method of searching for survey evidence.

Have we forgotten the hierarchy of evidence?

While most of the case studies to date relate to registered plans of survey, non-registered surveys also have evidence assessment shortcomings. SPR first reported “Practice Ratings” in the June 2000 issue of ALS News and will update those statistics in the June 2001 issue. Based on the field inspection component of the Practice Ratings to date, many Real Property Report and Wellsite surveys also fail to locate all available evidence governing the property boundaries.

It is remarkable how many land surveyors will give more weight to measurements than to physical traces of the original monument in their re-establishment decisions. “It doesn’t fit the plan,” or “I didn’t accept that post hole because it messes up other surveys.” are typical explanations offered. Have we forgotten the hierarchy of evidence? All Alberta Land Surveyors could benefit from a review of the principles of evidence and the guidelines for retracements and restorations. I believe this would lead to more frequent use of the shovel and to getting it right more often.
Leica
(repeat)
Case Study No. 7:
Fd. No Mk. Re-established

This is the seventh in a series of articles featuring problems commonly encountered in Systematic Practice Review. The purpose of these articles is purely educational and, although the material is taken from an actual practice review, no names or identifying legal descriptions are included. Opinions expressed in this article are those of the author.

The Problem
SPR field inspections frequently uncover either the original monument or traces of the original monument beside a re-established monument.

While land surveyors know that the monuments define boundaries, not all land surveyors spend sufficient time and effort in searching for the original monument before resorting to mechanical re-establishment.

Sections 32 and 41(4) of the Surveys Act clearly outline that boundaries established under both Parts 2 and 3 of the Act are defined by the monuments placed for that purpose. The hierarchy of evidence outlined in Part E, Section 4.2, of the Manual of Standard Practice states that original monuments or traces of same take precedence over measurements shown on previous surveys. Before concluding that a monument is lost, a land surveyor is duty bound to complete an exhaustive search for that monument and, before abandoning this search, must be convinced that no other land surveyor will subsequently find better evidence that might invalidate this work.

The Project
The practitioner conducted a re-division of two units of a bare land condominium, originally surveyed by another land surveyor and registered in 1995. These two units were re-divided into 12 new units. The frontage of the two units was onto common property used as roadway and much of this common property consisted of compound curves. The two units being re-divided had a total of 31 survey monuments placed to define the limits of the two units. The plan examined by SPR staff showed that the practitioner found 15 of these 31 monuments and re-established the other 16.

The Plan Examination
The field notes examined for this condominium plan consisted of handwritten notes, sketches and data collector printouts. Most of the re-established monuments fell along the unit frontage where road or utility installation could be a factor in destroying survey monuments. In fact, the hand-written notes include the statement: “All property corners set fit good with existing services or services under construction.” Absent from the notes examined was any commentary on the extent of the search for the monuments shown on as re-established on the plan. Some of the monuments shown as found on the plan were shown in the notes as “Fd. I. Bent restored.” It was obvious from the data collector printouts that this project had been surveyed by radial layout with redundant ties to other control points. In his responses the practitioner had referred to this as “the water sprinkler method of surveying.”

With 16 re-established monuments shown on the plan, this survey was an ideal candidate for a field inspection. In general, our field inspections look for survey evidence found or placed by the practitioner and eight months after the completion of the survey by the practitioner and eight months after the plan was registered in the Land Titles Office. At five of the 16 re-establishment locations, we located a second survey monument bearing the permit number of the original surveyor from 1995. The re-established monuments were from 0.02 to 0.06 meters away from what appeared to be the original iron posts. Remarkably, most were very near the same depth below grade from 0.1 to 0.35 meters. Some of the original iron posts were slightly bent, as they appear to have been hit by construction within the common property. In each instance, we photographed the original and re-established monuments in the open hole and recorded the depth of the excavation before back filling the holes. These photographs were sent along with the report to the practitioner.

The Practitioner’s Response
In his response, the practitioner indicated that the exterior limits of the units being re-divided were initially surveyed while construction was underway. At that time, dirt piles made it impossible to look for monuments at the locations where our field inspection found dual monuments. It would appear that only accessible monuments were located and tied in during the initial survey and that the new re-division boundaries were calculated based on these ties. The coordinates of all points were then uploaded into the data collector and the field crew was sent out to complete the postings. Although not specifically addressed in the response, it appears that the posting crew had no idea which points were new and which were re-establishments of the original boundary monuments.

The practitioner admitted that the original evidence should have been located at the re-establishment stage and he undertook to investigate and correct the registered plan accordingly. To avoid a recurrence of this
situation, he has also instituted as policy that a print of the plan to be registered will accompany the posting field crew in future, not just downloads of coordinates and station numbers with no reference to position.

The Message
This situation occurred because the original field survey could not physically access several points to search for survey evidence and because, at the posting stage, no attempt was made to verify whether, in fact, original monuments existed at these points. In this situation, the field staff was not aware that any of the points being laid out were re-establishments. Clearly, field staff must be made aware of the need to search for any traces of original monuments before placing an unnecessary and incorrect re-established monument.

The message here is that the law says original monuments govern the boundaries of the parcels that they were placed to define. If a land surveyor re-establishes a monument when the original still exists, the survey and the re-establishment may be subject to examination by the courts in any case of a boundary dispute. It is an extremely good idea to take a shovel and excavate for possible traces of the original monument before placing a re-established monument. Once the search area is narrowed down, it is remarkable how many times you will find postholes or rust holes that rank higher in the hierarchy of evidence than mechanical re-establishment based on plan dimensions.
The Digital Camera—
A Tool for Evidence Assessment
“One picture is worth ten thousand words.” Frederick R Barnard

It is quite possible that he underestimated the amount of text that would be required to convey the beauty, or importance of a well-defined image. That being said, the point being made here is pretty simple. Many psychologists agree that the human mind thinks in terms of images or pictures, which is why many people can look at a pictorial article and very easily come away with an opinion of the story behind it. As an example, a picture which brought to the world the horror and reality of the conflict in South Vietnam shows a young girl fleeing her burning village in the background, (the target of an air strike), her frail body and face depicting the pain and agony of having her clothes burned off by the napalm. National Geographic has seen thousands of photos like this that depict human suffering and, without a doubt, many more which depict the beauty of the nature around us. Closer to home, there are numerous pictures that have depicted important portions of our heritage and history, the Last Spike, the “hobo” riding the rails in the dirty 30s, and how about the one of Paul Henderson in 1972? These are all pictures with stories to tell.

The issue of photography has been associated with our business of surveying for quite some time. Volume 3 of Men and Meridians, documents the beginning and methodology of terrestrial photogrametry quite well, complete with pictures too! Aerial photography had its beginnings before the 1930s and was a key component of one of the more important judicial cases in this province concerning natural boundaries and accretion, Clarke vs the City of Edmonton. In a more recent case, a well-respected Land Surveyor was an expert witness to a case, which used photogrammetry and aerial photos to determine the cause of a multimillion-dollar commercial fire, Muttart Industries v. City of Edmonton. In these days of such innovative and rapid advances of technology, satellite imagery and infrared photography are able to give us critical information in the form of a type of photograph on the state of the world’s environment.

But what about some applications closer to home, more relevant to the business of surveying? Perhaps a number of surveyors have had and taken the opportunity to use conventional cameras in the past for job/client-related applications such as engineering, environmental issues, and boundary determination. And no doubt there are some that have been disappointed with the results, for one reason or another the pictures didn’t turn out, wrong kind of film, wrong type or angle of lighting, incorrect camera shutter speed or lens setting, use or non-use of filters, tripods, shading, reflectors, and so on. To overcome this, you or your party chief would have to have photographic credentials comparable to your surveying capabilities with maybe the cost of the equipment to match. In short, that ain’t likely to happen. But, as an alternative, you may want to consider using a digital camera.

Like any other technical piece of equipment, they have come a long way in the last few years. They are quite easy to use, simply point and shoot, and most software for downloading to computers, (office or laptop), is relatively straightforward. The cost can be anywhere from $500 to $2,500 depending on the type and options one wishes to have. For the most part, they are the same size as a conventional camera and, in their protective case, are able to fit into the pocket of a survey vest. The hi-end ones allow for 30-second video clips. For our general purposes, it is ideal to have a camera that maximizes focusing ability, depth, and resolution, with a post picture-viewing screen. Depth and resolution are related and there are cameras that are better at this than others. Again, like any piece of technical equipment, there are still certain common “principles” of photography that need to be understood, (like a hi-end total station and short backsights or GPS and 15 degree elevation masks).

One of these is the problem of trying to capture a 3-dimensional image for viewing later as a 2-dimensional entity. What is lost in the process is depth. A photograph has only two dimensions and shows depth only by perspective. Enlarging the perspective (using wide-angle settings), will give you the feeling of depth similar to an IMAX film. To convey size, whether large or small, add something to the photo, which will...
show scale. If you encounter multiple pieces of evidence in a dig, a fence post butt, a rust hole, and a recent survey post, put something in the proposed picture like a tape measure or scale in a specific direction that will give the viewer a specific 3-dimensional spatial relation between the items of importance and with the surroundings in general. This is a long-time, well-used principle by archeologists, which we are sort of required to be at times when digging for lost evidence. When utilizing a camera for natural boundary assessment, a good perspective may be needed to show elevation differences between ordinary high water marks, existing water levels and flood lines.

Three other important principles to consider when trying to take a meaningful picture are lighting, shading, and angle of the picture. In this province, lighting and shading are related to the time of day as well as the time of year and your geographical location. The sun’s rays slant anywhere from 15 to 62 degrees more or less above the horizon over the course of a year here depending on your location. In the summer, this can occur over the course of a day. Obtaining the right light and shading can really enhance your picture, and vice versa…not utilizing this can make your photographic efforts a waste of time and money. Ask yourself, what is it that you want to show in the picture, paying attention to how light and shadows affect the scene through the viewfinder as you move around. Shallow pits are very hard to pick up with the plain eye, let alone using a camera, which inhibits depth perception. But with the proper lighting, shading and angle, these can be picked up (Fig. 2).

Northwesterly shot of a set of good pits in the early morning. Although obvious to the naked eye, these could easily be missed by the camera—without good shading—resulting in a poor picture. Although the picture is excellent, it lacks scale, i.e., a shovel or person standing in the middle, to show relative ground size of the pit configuration.

Using a camera with a higher resolution capability allows you to zoom in on the digital image of Fig. 4 to read the post markings from 6 metres away. The photos (Fig. 3-5) were taken in mid-morning looking north. Because proper shading was not available, stakes were used to mark the centre of the pits. Both posts appear to be identical in age and were probably planted within a very short time frame of each other.

Low angle shots can make people, trees, fencelines, and buildings look taller, especially with the sky as a background. Side angle or oblique angle shots, are good for showing horizontal perspective. High angle shots with good resolution, are excellent for showing vertical perspective, and patterns in landscapes (Fig. 3 and 4).

Three other important principles to consider when trying to take a meaningful picture are lighting, shading, and angle of the picture. In this province, lighting and shading are related to the time of day as well as the time of year and your geographical location. The sun’s rays slant anywhere from 15 to 62 degrees more or less above the horizon over the course of a year here depending on your location. In the summer, this can occur over the course of a day. Obtaining the right light and shading can really enhance your picture, and vice versa…not
I am presently working on a construction project doing exactly that.

Now what about evidence assessment? You are doing a re-establishment, subdivision, or an RPR and you come across a boundary discrepancy, or encroachment that may result in a costly litigation case? This happens more often in urban areas than rural locales. Other than your measurements, (keep in mind hierarchy of evidence here), would an easily stored picture of the original situation help resolve the issue? Especially if the original evidence gets destroyed? In the opinion of the courts, you bet it would.

Here is a simple case on how an evidence discrepancy is documented and how photos help. See accompanying Figures 6-12.

In 1920, a road plan was surveyed westerly on the south side of the blind line of Section 3. After some analysis of the rest of the plan, it was determined that Surveyor A found original evidence in the form of pits and mound and placed an iron post (Fig. 6).

Some forty years later, in the process of surveying a R/W between sections 3 & 4, (crossing the north-south road allowance south of the NE corner of Section 4), Surveyor B re-establishes the NE corner of Section 4, some 5.5 feet west of where the road plan indicates the corner should be according to the dimensions shown on the plans (Fig. 7).

Surveyor B’s post is subsequently found and accepted by Surveyor C ten years later surveying a R/W in the late 1960s. In 1980, while surveying another R/W, paralleling Surveyor C’s R/W, Surveyor D is unable to find the iron post used previously, but utilizes evidence on the 1920s road plan and works back to find and accept a rust hole at the NE corner of Section 4, and plants an iron post (Fig. 8). The two iron posts were both found again some twenty years later (year 2000). At first glance, it would seem that the post at the base of the fence corner would be the most likely candidate to
be correct (Fig. 9). As the surveying math proves, it is not, despite the age of the fence. The position re-established by the 1980s plan 1.52 metres east is the correct position of the NE of Section 4 which, in turn, was established from original pits and mound from the 1920s road plan (Fig. 9-11).

I am not saying that we should all buy one of these toys and take pictures of all evidence we come across just to be on the safe side. That would be ludicrous, and the costs way too high, and for what? The discretion of the Alberta Land Surveyor still has to apply. Not all Alberta Land Surveyors are able to get out of the office to physically look at all the situations where evidence is a concern. For sole practitioners or members in smaller firms, field-assessing evidence is a daily routine, and utilizing digital photos could be for a matter of record. For members in larger firms who handle a number of crews scattered province-wide, it is an excellent way to get a view of the true situation in the field without incurring the cost of a field trip... should they choose to do so.

Looking South at 2 pins NE 4-25-12-W4 1980s post is visible in the hole to the left (east). 1960s post is near the base of the larger fencepost to the right.

Looking North at 2 pins NE 4-25-12 W4 1980s post is visible in the hole to the right (east). 1960s post is near the base of the larger fencepost to the left.

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Following are updates to initiatives underway within the Director of Surveys & Technical Services Branch, Land Administration Division, Alberta Environment.

1) Calgary Calibration Baseline
Branch staff continue to work with the Association on reviewing several issues related to the Calgary Electronic Distance Measurement (EDM) calibration baseline. Detailed information on the baseline and its shortfalls will be provided in the next issue of ALS News.

2) Monumentation Certificate Form
Adding the Monumentation Certificate form to the regulations under the Land Titles Act is in the final stages, but not expected until some time after the spring election.

3) Spatial Index (SPIN) Access To Township Plans
Resources within the Branch were temporarily shifted to support disposition applications to facilitate record setting oil and gas activity in the Province. SPIN system access to current and historical township plans is now planned for April 1, 2001.

4) Alberta Survey Control Marker (ASCM) Index Maps
By the end of February 2001, urban and rural ASCM index maps will be accessible from the Director of Surveys web site at www.gov.ab.ca/env/land/dos. The maps, which were distributed by Resource Data Division (RDD) in a hard copy format, have been scanned and are now available in a TIFF format. Land surveyors and their staff are encouraged to take advantage of this free service. Distribution of hard copy prints from RDD will cease on March 31, 2001.

5) Internet Access to North American Datum 1927 (NAD27) Survey Control Data
The Geodetic Control Section has recently published, on the Director of Surveys web site, a complete set of coordinates for all Alberta Survey Control Markers integrated to the NAD27 datum. The data is made available mainly for use in the oil and gas sector, which is still on this datum. Details on the data and format can be found at our web site address www.gov.ab.ca/env/land/dos. It should be noted that only the NAD83 data, available on the SPIN system of Alberta Registries, is being maintained.

6) Scanning Township Plan Field Notes
The Branch is planning to complete field note scanning in mid-March 2001. Indexing and collecting metadata is expected sometime in 2002, and SPIN access will follow.

7) Enhanced Survey and Plan Standards for Public Land Dispositions
Branch staff continue to meet regularly with the working group of the Standards Committee. Discussions have moved from standards for License of Occupation (LOC) access roads to standards for digital plan submission. Priority will be given to develop an acceptable implementation plan and schedule for land surveyors.

8) Land Administration Division Web site
On February 1, 2001 the Land Administration web site became operational. The site is located at the following address: www.gov.ab.ca/env/land/LAD/index.html. The site includes general information about dispositions on public land, and provides digital access to forms and policy and procedure documents, including plan standards.

New Website on Public Land Administration
Alberta Environment announces the establishment of a new website on Public Land Administration. The site was developed to provide information about the administration of public lands within Alberta. Visitors to the site, both public and within government, can access information and download forms from this site.

The Public Land Administration site includes general information on land administration, as well as details of the various programs managed by the Land Administration Division, Land and Forest Service, Alberta Environment. Where possible, other websites dealing with the administration and management of public lands have been linked, including sites on Alberta Agriculture, Food and Rural Development’s “Ropin the Web.”

Anyone aware of relevant websites that are not currently included is invited to provide the department with web addresses.

The Public Land Administration site can be accessed through the main Alberta environment website located at www.gov.ab.ca/env. Then follow the “land” topic to the Public land Administration link.

To stay regularly informed about Alberta Environment’s web updates, you can subscribe to a listserv that is updated every two weeks. Just go to the main Alberta Environment website located at www.gov.ab.ca/env. Then click on “subscribe to web updates” and follow the subscription instruction.
This Bulletin contains a summary of the work of the CCLS in the second half of 2000. As the Board geared up for the Annual General Meeting in January, there were many initiatives in the works and many on the list for future consideration. Any input is welcomed by the editor and can be communicated to the CCLS office by fax, mail, email, or telephone.

Office Administration
The move of the CCLS office to Ottawa has taken place and we are settled (well almost) in our new quarters with the ACLS and CIG offices sharing the office space and facilities. A formal agreement is in place outlining the details of the arrangements including expenses, timing and dispute resolution. Tom Herbert, Executive Director for CIG, Jean-Claude Tétreault, Executive Director for ACLS and myself have monthly meetings to discuss issues and generally keep the lines of communication open. I think the arrangements are going to work well for all parties and I look forward to dedicating more time to the CCLS now that it is my only focus during the working day. Outlined below is the new contact information for the office and my regular office hours.

Canadian Council of Land Surveyors
1390 Prince of Wales Drive, Suite 400
Ottawa, ON K2C 3N6

Telephone: 613-226-5110
Toll Free: 1-800-241-7200
Facsimile: 613-224-9577
E-mail: exdir@ccls-ccag.ca
Web Site: www.ccls-ccag.ca

Standard Office Hours:
Monday 8:30 - 2:30
Tuesday 8:30 - 6:00
Wednesday 8:30 - 2:30
Thursday 7:30 - 6:00
Friday As Necessary

CCLS Web Site
www.ccls-ccag.ca
We have our domain name registered and our web site back out there but much work needs to be done to complete its construction and keep it current and interesting. Anyone with a particular interest or skill in this area is invited to contact me with suggestions or offers of time and talent!

CCLS Membership for the ACLS
The Association of Canada Lands Surveyors held a membership vote on joining the CCLS and the returns, counted just yesterday (December 4, 2000), have ratified the ACLS Board decision to join the CCLS as a full association member. An official letter of application is being prepared and will be the subject of a special Directors meeting. It was the intention that an ACLS Director would attend the CCLS Annual meeting as a voting member of the Board of Directors. G. Carl Friesen of Underhill Geomatics in Whitehorse YK, has been put forward as the Director elect.

HRDC Geomatics Sector Study Progress
The Human Resources Study for the Geomatics sector, jointly sponsored by CCLS, CIG and GIAC with funding from Human Resources Development Canada (HRDC), has been progressing although it has had some scheduling delays. The interim report, containing the results of the electronic survey and preliminary analysis of the data, has been submitted to the administrative committee by the consultants. Strategic planning workshops will be conducted in January and February with the next full steering committee meeting scheduled for late March or early April. The final report, originally scheduled for publication at the end of March will be out in June or July of 2001. The final documentation will include a tactical and strategic plan to address the issues of human resources facing the geomatics sector now and in the next five years.

Labour Mobility Consortium for Surveyors
Two face-to-face meetings of the consortium for Land Surveyors under the Agreement on Internal Trade - Labour Mobility Chapter have taken place. The discussions have been lively and interesting and we are well on our way to producing a Memorandum of Agreement among the eleven governing bodies for Land Surveying in Canada on Labour Mobility issues under the AIT.

The objective of the agreement is to ensure that the movement of licensed surveyors within Canada is not unduly limited. The agreement will set out the process for licensure of individuals who have a valid Canadian license from another jurisdiction. The agreement will in no way limit or restrict the authority of the individual association to grant or remove licenses and does not affect the granting of a first licence or a licence for an individual from outside of Canada. It is intended to ensure that the process for granting licences is fair, transparent and based on knowledge and competence issues without artificial barriers.

Each association, including the ten provincial associations and the Association of Canada Lands Surveyors, have actively participated in the discussions and, if you would like further information, I would be pleased to put you in touch with your association representative.

Board of Examiners Co-ordinating Committee
The CCLS Board of Examiners Co-ordinating Committee evaluation team for the University of New Brunswick Geomatics degree course submitted a very positive recommendation regarding the renewal of the programme’s
accreditation. The Board of Directors has granted the accreditation for the programme for a five year period. If you would like any further information, or to review the evaluation team’s report, please contact the CCLS office.

NAFTA
Wayne Brubacher, OLS, and Dick Wright, BCLS continue to represent Canada in talks surrounding the recognition of surveyors under the NAFTA with the American and Mexican delegations. The two have recently returned from a trilateral meeting in Oaxaca, Mexico and report very positively on the initiative and the communication that has been established with our counterparts in the United States and Mexico.

Professional Liability Insurance Committee (PLIC)
The PLIC continues to represent the land surveyor across Canada in the CCLS Professional Liability Insurance Programme. The Committee met most recently in October with the programme broker Roger Brett and the insurance managers, Encon. Several concerns regarding the claims handling by ENCON had been raised previously and efforts continue to improve the claims handling process. Several staffing changes have been made at Encon and the Committee continues to monitor the situation closely.

In order to be effective in representing the individual insured surveyors and survey firms, the Committee needs your input and feedback. A questionnaire has been developed and is being sent to every person or firm with a recently-settled claim. The questionnaires are returned to the CCLS office for review by the PLIC so that specific issues as well as trends can be addressed. The questionnaires are dealt with in the strictest confidence as are all matters within the PLIC.

The Committee is also working with Encon to develop an insurance manual to be given to all insureds. The manual will contain information on the programme and the Committee, loss prevention issues, practice management issues related to insurance and liability. If you are insured with the CCLS programme, look for the manual in the new year and please give us your comments.

Current Board and Executive Committee
Your current Board of Directors is composed of:
Max Sullivan, NLS
David Morris, PEILS
Gerald Pottier, NSLS
H. Murdock MacAllister, NBLS
Denis Blais, OLS
Selwyn Sanderson, MLS
Roy Pominville, SLS
Mike Grosz, ALS
Bert Hol, BCLS.

The Executive Committee for this year is: President Greg Browne, BCLS; Vice President James Dobbin, NSLS; Past President Philip Milo, NSLS; Secretary Treasurer Gerry Hawryluk, MLS; Executive Director Sarah Cornett, OLS.

We are very pleased to welcome Roy Pominville back to the Board table after his illness and thank Bob Webster for representing Saskatchewan in the interim.

In Summary
It continues to be a challenge to keep progressing on all of the issues before the CCLS at this time. The Public Relations committee needs to be revitalized, the Board of Examiners Co-ordinating Committee is due to review its mandate and procedure for evaluation of university programmes, the new distance education initiative is just getting off the ground and the issues outlined above all need continued support. We look forward to the active input from the ACLS and will continue communication with the Quebec Association but keep in mind that each individual land surveyor is a member of the team that is the Canadian Council of Land Surveyors and it is individuals getting involved that will be the key to the continued success of the CCLS. If you have a particular interest in a specific issue or would like to be involved at the committee level, please contact the CCLS office or any member of the Board or a current committee.
Spectra Precision
(repeat)
As a member of the Alberta Land Surveyors’ Association, you have most likely had the opportunity to deal with an elected government official. Whether that official is a member of the municipal, provincial or federal government, the protocol for informal meetings is generally the same.

There may be any number of reasons to visit your local Member of Parliament, Member of the Legislative Assembly or Mayor.

There may be any number of reasons to visit your local Member of Parliament, Member of the Legislative Assembly or Mayor. For instance, you may disagree with the provincial health care policy or the amount of money spent on bike paths by the local planning authority. It is also a good idea to meet with these people if you are in favour of an issue. There is always value in letting someone know that they have support and there is always opportunity to serve on a committee or task force. As a constituent, you have the right to voice your opinion and be involved in the political process.

You must know what you want to say. In order to be an effective voice, you must be aware of the official’s stance on the issue and also be aware of general public views of the issue. Research is a very important tool. The more you know about the issue the more credibility you gain.

When you feel comfortable that you are well informed, you must decide to whom you want to speak. Determine if it is a federal, provincial or local issue. To arrange for a meeting, you can find the number of the representative in the Blue Pages under the appropriate level of government or in the white pages listed under their name. Most representatives are happy to hear from members of their constituency. Do not expect a meeting right away. The schedules of officials are very full, so it may take a couple of weeks to be given a definite time for a meeting. Meetings with MLAs are usually held on Fridays, as the Legislature does not sit on Fridays. You can access a list of MLAs online via www.assembly.ab.ca. The amount of time allocated for your initial meeting will likely be ten to fifteen minutes. Once you have developed a rapport, you may be offered longer meetings.

Introduce yourself and the group you are representing, if any. If you are there as a member of the public, you may mention that you are a member of the ALSA, but clearly state that you are not representing the ALSA. Be able to relate how the issue affects you and the people you know. Use real-life examples to highlight your points of view. You should remain calm and present your views reasonably. Emotions can quickly trigger a ‘fight or flight’ reflex, but try to remain diplomatic even if you disagree with the official. Turning your meeting into a debate will close the lines of communication. Allow time for the official to ask you questions.

If you are going as a group, select one person to be the spokesperson. Your presentation as a group should be prepared and followed as closely as possible at the meeting. If you have visual aids, be sure that they are clear and concise. Avoid the use of technical terminology, unless the official you are meeting with has a technical background. Prepare an information package that can be left with the official. It should not contain so much information as to overwhelm the official, but should contain all pertinent information, graphs and statistics to validate your views. It will also give the official a chance to review your reason for the meeting in case they are not able to give full attention to your concerns at that time.

Occasionally, the official is not available for your scheduled meeting. A staff member may offer to meet with you on behalf of the official. You should accept the meeting with the staff member for a few reasons. The staff member is most likely very knowledgeable about the issue and may possibly know more than the official about the issue. They are generally the people that you will deal with in the future and they can be very influential. They will be able to spend more time considering your views.

Be punctual. It is considered okay for the official to be late, but beware that if you are late, you may miss your opportunity. If you are going to be late, a courtesy call will certainly do more good than harm.

At the conclusion of the meeting, make the official aware of how grateful you are that you were able to meet. Send a letter of thanks and any information that the official may have requested. Then give yourself a pat on the back for a job well done and start researching your next endeavor.

If you feel that the issue affects land surveyors specifically, it is best to express your concerns and views with the ALSA Council but, if the issue is a broader issue that affects the public, represent yourself as a constituent, not as a representative of the ALSA. If you are meeting with an official in a professional capacity, you must have the endorsement of the Association or governing body of which you are a member.

Turning your meeting into a debate will close the lines of communication.
I do not watch much television but I do admit that I like to watch Law & Order. In every episode, a crime is committed; the police investigate the crime and arrest the criminal, and the lawyers prosecute the offenders. They are good stories.

What makes Law & Order different from other crime shows, such as Perry Mason, is that sometimes the bad guys win; sometimes a plea bargain is the only way justice can be done; and sometimes a case never even gets to court.

But many times a case does go to court and I find it fascinating to watch the lawyers for both sides try different tactics to get witnesses to tell the story they lawyers want heard. Sitting in the comfort of my living room, I am frequently surprised about how ill-prepared some witnesses are or how poorly they explain their testimony.

Then recently, I was required to give evidence at a hearing. I realized that something that seems as simple as giving evidence can be more complicated in real life.

...“a boundary survey that has no chance of withstanding a court challenge is practically useless.”

With this in mind, the Association’s Professional Development Committee has organized a “Surveyor as an Expert Witness” seminar at this year’s Annual General Meeting.

I do not know how many Alberta Land Surveyors may be asked to give testimony in any given year. Thankfully, it is probably very few. But the important thing to remember is that land surveyors may end up in court regarding every survey they do. As Jerry Broadus wrote in POB magazine, “a boundary survey that has no chance of withstanding a court challenge is practically useless.”

The seminar will include a review of the legal underpinnings of expert testimony in the Courts and practical pointers on being an expert witness in general. In addition, there will be a panel discussion on expert witnesses in land surveying in particular. Finally, there will be a demonstration of an expert witness being examined and cross examined in a trial context. That is, find out how different it is being an expert witness in real life from what it looks like on Law & Order.

In his article, “Tips for Effective Expert Testimony,” Jerry Broadus writes:

As a beginning premise, I believe that effective, clear and convincing expert testimony is a part of surveying. Generally, all of us will agree that surveyors gather, preserve and analyze evidence of boundaries. In many cases that is enough. You act as the judge and interpreter of the evidence you find. You reach a conclusion which you memorialize by staking a line, drawing a map and recording some description of your work and conclusions.

Unfortunately, the process doesn’t end there. Your client will act on your conclusion and will treat his relationship with his neighbors accordingly. This can and often does lead to disagreements; and in the surveying arena, the courts often are asked to settle disputes. More than any (non-legal) profession I know, boundary surveying is tied intimately to the courts. Every decision you make is subject to being second-guessed by a judge or jury. When, rather than if, your decisions are reviewed by a court, your client has the right to expect you to effectively and convincingly defend your conclusions. A boundary survey that has no chance of withstanding a court challenge is practically useless.

I do not plan to reprint Mr. Broadus’ article here. This article, and the companion article, “Surviving Cross Examination” were recently printed in POB magazine and are available on their website at www.pobonline.com.

It is reasonable to point out, however, that two of Mr. Broadus tips are: Treating your testimony as an opportunity to teach the judge or jury what you find important about the evidence you have gathered generally will result in much more lively, interesting and convincing testimony. It also fits the evidence rules, for it “assists” the judge or jury to “understand the evidence.”

And A further benefit of preparing to testify as a teacher is that it forces you to think through the strong and weak points of your analysis. You have to first organize the evidence and then lay out a reason for giving each bit of evidence a certain weight. This takes time and study. You cannot testify effectively if you are not prepared in advance.

For more pointers and practical advice, you will have to attend the Annual General Meeting in Jasper. I look forward to seeing you there.
William Nikitovitch Papove
BCLS, ALS, CLS, P.Eng.
March 25, 1913—April 13, 2000

Bill Papove Sr., father of BCLS Bill, Jr. was born on a farm in Blaine Lake, Saskatchewan on March 25th, 1913 and died at home in Belcarra on April 13th, 2000. Bill attended rural schools in Saskatchewan as well as completed a Civil Engineering degree in 1933 at the age of 20 from the University of Saskatchewan. Bill received his commission as a British Columbia Land Surveyor in May 1941, his DLS (now CLS) in March 1945, and his Alberta Land Surveyor’s commission #143 on February 27, 1946. Bill also qualified as a Professional Engineer in BC in 1945 and, as well, in the state of Washington in 1968. His early career involved work for the Consolidated Mining and Smelting Company—Cominco—in Trail and on hydro-electric power development in BC, Saskatchewan and the Northwest Territories. He completed a major survey of the northern section of the Alaska Highway, was involved in the BC-Alberta and Territories boundary surveys, the land settlement surveys of the Doukobour lands in the Kootenays, was in his own private practice in Vancouver until 1955 and then he entered into a full partnership with the McElhanney organization until his eventual retirement in 1975. He was heavily involved in the international operations of the Surveying and Mapping consulting group of McElhanney, as well as appointed the Chief Surveyor for the Meekong River mapping project undertaken in the early 1960s. Bill Papove was involved as a member of various consulting missions to South America and Africa on behalf of the Canadian federal government and United Nations agencies, has been a chairman of the Canadian Doukobour Society and other historic peace groups. He even found time to be on the advisory planning commission for the Village of Belcarra, as well as serving on your Board of Management from 1956 to 1961, president in 1960 and elected to the status of Life Membership in the Corporation in 1978. He served as the Chairman of the Surveying Advisory committee in the early 1970s at the formation of BCIT in Burnaby. As well, in the late 1980s in memory of his wife Anna who died in 1986, Bill made a donation to the BC Land Surveyors’ library and was the initial benefactor for the formation of the BC Land Surveyors’ charitable trust which was chartered in 1989. Bill was still sitting as Honourary Chairman to the trust at the time of his passing.

William N. Papove, once on a task never seemed to waiver in his dedication, for all of his 87 years. As noted, Bill is survived by son Bill, a daughter Nadeen, and family from Saskatchewan.

Kathleen Isabel Joyce Holloway

We sadly announce the passing of a wonderful lady, mother, grandmother, and great grandmother on February 15, 2001, at the age of 88 years. Joyce is survived by her daughters, Carolyn Holloway and Fran Jefferson and her very dear son-in-law, Jack Jefferson. She also leaves her grandchildren, Dean (Cheryl) Zelisko, Bryan (Kimberly) Miller, Michelle Miller, and Bret (Karina) Zelisko; great-grandsons, Chris and Tyson; and sister, Yolande (Stan) Deakin.

Mom will be deeply missed by her family.

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Neighbour Guilty of Fraud for Garage Encroachment
by Cindy E. Harnett
Times Colonist Staff

A Central Saanich man was found guilty in B.C. Supreme Court of doing just about anything to hide the fact his new $50,000 garage encroached onto his neighbour’s property.

On four counts—of fraud, forgery, uttering a forged document and interfering with a boundary marker—Norman Porter was found guilty of trying to defraud his Mount Newton Cross Road neighbour, Donald Henderson.

B.C. Supreme Court Justice Allen Melvin said Porter displayed “a callous disregard for the truth,” and called his version of events “completely and utterly” unbelievable.

“Everyone is wrong except for the accused,” he said of Porter’s finger pointing.

Outside the courtroom, Porter said the four-year battle “has just become a big mess for everybody.” He said he plans to appeal the criminal court decision. His lawyer, Doug Christie, refused to comment or to confirm the appeal.

The boundary dispute began with fence building.

In June 1997, Henderson wanted to build a fence on his newly purchased property at 724 Mount Newton Cross Rd. He surveyed the land and discovered his neighbour’s garage at 700 Mount Newton Cross Rd. stepped over the boundary line by about one metre.

Melvin referred to the land in question as a sliver, or dog leg.

Porter claimed he used the “historic” property line—called the mistaken line by Melvin. Apparently Porter then went to great lengths to prove his garage was within the legal property line. He faked plans, a surveyor’s ticket and moved a boundary marker.


Gord Thomson of the surveyors association said he is pleased with Friday’s verdict.

“(Porter) actually falsified documents and impersonated a B.C. Land Surveyor in order to justify a misplacement of a building and actually, by doing that, claimed someone else’s property.” Thomson said.

Porter was found guilty of defrauding land worth more than $5,000; forging a surveyor’s certificate; uttering a surveyor’s certificate as if it was genuine; and willfully removing a boundary marker.

He said he fails to understand why such a commotion has been made over what he estimates to be a 20-square-foot piece of property.

He has been willing to demolish the garage, he said.

“(I have offered) quite significant amounts of money at certain times for the property,” he added.

Henderson would not comment on the judgment.

Porter’s next court date is March 2. A pre-sentence report is expected to be ready at that time.

Geomatics Award of Excellence

What Is It?
An award, which recognizes all members of the Alberta Land Surveyors’ Association, Surveyors Corporations, and Surveyors Partnerships for their contributions to the advancement of geomatics.

Who Is Eligible?
The award is open to all members of the Alberta Land Surveyors’ Association who, along with their co-workers, have advanced the field of geomatics.

What Do I Have To Have Done?
Contributed to the advancement of geomatics in one of the following areas:
1. Use of technology;
2. New methods or procedures;
3. New software;
4. Innovations and inventions;
5. Anything else unique to the field of geomatics.

How Do I Get Nominated?
Submissions must be made to the Association office by February 2001. Submissions should be summary reports of the project or innovation and the reports be no more than two pages in length.

What Do I Win?
The award will be presented at the Annual General Meeting and the papers will be published in ALS News. A notice of the winner of the award, and the honourable mentions, will be published in the Calgary Herald and the Edmonton Journal.
Real Property

LAND TITLES—Transfer of Land—A portion of a public highway that had been stopped up in 1956 was transferred to the predecessor in title of respondents in 1958 in contravention of the Municipal Act (Ont.) in effect at the time. The owners of respondents’ abutting property were not entitled to challenge the ownership of the piece of land because of their 26-year delay in bringing the application and the expiration of the relevant 10-year limitation period on actions to cover land.

A dispute arose between the parties concerning a strip of land (the “land”). Prior to 1956, the land was part of a public highway. In 1956, it was stopped up by a municipal bylaw. In 1972, applicants purchased their property which lay to the south of the land. They were mistakenly advised that the land was a public highway and had since then used it to access their property. Respondents purchased the abutting property in 1984. The land was the driveway to their property, providing the sole means of access to respondents. (The land was transferred to respondents’ predecessor in title in 1958.) In 1991, respondents erected a fence along the land, thus depriving applicants of their access to their property. Applicants alleged that the land was once a public highway and that the municipal bylaw that had stopped up the public highway did not comply with the Municipal Act (Ont.) then in effect. This meant that the land remained a public highway and that respondents had no right to restrict access across it. Further, the transfer of the property to respondents’ predecessor in title was void because it did not comply with the sale requirements of the Act. The applications judge ruled in favour of applicants. Respondents appealed.

HELD: appeal allowed. The applications judge erred in finding that the land was still a public highway and thus the property of the town. The bylaw stopping up the public highway was enacted prior to the purchase of applicants’ property by their predecessor in title. It did not have “the effect of depriving any person of the mans of ingress and egress to and from his land.” Hence, the bylaw effectively stopped up the public highway at that time. The applications judge correctly found that the subsequent sale of land to respondents’ predecessor in title contravened the Act in effect at the time. The transfer would have been void if properly challenged. Yet applicants’ action should have been refused on the basis of delay. The transfer to respondents’ predecessor in title took place in 1958. No action had been taken to challenge the transfer until this action in 1998. Applicants had themselves owned the property for 26 years. The 10-year limitation period in the Limitations Act (Ont.) for the recovery of land was also a valid defence. Once it was determined that the land was not a public highway, there was no reason to reject the defences advanced by respondents.


Professions and Occupations

ACCOUNTANTS—Unauthorized Practice—A certified general accountant was convicted of practising as an unlicensed public accountant. The accountant had actual knowledge that the financial statements and their accompanying review engagement reports were to be used and relied on by third parties other than Revenue Canada.

In preparing income tax returns for a company, a certified general accountant (CGA) prepared financial statements and an accompanying review engagement report that were subsequently used by the company’s banker. The documents were stated to be “for use within the company” and authorized by “your management accountant.” Some time later, the client company offered its shares for purchase and the purchaser relied on the statements provided by the accountant in assessing the financial health of the company. The accountant was convicted of practising as a public accountant without a licence, as prohibited by s. 24 of the Public Accountancy Act (Ont.). On appeal, the conviction was quashed and an acquittal entered. The Crown appealed. The accountant alleged that he was entitled to the benefit of the exemption in s. 34 of the Act, namely that a registered member could “designate himself as a cost accountant or issue statements, opinions, reports in connection with such practice.”

HELD: appeal allowed; conviction restored. The effect of the Act was to create a professional monopoly in favour of chartered accountants. As such, it was to be strictly construed. The exemption in s. 34 enabled a CGA to practise in the manner specified, so long as the type of work that was done fell within the exemption contained therein. The main purpose of the s. 24 restriction was to protect the public. The preparation by the accountant of an income tax return and its accompanying financial statements was not in contravention of the Act; but his provision of the statements and reports to other third parties were. Here, the accountant had actual knowledge that his statements would be used and relied on by the bank and the purchaser, and that he was no longer performing only internal services for the company.

Update on Student Activities

The following excerpt from *The Link* is not printed in its entirety.

To start off the year, everyone got together in Kananaskis for the fourth-year tradition of survey camp at the end of August. These ten days give a taste of field work to all students, and the students returning from internship get to become re-acquainted with students in their year.

The final event of survey camp is the “Lost Peg” competition, where students use very traditional equipment to re-establish a “lost” monument using the techniques learned at the camp. We were happy to share this event with a few Alberta Land Surveyors (ALS) dignitaries who came to Kananaskis to watch this time-honoured event.

The ALSs also gave us a briefing on the current situation of surveying Alberta.

*Victoria Hoyle and Mark MacMurchy*
As I write this report, we are on the verge of the Provincial Family Day long weekend which signals the half-way point of winter. Things are starting to pick up now. A provincial election has been called and our two groups are gearing up for our annual general meetings in Jasper in April.

Council made some important decisions in January. We certified the following applicants:

- **Judith Trigg**  
  City of Calgary
- **Bill Pepper**  
  Crestar Energy, Calgary
- **Roberto Lopez**  
  Millennium Construction Contractors, Fort McMurray
- **Corey Levasseur**  
  Alberta Land Surveyors' Association, Edmonton
- **Rudy Granson**  
  Mike Spenser Geometrics, Lethbridge
- **Harland Doerksen**  
  Midwest Surveys, Calgary

We congratulate them for taking this important step and trust they will become involved in the effort of improving the standing of technicians and technologists in the province. We also welcomed SAIT students Gregory Chorney and Michael Laite to ASSMT. In addition, we are pleased to note that Gregory is our 2000 SAIT Bursary Award winner.

Employers, take note.

We also decided to purchase the outgoing ALSA display booth for a very nominal price. We plan to have its debut at the John Diefenbaker High School Career Day in Calgary on March 7th. Thank you for the very gracious gesture. We will put it to good use.

Council endorsed a hands-on Survey Assistant Course for Chain and Rod persons which will be offered at NAIT’s Main Campus Engineering Annex on April 28th and 29th, 2001 from 8:30 a.m. to 4:30 p.m. It was devised by Glen Erdely, CST, Edmonton Power and Ken Berg, ALS. It will be instructed by NAIT personnel. The course is designed to prepare the participant to work as an assistant for a surveyor in the field. The course covers an overview of surveying, linear measurements, levelling and transit, theodolite and total stations. The course is the property of NAIT and costs $200 for non-students and $150 for students. Contact Glen Erdely at 780-461-5474 for information and registration forms. The maximum allowed is twenty students.

We plan to get more involved with our sister organizations. We can learn a great deal from each other and we can also benefit from getting a better picture of the geomatics industry—legislation that affects our workplace, for example. President Farley McKenzie is inviting a representative from ASET to attend a future Council meeting. We are equals but only smaller in number.

In February, Council set the 2001 budget and heard about the plans for the upcoming AGM. Past President Kevin Laiss is working on a great meeting. On the morning of Friday, April 20th, there will be a session with Jim Forster on organizing your financial affairs, followed by the second instalment of the latest and greatest survey equipment in the afternoon. A discussion on the future of our Safety course will be a part of New Business at our Annual General Meeting on Saturday. We will wind up with our annual banquet. Members can expect a registration package in March. Dues notices were mailed out the week of February 12th. It also contained a revised roster, member survey and AGM information.

On Thursday, March 1st, Mike Spenser and Dave Williams of Brown Okamura will be hosting a Beer and Wing Night for all members in the Lethbridge area. It will be held at Dooly’s on the corner of 5th Street and 4th Avenue starting at 6:00 p.m. Mike has arranged for speakers from the University of Lethbridge and Lethbridge Community College to outline new developments in geomatics—free of charge. Thanks to Mike and Dave for their generosity and enthusiasm. It should be a great evening.

That is it for now. See you all in Jasper. I really challenge our members to come out to our AGM and break the attendance record of 35. It is the only chance for us to get together once a year to recharge our Society. Talking of a boost, when Kevin calls you to let your name stand for nomination, please do not hesitate. The future is in your hands. It is your society. Let us not let those down in the past who gave so much time to our society.

**STUTT POTTRUFF**  
EXECUTIVE MANAGER

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**The Alberta Society of Surveying and Mapping Technologies is pleased to offer a**

**Survey Assistant Course**  
(Chain and Rod Persons)

The course will be delivered by NAIT on Saturday/Sunday April 28-29, 2001 at the NAIT Campus

Fee: $200 non-students  
$150 students

For registration forms contact:

Glen J. Erdely, CST  
Tel.: 780-461-5474  
Fax: 780-412-3250  
E-mail: gerdely@hotmail.com
Support the J.H. Holloway Scholarship Foundation

Purchase your ticket on the framed print titled “Bull Moose” by Rick Berg, renowned Alberta wildlife artist, at the 2001 Annual General Meeting & Convention at Jasper Park Lodge. The print was donated by Rose Country Communications Ltd.

March 1, 1997 — September 15, 2000

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