



L'ARPELLEUR LOUISIANE

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Special Thanks to our Contributing Writers.

Articles submitted will be considered for publication and should be emailed to: lsps@bellsouth.net. Please contact the office with any questions.

The officers and board of LSPS and editors of this publication do not necessarily endorse opinions expressed by individual writers included herein.



The *L'Arpeleur Louisiane* is published quarterly as a service to the members of the Louisiana Society of Professional Surveyors. As stated in the LSPS Articles of Incorporation, the LSPS is "organized for the following purposes and to carry out the same:

Enhancing the status of the Land Surveying Profession by:

- 1) Maintaining high technical and cultural standards for entrance to the Society.
- 2) Cooperating with educational institutions in the maintenance of high standards of education in Land Surveying.
- 3) Requiring a high standard of ethical practice by members of the Society.
- 4) Aiding in the adoption of high standard of attainment for the granting of the legal right to practice Professional Land Surveying.
- 5) Fostering among students of Land Surveying the study of philosophy and history, tradition and achievement, duties and social functions of the Land Surveying Profession.
- 6) Encouraging the personal and professional development of young Land Surveyors.
- 7) Supporting activities looking to the increased employment of Land Surveyors and seeking new opportunities for service in Land Surveying."

LSPS ADVERTISING RATES:

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*Prices apply to camera-ready copy.
A charge will be added for creation of an ad or art work.*



PRESIDENTIAL PRIVILEGE



Taylor Gravois, PE, PLS
LSPS President

Cooler weather is finally here, hunting season is open, election season is in full swing, and football season is well underway. With the legislative session over, the fall has brought a slight but welcome slowdown in LSPS business for the moment. With another statewide budget shortfall looming and a new administration preparing to take office, the activity will pick back up as soon as the new legislative session begins.

Over the last few years, many surveyors who prepare mineral unit surveys had discussed and questioned the procedures and policies of the Louisiana Office of Conservation (LOC) as they seemed to clash with our standards of practice. In May of 2012, an official inquiry was made to LAPELS by a practicing surveyor to clarify some of the ambiguities between the policies and procedures set forth by LOC and the standards of practice for surveyors. After an investigative period by LAPELS, an official response and guidance was issued by LAPELS. Being this is an important issue to many practicing surveyors in the state, we have printed the response letter in this edition of L'Arpenteur for the benefit of the entire membership. Below is the LAPELS response letter. (Condensed)

I hope everyone enjoys the upcoming holiday breaks. I am surely looking forward to some down time to recharge for the New Year! Happy Thanksgiving, Happy Holidays, and Happy New Year to all!

Dear Mr. Ballard:

On December 12, 2012, you sent me a letter regarding issues you were encountering while preparing mineral unit surveys for the Louisiana Department of Natural Resources (Office of Conservation). The letter was addressed to me as a member of the Louisiana Professional Engineering and Land Surveying Board (LAPELS).

In your 2012 letter, you pointed to several items that LAPELS governs, along with the obligations of our licensees. In order to properly determine the location of section lines, La. R.S. 50:125 states in part, "In making re-surveys under the provisions of this Part, the surveyor shall, as nearly as possible, re-establish the original lines of any prior survey made under United States or state authority." You go on to point out the obligation that professional land surveyors have per Title 46, Part LXI, Section 2503 (A) of the Louisiana Administrative Code (LAC), to "hold paramount the safety, health, property and welfare of the public in the performance of their professional duties."

Based on our discussions, the Louisiana Office of Conservation (LOC) was reviewing all mineral unit surveys submitted and requiring professional land surveyors to match previous mineral unit surveys that had been submitted and approved in the past. Per LOC Order No. 1490-C, the respective unit lines must coincide with section lines and each owner within these units will share in production based on surface acreage.

You requested that LAPELS review your letter and clarify whether the requirements of the LOC conflicted with your obligations as a professional land surveyor under the laws and rules of LAPELS. LAPELS referred the matter to the Land Surveying Committee, and we began the process of gathering information and discussions with representatives of the LOC.

On May 20, 2014, the Land Surveying Committee met with the LOC to discuss the issue¹. During this meeting, we discussed the concerns you had with the policies and procedures of the LOC when reviewing mineral unit survey plats. We also discussed how the LOC required that when section lines are unit boundaries, these boundaries must be consistent across multiple units, which created situations that could violate the laws and rules of LAPELS. As you are aware, our rules require that professional land surveyors show section lines in the location calculated by them based on evidence found in the field. If the LOC requires such a line to match

an older mineral unit survey plat (to ensure consistent boundaries), this could potentially force newer survey lines to be inconsistent with the evidence found in the field, given that an older survey plat may have been inaccurate, used older technology, etc.

The LOC agreed to discuss the issue internally within their organization to see what solution could work for their group. The LOC's primary dilemma is where equity has already been established in a mineral unit or essentially when mineral owners have been paid royalties for years pursuant to existing mineral unit surveys. The LOC employs no professional land surveyors and is also not in the position to declare one plat correct and another incorrect². To this point, LAPELS also is not in the position to declare where the current section lines should be located, but LAPELS does have rules as to how the information is to be shown by the professional land surveyor and the extent of the information to be shown.

Over the course of the next few months, I communicated with LOC counsel, Daniel Henry, Jr., several times to discuss the progress and different options that may work for both groups. On February 10, 2015, the Land Surveying Committee had a follow up meeting with the LOC³. Based on our discussions at that meeting, the LOC will allow professional land surveyors to show section lines (as measured) based on the evidence found in the field and their professional judgment, provided the previous mineral unit survey lines as originally established serve as the unit boundary⁴. This will allow for professional land surveyors to record boundaries as measured, but also not create gaps or overlaps in mineral units.

The above procedure will be forwarded to the Louisiana Society of Professional Surveyors (LSPS) to distribute to their membership. Per our recent discussions, this letter will serve as the resolution to this matter and you have withdrawn your Petition for Declaratory Order and Ruling to LAPELS. We appreciate your efforts in helping resolve this matter and your patience while it was going through the process. Should you have any questions please give me a call.

Sincerely,
Kevin E. Crosby, PE, PLS
Land Surveying Committee, Chairman

1 In attendance were: Andrew Wascom - DNR/LOC, Daniel Henry, Jr. - DNR/LOC, James Magee - DNR/LOC, Brent Campbell - DNR/LOC, Mike Peikert - DNR/LOC, Walter Ballard - Hunt, Guillot & Associates, Ernie Gammon - LAPELS, Chris Knotts - LAPELS, Kevin Crosby - LAPELS.

2 As the LOC explained to the Committee, the LOC's primary charge in this area is to prevent waste and to ensure that mineral owners may obtain their just and equitable share of the production from a given unit.
3 Same individuals as above, except for Andrew Wascom.
4 The professional land surveyor's notes can be added to the plat to explain the differences and to clarify the decisions made.

SAVE THE DATE!!!

WHAT: **2016 LSPS CONVENTION**

WHEN: **APRIL 20-22, 2016**

WHERE: **Lafayette, LA**

DoubleTree by Hilton, 1521 W. Pinhook Rd., Lafayette, LA 70503

Hotel Reservations: 1-800-222-8733 • Booking Name – LA Society of Professional Surveyors • (Deadline 3/30/2016)

WE ARE KEEPING WITH THE 2015 FORMAT...

The Ethics Session will be Wednesday night and Standards of Practice Friday.

The LSPS General Business Meeting will be Friday.

The Convention concludes Friday afternoon.

No Saturday sessions this year!

Golf, Clay Shoot and the Exhibitor Reception on Wednesday, Crawfish Boil on Thursday!

Convention Chairman Dustin Cain and District 3 members are currently setting the schedule, lining up speakers and planning the spouses' events!

Check the LSPS website www.lsp.net for updates.

HOPE TO SEE YOU THERE!

LSPS ANNUAL AWARDS NOMINATION

We are seeking nominations for the LSPS Surveyor Excellence Award and the Life Member Award.

Please review these specific considerations:

Life Member Award:

1. Must be LSPS Member of long standing, i.e. 25 years or more.
2. Must have actively contributed to the growth of LSPS during his career (e.g., may served as officer or director of LSPS), but need not be active at the time of nomination.
3. Should enjoy an outstanding reputation for his knowledge, integrity and professional competence, especially among the members of his District.

Surveyor Excellence Award:

1. Must be registered member of LSPS.
2. Must have taken an active and continuous role in contributing to the growth and advancement of both LSPS and the surveying profession (e.g., may have served as an officer or director of LSPS, may have served as a member of the State Registration Board or as an office or director of national surveying organizations).
3. Nominees should presently be actively involved in the operation of LSPS, as evidenced by attendance at chapter meetings and annual meetings, by serving on LSPS committees, etc.
4. Nominee should enjoy an outstanding reputation for his knowledge, integrity and professional competency, especially among the members of his district.

The Board of Directors of LSPS may choose to honor one or more members of the Society at the LSPS annual meeting. Presentation on an annual award is not mandatory. Any of the awards discussed herein may be presented to a single individual, may be awarded to more than one individual or, in some years, may not be awarded at all. A list of past recipients of these awards can be viewed at www.lsp.net.

Nominations may be submitted by any member of LSPS, but should not be submitted by relatives or business associates. Please submit your nomination to LSPS no later than December 31, 2015.



IS IT THE RIGHT CORNER?

How many times have we been glad to find a monumented property corner? I know that I have been tickled pink to traverse down a section line, or “forty line”, and find, what appears to be, a good corner. One that is monumented and fits occupation, fences, etc. But if you have done your research, (we always do that, don’t we?) you might find that the distances may be a “little off”, and the bearings may be 15 or 20 minutes different from that “old surveyor’s” plat, that took 2 hours of digging in the courthouse to find.

Are you guilty of thinking, “Well, the old surveyor was using a chain, and besides, he was probably just using an old 20 second transit, or worse yet, he was running a needle bearing with an old banjo compass.” Alright, I confess. I have been guilty of having those very thoughts. Now, I am definitely not saying that you should not question the old plat that you so diligently researched and copied out of the courthouse. If you stay in business long enough, you will soon learn which of the old surveyors that would throw in a few extra links, or feet, to make sure that someone got a “good measure” of land. On the contrary, you will sometimes be amazed at how well most of those earlier surveyors did their work. I have worked behind some of the U.S. Deputy Surveyors whose work, I have found, far exceeded the accuracy capabilities of the equipment that they were using at the time. I well remember one such Deputy Surveyor that I have worked behind on several occasions. His chaining was so accurate that if I came out with more than 5 feet difference in a mile, I would go back and start looking for my mistakes. I have actually proven many of his corners where our measurements between 2 proven section corners had less than 2 feet difference!

But (isn’t there always a but, or what if?) on the other side of the coin, we should always question the evidence that we recover. If we just accept everything that we find, will that get us off the hook? I do not think so. I can just see someone sitting on a witness stand explaining to a judge, “Well, your honor, Mr. So and So, set that forty corner back in 1965, and he was really a nice old surveyor, and I would not want to cause anyone any problems.” Questioning the evidence that we recover may lead to the recovery of additional evidence which may lead us to a different conclusion. Remember the saying “Evidence is not proof, but evidence can lead to proof”?

I am reminded of a forty acre partition that I did several years ago. While researching for previous surveys around the section that I would be working in, I found a survey on the entire section that had been done about 15 years prior by a governmental agency. I was feeling pretty good about then, and remember thinking to myself, “I can just hit the corners and proportion my forty back in.” How often do we get this lucky, a government survey that is only 15 years old? They had proportioned the section, and best of all, they had marked the north line of my forty. It just does not get much better. Or does it?

Early one morning, a few days later, I started the survey by beginning at the southwest corner of the section. I was able to prove the corner by finding one of the original GLO witness trees still standing. I was also able to find the stump hole of one of the other 3 GLO witness trees. Satisfied (or should I say



Picture of a witness tree found on a GLO corner. This beech was marked by a U.S. deputy surveyor in 1843, and is still standing today.

ecstatic) with the evidence found at this corner I ran north from the proven corner, first locating the $\frac{1}{4}$ section corner (which the prior survey from 15 years ago indicated had been set by single proportionment) then continuing north to a concrete monument marking the northwest corner of the section. I was feeling pretty confident with the evidence that had been located so far. But, upon checking the position of the “new monument” found for the $\frac{1}{4}$ section corner later that evening, it appeared, by my measurements, that it was within a few tenths of line and distance from being exactly halfway between the section corners. That was really good work by the surveyor from 15 years prior, or was it?

There is this little bell that goes off in my head every time something works that well. Most of the time it turns out to be nothing, but this time it caused me to start questioning things. I suddenly remembered that I did have some old survey notes on the section to the west. The notes were 35 years or so older than the other survey and were from a surveyor that I had personally worked with in the past, and greatly admired for his thoroughness. Upon close examination I noticed that the old survey notes showed a slight bend at the $\frac{1}{4}$ section corner, and that there was enough GLO accessory evidence left in 1960 to prove the $\frac{1}{4}$ section corner, plus the 1960 surveyor had noted two new trees marked.

The next morning found me at the $\frac{1}{4}$ section corner looking for evidence of the 1960 survey. It looked grim at first. There had been some recent logging activity where I had calculated the possible location of the 1960 evidence. The first thing that I noticed was what appeared to be one of the 1960 witness trees, and on closer investigation, found the dim remains of the old “X” scribed on the tree in 1960. I think that you can guess the rest of the story. Using my compass and tape, I was able to find not only the stump of the other 1960 witness tree, but also the 1960 concrete monument leaning over and buried about 2 feet deep by our logger friends. But the icing on the cake came when I was able to use the 1960 survey and the original GLO survey notes to recover the stumps of both of the original GLO witness trees. I felt that I had finally found the right corner.



FROM AROUND THE STATE...

DISTRICT 1 – Robert Mora PE, PLS, Chairman

Contact Robert at bmora@batture-eng.com for District information.

DISTRICT 2 – Gerard Legendre PLS, Chairman

The District had a meeting recently at Nicholls. Construction Technology using GPS equipment was the topic. Gerard attended the Licensee Reception along with Will Fontenot, recognizing Jacob Callais, newly licensed PLS. Nicholls hosted the Fall Technical Session October 23rd. Contact Gerard at glegendre@mphinc.com for District information.

DISTRICT 3 – Dustin T. Cain PLS, Chairman

Trimble gave a presentation on the Intro to Photogrammetry at the last District meeting. They are working hard to finalize details for the 2016 LSPS Convention, to be held in Lafayette April 20-22, 2016. Contact Dustin at dustin.t.cain@gmail.com for District information.

DISTRICT 4 – Ricky Wood PLS, Chairman

Members met recently to discuss methods of increasing interest in the District. Contact Ricky at ricky@polarisservices.net for District information.

DISTRICT 5 – Jeffrey M. Messinger PLS, Chairman

Contact Jeff at jeff@masurvey.net for District information.

DISTRICT 7 – J. David Morrison PLS, Chairman

Contact David at jdm@morrison.si.com for District information.

DISTRICT 8 – Robert Davis PLS, Chairman

Robert attended the Licensee Reception on October 6th, recognizing Brandon Thornton, newly licensed PLS. The next meeting is scheduled for Wednesday, November 11th. Contact Robert at d_survey@bellsouth.net for District information.

DISTRICT 9 – Bruce Butler PLS, Chairman

Contact Bruce at landsuri@bellsouth.net for District information.

DISTRICT 6 – Stanley Ard PLS, Chairman

David Snyder with Trimble gave a Drone demonstration at the last District meeting. At their Licensee Reception, Will Fontenot recognized Barrett Smith and Ugo Muonwe for earning their LSI license. On October 14th, District 6 hosted a joint Jambalaya Supper with the BR Chapter of LES. Richard Savoie, LAPELS Deputy Executive Director, cooked and gave a presentation on the board enforcement process. Thanks to Mr. Richard, LES and SJB for hosting the event at their new office! The next District meeting will be February 18th. Elections will be held for Chairman, Vice Chairman & Treasurer. Holiday wishes to all! Contact Stanley at stanleyard@hotmail.com for District information.



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Return this application along with:

- School transcript,
 - Three character recommendations (no relatives) and extracurricular activities to the address above.
- DEADLINE March 1, 2016.**

1. **Personal Information**

Name _____

Address _____ Parish _____

_____ Phone _____

Parent/Guardian _____

2. **High School Information**

School Name _____ Phone _____

School Address _____

Principal/Counselor _____

THIS SECTION MUST BE CERTIFIED BY YOUR HIGH SCHOOL COUNSELOR

Academic Background

ACT Composite Score _____

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_____ **Signature of High School Counselor**



Louisiana Society of Professional Surveyors

Affiliate of the National Society of Professional Surveyors
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• Phone (225)925-5800 • Fax (225)925-5802
• Email: lsps@bellsouth.net • Website: www.lsps.net



EDUCATION FOUNDATION SCHOLARSHIP APPLICATION

Ten \$500 Scholarships will be awarded yearly to College Students residing in Louisiana and pursuing a career in Land Surveying. (This scholarship is not an automatic rollover) Applicants must be working towards the 30 hours required by the LAPELS board for licensure or toward a degree in a LAPELS acceptable Geomatics program. The scholarships will be awarded in one lump sum payment. Preference for scholarships will be given to applicants that have surveying experience.

Return this application along with:

- School transcript
- Three character recommendations (no relatives, Professional Land Surveyors or LSPS members preferred).
- Brief summary of work history in the surveying field (a resume is sufficient).
- Proof of school enrollment for following semester/quarter.

1. Personal Information

Name _____

Address _____ Parish _____

_____ Phone _____

Email _____

****Application Deadline is January 1, 2016. All scholarships will be awarded by February 12, 2016.**

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