



Central Valley Chapter - California Land Surveyors Association  
[www.californiacentralvalleysurveyors.org](http://www.californiacentralvalleysurveyors.org)

# THE Central Valley Chapter PRISM

Volume 1, Issue 2

January 2011

## 2011 Chapter Officers

President: Mike Turnrose  
mikels7454@verizon.net  
Vice President: Bill Koch  
bkoch@siegfriedeng.com  
Secretary: Landon Blake  
lblake@ksninc.com  
Treasurer: Kevin Genasci  
kgenasci@hawkins-eng.com  
Chapter Rep: Michael D. Jones  
MikeJones@PHSurveys.com  
Chapter Rep: Keith Spencer  
kspencer@nseng.net  
Alt. Chapter Rep: Mike Turnrose  
mikels7454@verizon.net  
Alt. Chapter Rep: Rich Fultz Jr.  
rfultz@turlock.ca.us

## 2011 Chapter Committees

By-Laws Committee:  
Keith Spencer  
Landon Blake  
Education Committee:  
Kevin Genasci (Chairman)  
Keith Spencer  
Membership Committee:  
Keith Spencer (Chairman)  
Rich Brown  
Monument Preservation Committee:  
Mike Quartaroli (Chairman)  
Bill Koch  
Crolie Lindsay  
Dave Schlosser  
Keith Spencer  
Landon Blake  
Larry Fontana  
Mike Turnrose  
Rich Fultz  
Tom DeLaMare  
Zachary Wong  
Newsletter:  
Rich Brown (Editor)  
Keith Spencer  
Professional Practices Committee:  
Josh Elson (Chairman)  
James Ryan  
Keith Spencer  
Mike Quartaroli  
San Joaquin County Liaison Committee:  
James Ryan  
Kevin Genasci  
Landon Blake  
Stanislaus County Liaison Committee:  
Rich Fultz (Chairman)  
Crolie Lindsay  
Keith Spencer  
Website Committee:  
Landon Blake (Chairman)  
Keith Spencer



**Date:** January 26, 2011

**Time:** 6:30 p.m.

**Location:** Perko's @ 901 North Carpenter Road

**Speaker/Topic:** Brian Phillips: Monument Preservation  
and GIS at the City of Modesto

## Editor's Message

Welcome back to The Prism, CLSA Central Valley Chapter's newsletter. Recent changes have been discussed about having to submit maps only by electronic files instead of Mylar. I would like to hear your opinions of ideas on this matter. Are you in favor of or against? Results will be published in the next edition of The Prism. Please submit to [editor@californiacentralvalleysurveyors.org](mailto:editor@californiacentralvalleysurveyors.org)

## Announcements

On January 2, 2011, Governor Arnold Schwarzenegger appointed Carl Josephson, S.E., to the Structural Engineer position on the Board and appointed Eric Zinn, P.G., to the Geologist position on the Board. Governor Schwarzenegger also reappointed Philip Quartararo and Jerry Silva as public members on the Board.  
[Click for full article](#)

Effective January 1, 2011, the Board has a new name. They are now the Board for Professional Engineers, Land Surveyors, and Geologists.

The 2011 Professional Engineers Act, Professional Land Surveyors' Act, Board Rules, Geologist and Geophysicist Act, and Regulations Relating to Geology and Geophysics are now available on the Board's website.  
[Click to view regulations](#)

Dates for the [2011-2013 Land Surveyors Exams](#) have been posted

### Chapter Waives Dues for Unemployed Members

At the December meeting the Central Valley Chapter voted to waive 2011 chapter dues for any members (or new members) who have become victims of the current economic downturn and are unemployed. Please fill out the Membership Application, enter "Unemployed" on Line 7 for the Name of Firm, Agency or College, submit your application, and your 2011 Dues are waived.

[Click here for the 2011 Membership Application](#)

# Mark Your Calendars

**CLSA / NALS 2011 Conference**  
**March 5-9, 2011**  
**Bally's, Las Vegas, NV**

28 HOURS CONTINUING EDUCATION AVAILABLE!

FEATURED SPEAKERS INCLUDE:

- Knud Hermansen
- Gary Kent
- John Matonich
- Steve Parrish

[Click here for more information](#)

[Click here to download preliminary program](#)

## Classes, training, and continuing education

California State University Fresno's 50th Annual Geomatics Engineering Conference:

January 27th & 28th, 2011 @ the Clovis Memorial District — [Click for more information](#)

Pacific Land Seminars — P.L.S. Review Workshops

February & March, Hilton Concord Hotel, Concord — [Click for more information](#)

Land Use Navigators — Subdivision Map Act in California

May 26th, 2011, Best Western Plus Heritage Inn, Stockton — [Register here](#)

## Burden of Proof and the Obliterated/Lost Corner

By Keith Spencer, L.S.

One of the differences between the 1973 and 2009 Manual of Instructions is the change in the burden of proof required in differentiating between an obliterated corner and a lost corner:

An obliterated corner is one at whose point there are no remaining traces of the monument, or its accessories, but whose location has been perpetuated, or the point for which may be recovered *beyond reasonable doubt*, by the acts and testimony of the interested landowners, competent surveyors, or other qualified local authorities, or witnesses, or by some acceptable record evidence. 1973 Manual, 5-9, page 130.

A lost corner is a point of a survey whose position cannot be determined, *beyond reasonable doubt*, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position, and whose location can be restored only by reference to one or more interdependent corners. 1973 Manual, 5-20, page.133.

These passages have been revised:

An obliterated corner is an existent corner where, at the corners original position, there are no remaining traces of the monument or its accessories, but whose position has been perpetuated, or the point for which may be recovered *by substantial evidence*, from qualified local authorities or witnesses, or by some acceptable record evidence.

An obliterated corner position can be proven by substantial direct or collateral evidence. When both categories of evidence exist, direct evidence will be given more weight than collateral evidence. A position that depends upon the use of collateral evidence can be accepted only as duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, tree lines, and off-line tree blazes, etc. or reliable testimony. Collateral evidence must include some component that relates to the position of the original survey corner, including measurement evidence, historical record, testimony, or any reasonable tie.”

2009 Manual, 6-17, page 149.

A lost corner is one whose position cannot be determined, *by substantial evidence*, either from traces of

*Continued on page 4*

## State News and Info

### Trial Court Upholds Napa County's Allowance of Multiple (Sequential) Lot Line Adjustments and Allows Them to be Treated as "Ministerial" Under CEQA

On November 12, the Napa County Superior Court ruled in favor of CLSA's position in a highly publicized Subdivision Map Act case that will have statewide ramifications. The court ruled that California counties and cities are authorized to allow multiple (sequential) lot line adjustment applications concerning the same property over time, as long as each particular approval involves no more than four (4) adjoining parcels. The court also ruled that

cities and counties can characterize lot line adjustment approvals as "ministerial" under CEQA.

The authors of this article submitted an *amicus curiae* ("friend of the court") brief in the case on behalf of CLSA and in support of Napa County and the landowners who received the multiple Lot Line Adjustments under a "ministerial" CEQA exemption. The Courts allow *amicus curiae* briefs when they are submitted by

experts in the subject matter of the lawsuit who can help the court better understanding the legal issues. This article sets forth a condensed version of the arguments the authors and CLSA presented to the court in the *amicus curiae* brief. We hope that a good understanding of these important issues will help surveyors in their work with Lot Line Adjustments and the Subdivision Map Act generally.

[Click to view complete article](#)

## Meet the new CLSA President

Hello, my name is William R. Hofferber Jr. and I am extremely honored to be serving as President of the California Land Surveyors Association. I would like to take this opportunity to introduce myself to the membership and tell the story of my path to becoming a Land Surveyor. My survey career began (about) 37 years ago. After finishing high school, the grocery market I was working for was closing their doors and I found myself looking for work. A friend told me he was working for Riverside County Flood Control on a maintenance crew, so I ask how he had landed that job. His reply was, "it's simple" go down to the HR building, look on the posted job listings, see what you qualify for, and fill out an interest card. I went the following Monday and found a position titled "Engineering Aide." Strong math background, outside work, team player that may work on field survey crew - sounded like some-thing I would be interested in, so I completed an interest card. About two weeks later I was

interviewed, and that same day was offered the position of Engineering Aide from the Chief of Surveying and Mapping, Mr. William H. Young. Thus, I began my career in land surveying quite by accident, which I think is more common than not in this wonderful profession. Over the next five years I progressed to learn the basics of surveying mostly through on-the-job-training, but I also attended courses at the community college. I then found myself working not only at the District, but also on weekends for a few different private Land Surveyors in southern California. I resigned from Flood Control in October 1978 to set the world on fire in private practice. Things went well for the first 3 or 4 years and I was working as a survey party chief. Then, in late 1982 the economy went flat (sound familiar?), and I was out of work for a month. I then landed a grade checking job for a construction company on a project at the Marine Corps base in Twenty Nine Palms, California. I was work-

ing on the project and living in a single wide 45-foot mobile home just off base when I received a call from my former boss at Flood Control. He wanted to know if I was interested in coming back to work at the District in the same position I had vacated in 1978. I figured it was the best thing for me to do and thus I found my way back to Riverside County Flood Control after nearly a 5 year hiatus.

I came to the realization that being a professional Land Surveyor was 'what I wanted to be when I grew up' and I began to pursue licensure. I became a licensed Land Surveyor in California in 1997. My current position at Riverside County Flood Control is Chief of Surveying and Mapping where I manage a division of about 40 employees in three different sections - Photogrammetry, Right-of-Way Engineering & Acquisition, and Surveying.

Complete article posted in current [California Surveyor Magazine](#) Issue #164

Have equipment to sell? Looking for a great deal? Check out the [CLSA Auction Site!](#)

*Continued from page 2*

the original marks or from acceptable evidence or reliable testimony that bears upon the original position, and whose location can be restored only by reference to one or more interdependent corners.

Thus, if *substantial evidence* of the position of the original corner exists, it is an existent or obliterated corner. This position shall be employed in preference to the rule that would be proper only in the case of a lost corner.

In addition, once a corner is considered lost, it is the surveyor's responsibility to assure that the restoration method and the restored position comply with the statutory protection of bona fide rights requirements delineated in 43 U.S.C. 772 and 773 and as described in this manual. 2009 Manual, 7-2 at 165.

The term "substantial evidence" was inserted in response to *Stoddard Jacobsen and Robert C. Downey v. the Bureau of Land Management on consideration 103 IBLA 83* and has been BLM policy for many years ([www.californiacentralvalleysurveyors.org/shared\\_files/docs/IBLA/103IBLA83.pdf](http://www.californiacentralvalleysurveyors.org/shared_files/docs/IBLA/103IBLA83.pdf)).

We need to know what substantial evidence is as it pertains to the recovery and evidence of an original corner. A corner is existent or found if supported by substantial evidence.

Some definitions and the case law from which they came are:

Substantial evidence means "more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Richardson v. Perales*, 402 U.S. 389, 401 (1971).

Where there is such relevant evidence as reasonable minds might accept as adequate to support a conclusion even if it is possible to draw two inconsistent conclusions from the evidence. *Landes v. Royal*, 833 F.2d 1365, 1371 (9th Cir. 1987)

Substantial evidence is defined as "more than a scintilla but less than preponderance," and consists of "such relevant evidence as a reasonable person would accept as adequate to support a conclusion." *Mareno v. Apfel*, 1999 U.S. Dist.

When making the decision as to whether a corner is obliterated or lost, also keep in mind that for a corner to be lost it "must be so completely lost that (it) cannot be replaced by reference to any existing data or other sources of information." *Doyle*, 468 F.2d at 637, citing *Mason v. Braught*, 33 S.D. 559, 146 N.W. 687, 689-690 (1914). The decision that a corner is lost should not be made until every means has been exercised.

Another factor for the surveyor to consider is that the 2009 manual has included the protection of bona fide rights as part of the definition of a lost corner. But that is a whole new discussion.

Inquiring minds want to know:

It took the 1973 Manual 3 pages (130-133) to go from the definition of an obliterated corner to the definition of a lost corner. It takes the 2009 Manual 16 pages (149-165) to cover the same ground. What else is in there?

---

## Amendments to 2011 Professional Acts

### Amended Sections of the 2011 Land Surveyors Act:

8706, 8710, 8729, 8740, 8746, 8748, 8761, 8805

### Amended Sections of the 2011 PE Act:

6710, 6711, 6712, 6714, 6738, 6750, 6751, 6756, 6758, 6759, 6763, 6799

### Amended (or Added) Sections of the 2011 Subdivision Map Act:

66484, 66499.2, 66499.7, 66499.12, 66499.38, 66451.24

Printed copies of 2011 Professional Acts Booklets available to purchase through [CLSA Website](#)

## Classifieds

### LICENSED LAND SURVEYOR

The San Mateo County Public Works Department is seeking a Licensed Land Surveyor to be responsible for assigning, monitoring and reviewing the work of survey parties; leading the review, verification and processing of subdivision maps and survey documents; answering complex questions from customers at the public counter; leading the survey crew in construction staking of County projects; providing assistance and/or direction to professional and technical staff; and performing other related work as required.

The successful candidate will be a strategic and innovative thinker with a valid CA license as a Professional Land Surveyor, a Bachelor's degree in Land Surveying or Civil Engineering, or successful completion of the Land Surveyor-in-Training (L.S.I.T.) or Engineer-In-Training (E.I.T.) certificates AND five years of progressively responsible professional land surveying experience, including two years of experience supervising one or more survey crews. Prefer registration as a Professional Civil Engineer in the State of California and knowledge of GIS as it relates to the coordination of record maps.

The San Mateo County Public Works Department with 300+ employees, provides County residents with efficient, economical and responsive service in the areas of transportation planning, infrastructure systems/maintenance, facilities engineering, design, construction and maintenance, as well as utilities services. Recruitment Closing Date: January 27, 2011

For more information about this position and to apply online, visit: [www.co.sanmateo.ca.us/hr/jobs](http://www.co.sanmateo.ca.us/hr/jobs)

### SEASONED PARTY CHIEF

Taking interviews for a well-seasoned party-chief. The position at this time is part-time on a contract basis. Experience in topographic/ALTA's, construction staking and boundaries is a must. Experience with Trimble 5600 robotics and TDS Ranger is a plus. If you have your own truck that is a plus.

Please contact Mike Walters PLS at [Bennett Engineering Services](http://www.bennett-engineering.com)  
916.783.4100  
Bennett Engineering Services  
1082 Sunrise Avenue, Suite 100  
Roseville, California 95661

Download the State Plane program and users manual for the HP 48GX for California Zones 1-6, NAD 83. from the CLSA Website (4.64 MB) [Click here](#)

## Earth's magnetic pole shifts, screws up runway at Florida airport

An airport in Tampa, Florida, has had to temporarily close its runways to keep up with Earth's magnetic north pole, which is drifting toward Russia at a rate of 40 miles per year.

Fox News reports that the international airport was forced to adjust the signs on its busiest runway Thursday because pilots depend on the magnetic fields to navigate. The runway will be closed until Jan. 13, and will re-open with new taxiway signs that indicate its new location on aviation charts, the [Tampa Tribune](#) reports

Paul Takemoto, a spokesman for the [FAA](#), says the Earth's magnetic fields are constantly in flux -- but rarely so much so that runway signage needs to be changed. "You want to be absolutely precise in your compass heading," he told Fox. "To make sure the precision is there that we need, you have to make these changes."

"The Earth's poles are changing constantly, and when they change more than three degrees, that can affect runway numbering," FAA spokesperson Kathleen Bergen told Fox News. It's unclear whether any other airports will have to adjust their runways.

[Click for full article](#)

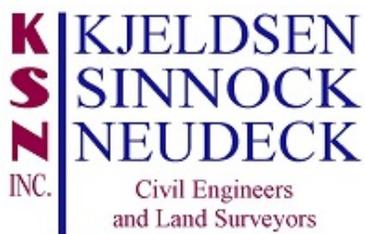
**CALIFORNIA LAND  
SURVEYORS ASSOCIATION  
CENTRAL VALLEY CHAPTER**

C/O KSN, Inc.  
711 North Pershing Avenue  
Stockton, CA 95203



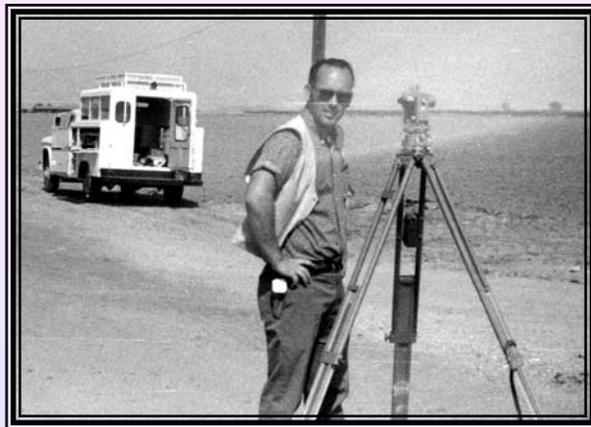
**CORPORATE SPONSORS**

**Keith W. Spencer, L.S. 6406**



**Picture of the Issue**

**Wayne Sutton, L.S. 3863, circa 1960's**



If you have a historic or interesting photo you would like to see in a future edition of The Prism, please submit to:  
[editor@californiacentralvalleysurveyors.org](mailto:editor@californiacentralvalleysurveyors.org)