

## REPORT OF THE MEETING OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS' (NSPS)

Nashville, Tennessee

April 16-21, 2004

### INTRODUCTION

The NAFTA Mutual Recognition Document (MRD) accepted by CCLS at Victoria BC in April, 2002 and distributed to the State Surveying Societies' representatives has suddenly been put on the front burner in the US. Lack of communication in the closing months of 2003 gave rise to some heated rhetoric and finger-pointing. The US NAFTA Committee was accused of working unilaterally and its continued existence was in jeopardy. When the antagonists were shown that the committee was acting strictly in accordance with a motion passed at the 2003 spring meetings, the committee was absolved and fingers started pointing in other directions. The result was that the US finally took notice that responding in a constructive way was long overdue. The NSPS president is adamant to finally deal with the MRD and present a US version by the fall NSPS meeting October 1 and 2, 2004. The matter was only cleared up when the delegates arrived for the meeting so there was no time to avoid what was still to come.

### HIGHLIGHTS FROM THE MEETING

Details of the following highlights are provided in the Report section beginning on page 2.

- Near mutiny among some of the western states against the proposed NAFTA MRD
- WestFed (the Western Federation of Surveyors) lobbied President John Fenn to comprise a NAFTA Review Committee and take over the scheduled NAFTA meeting
- Engineers give failing grades to Surveyors' MRD
- CCLS and FECITEUM (Mexico) Directors to evaluate proposed changes to MRD
- The newly restructured NSPS and ACSM is gaining approval
- Informal NAFTA Meeting Moves Process Ahead
- Progress with the MRD in Mexico

### DECISION POINTS

Because of the sudden about-face exhibited by the NSPS and the real progress being made in Mexico, the International Trade Committee will need direction at the annual general meeting or by the first Directors Meeting following the AGM in the following respects.

- A formal NAFTA meeting must be held this fall, following the NSPS meeting in Gaithersburg. This additional meeting has *budgetary impact* and a revision will be sought.
- While the NAFTA countries are expected to take turns, Mexico has asked again to *host the meeting*. Costs appear to be the same in either venue. The ITC will ask that Mexico's invitation be accepted.
- There is a substantial change in the MRD that the US will be requesting. The details of the US proposal will be covered in another report. The ITC requests *policy direction* from the Directors on the latitude in which it may negotiate.
- Although not covered in this report, there appears to be merit in combining the role of Liaison person to NSPS with the functions of the International Trade Committee. The ITC will present *Terms of Reference* for this new structure that includes a name change to "The International Committee".

**REPORT****Near Mutiny Among Some of the Western States Against the Proposed NAFTA MRD:**

The real story of the spring meeting of NSPS from the standpoint of CCLS was the unscheduled and “sidebar” meetings that erupted over breakfast, lunch, and late into the night for the purpose of resolving a near mutiny among some of the western states against the proposed NAFTA MRD.

**WestFed (the Western Federation of Surveyors) Lobbied President John Fenn to Comprise a NAFTA Review Committee and Take Over the Scheduled NAFTA Meeting:**

The first scheduled meeting for Friday, April 16<sup>th</sup>, 2004, the US NAFTA Committee Meeting never happened. Instead, a group from within WestFed (the Western Federation of Surveyors) successfully lobbied President John Fenn to comprise a NAFTA Review Committee and take over the scheduled meeting. At issue was the fact that the California land surveyors’ license as well as some other western states’ includes all aspects of Geomatics referred to in Parts 2 & 3 of the MRD. They were demanding language that would require a professional from another jurisdiction to qualify and hold such a State license. The meeting closed with the feeling that little was resolved except that all were committed to working out a satisfactory revision to the MRD.

Dick Wright has reported thoroughly on the many meetings that were scheduled or erupted during the five days of business meetings. His report is appended.

**Engineers Give Failing Grades to Surveyors’ MRD:**

The National Council of Examiners for Engineers and Surveyors (NCEES) sent the MRD as accepted by CCLS to the United States Council for International Engineering Practice (USCIEP), its Monitoring Committee and two legal firms for review. The California Land Surveyors Association (CLSA) provided a response as well. Except for the CLSA, the other reviewers were mainly engineers. The comments were generally very unfavorable and often based on improper information. Malcolm Shaw and the writer rebutted or agreed with the comments as appropriate. For those who wish to read the comments and the rebuttal, they are available from [wdbrubac@golden.net](mailto:wdbrubac@golden.net) In January, NSPS finally sent the draft MRD to the United States Trade Representative (U.S.T.R.).

It is interesting to note that although the California Land Surveyors and NCEES and its advisory groups of engineers were critical of the Canadian MRD, the writer, a Canadian has been appointed by an ad hoc committee to do the rewrite for the U.S. version of the MRD, based on the feedback from the committee members. The US ad hoc committee includes the whole of the CCLS International Committee as well as a half dozen western US surveyors. NSPS will then engage an attorney to check the legalese.

**CCLS and FECITEUM (Mexico) Directors to Evaluate Proposed Changes to MRD:**

The main change that must be studied by Canada and Mexico is the introduction of an option for any jurisdiction to put either part of the license or all of the license on the table, the latter in exchange for the right to require the applicant from a foreign country to sit the exam. Since it is optional it might not be too much of a leap for the jurisdictions in Canada to accept the change.

The CCLS International Trade Committee will need direction as to the negotiating position it will take at the next NAFTA meeting.

The Mexicans were present at the NSPS conference and spring meeting and accordingly we were able to have more informal meetings with them. They expect to meet with their government to

discuss the MRD and by the end of the summer have suggested changes provided to both Canada and the U.S.

**The Newly Restructured NSPS and ACSM is Gaining Approval:**

In summary, the scheduled Board of Governors and Board of Directors Meetings went smoothly, being taken up with many housekeeping items relating to the restructuring of the organizations one year ago. I can report that the newly restructured NSPS and ACSM is gaining approval and although membership is still a problem, there are former members that are rejoining because it is seen that the new model is poised to better serve its membership. It is noteworthy that NAFTA was not mentioned once during the scheduled meetings.

**Informal NAFTA Meeting Moves Process Ahead:**

Past President Ing. Ignacio Marcial Figueroa, Federacion de Colegios de Ingenieros Topografos de Los Estados Unidos Mexicanos, (FECITEUM A.C.) "Nacho" to us, and his interpreter Enrique G. Larios Arcos from Mexico met with the CCLS ITC represented by Dick Wright and the writer and US NAFTA Committee represented by Bob Prescott, Chair, and Malcolm Shaw on several occasions from Monday until Wednesday to discuss the progress in Mexico with respect to the MRD, also unscheduled.

During these meetings we were able to determine more about the licensing, land registration, and the progress with the MRD.

Licensing in Mexico

Shortly after a student graduates from the University he or she writes a professional exam which entitles him or her to apply for a state license. This appears to also confer membership in the college similar to the College of Physicians and Surgeons in Canada. The college is called a "Colegio". There seems to be an experience requirement at this time too, but I am not clear as to how much. The surveyor is known as a Topographical Engineer because of the historical disgrace to the surveyors (agramensores) for having supported Emperor Maximilian in the revolution on the losing side. Later, the surveyor will want to obtain a federal license and will then write a more extensive exam. The surveyor must show that his or her experience covers a sufficiently wide range of surveying experience to warrant the federal license.

Land Registration

About 25 years ago most of the land was owned by rancheros. Land reform requires these large land holdings to be divided up into individual properties and the titles to each, registered in a land registry or land titles system. The government is holding meetings this year with the surveyors to either educate them on the land registration system or, perhaps, to gain input from them. The Mexicans' concern about the change proposed for the U.S. MRD prompted the discussion about the land registration system.

**Progress with the MRD in Mexico:**

FECETIUM A.G. will be holding meetings with the Mexican government to discuss the NAFTA MRD in June. As stated above, the suggested changes by the U.S. will also be studied as to their impact on the registration system. By late summer the Mexicans expect to have an MRD that suits their purpose. This results in three MRD that will require renegotiation by the NAFTA committee. The NSPS expects to conclude discussions on its MRD at its fall meeting October 2<sup>nd</sup> and 3<sup>rd</sup>, 2004. These developments in Mexico and the US make it necessary to hold the ninth formal meeting late this fall in order to attempt to conclude the work of the NAFTA committees by negotiating one MRD from three.

Mexico is offering again to host it either in Guadalajara or in Colima in late October or November 2004. From a cost standpoint, it is cheaper to fly Dick Wright and the writer to Guadalajara than to fly the committee to a venue that would permit concurrent meetings with a provincial association. The Mexicans have attended the CCLS meeting in Victoria and three NSPS meetings since the last formal NAFTA meeting and feel that their budget is stretched.

The International Committee will make a recommendation respecting the venue of the ninth formal meeting when it makes its report at the Annual General Meeting in Quebec City in June.

Wayne Brubacher,  
Chair, International Committee &  
NSPS Liaison.

April 23, 2004 (Revised May 20, 2004)

## APPENDIX

NSPS/NAFTA MEETING IN NASHVILLE, APRIL 15<sup>TH</sup> TO 21<sup>ST</sup>, 2004

On April 16<sup>th</sup> a meeting, chaired by Cal C. de Baca, P.L.S. was held at the Renaissance Nashville Hotel in Nashville, Tennessee, to discuss the MRD and to review the comments made by the western state associations (the West Fed.), including the California Land Surveyors Association, other individuals and lawyers. The bulk of the discussions surrounded the question of a land surveyor, from a jurisdiction, wishing to engage in a project in the field of geomatics, as described in Schedule B of the MRD, in another jurisdiction. The West Fed. members want a mechanism established to determine substantial compliance vis-à-vis their current standards for admittance into the profession. The result of this meeting produced the fixed position by the West Fed. members requiring a licensed surveyor from another jurisdiction to write the state (professional) exam. This would give the visiting land surveyor a license to practice cadastral survey work in those States. The qualifier here is that the licensed land surveyor from another jurisdiction must hold a license in cadastral surveying. In this case they would not go behind the license to accredit the surveyor's credentials, but would still require the surveyor to write the state exam. The concern here is about those persons holding land-surveying licenses who are not cadastral land surveyors, i.e. those persons whose license is in photogrammetry or hydrography etc. What wasn't discussed was the comments referred to above and the responses to those comments by the NAFTA committee members (both Canada and the USA). As a result, I suggested to Malcolm Shaw that we meet on the morning of April 17<sup>th</sup>, prior to the Board of Governors Meeting, to discuss those comments and responses.

On the morning of April 17th at 8:00 a.m. to 10 a.m. Carl de Baca, Malcolm Shaw (US NAFTA committee member), and I (Armand Marios, NSPS Governor for the California Land Surveyors Association, joined the meeting at about 9:00 am) met to review the content of yesterday's meeting and to review the responses to the comments made regarding the MRD as mentioned above. The outcome of this meeting was to hold another meeting with the main players present, and attempt to arrive at a consensus for wording that would satisfy the West Fed. members and hopefully, once reviewed by Canada and Mexico, would satisfy those parties as well.

On April 17th, on behalf of Wayne Brubacher, CCLS Governor for N.S.P.S., I attended the NSPS Governors meeting at the N.S.P.S AGM. N.S.P.S. President Patrick (Pat) Beehler called the meeting to order at 10 a.m. A roll call was made and was responded to by all 50 States as well as Guam, Puerto Rico, and Canada. Fifteen new governors were introduced and presented with badges and pins.

Keynote speaker, Dr. Bert C. Bach, Chief Academic Officer for the East Tennessee State University, made a presentation on the Baccalaureate program in Surveying and Mapping Science at ETSU.

Several Governors, including CCLS, reported on a number of issues. A request for a report from the CCLS governor, yours truly as fill-in for Wayne, was made just a few hours before the start of the meeting and, since I have been out of the CCLS loop for several years, I had to wing it. Thus, I reported on Quebec rejoining the CCLS and the fact that Ontario has an expanded profession that includes non-cadastral surveyors. I then gave them what was happening in British Columbia on the basis that what happens in one province usually happens in the rest of the country sooner or later. I spoke about the new Practice Advisory Program, the new Electronic Plan Checking Program that funds the PAP that the Association of BCLS has taken over the management and control of the Surveyor Generals Regulations, and that the ABCLS is investigating the concept of an expanded profession similar to Ontario's.

After lunch we broke into Breakout Sessions and the group that I was with was charged with discussing education, ethics, private practice, the CST program, and standards. We also discussed the TRIG STAR Program, which I found interesting and which I believe could have an application in Canada. I recommend that the CCLS look into the merits of a trig star program and the possibility of a joint venture with N.S.P.S. in this regard.

Immediately after the Governors meeting an impromptu meeting was held between Malcolm Shaw, Dick Smith (Governor for the Montana Association of Registered Land Surveyors), and me to discuss further the question of non-cadastral licensed land surveyors and their 'acceptance' in the US vis-à-vis the MRD. Immediately following this meeting another impromptu meeting was convened between Malcolm Shaw, Rita Lomas, and me to discuss the issues at hand and to hear Rita's opinions on the matter.

The NSPS Governors meeting reconvened at 1 p.m. on April 18th. The continuation of reports ensued and the student awards were presented.

Wayne Brubacher arrived in the afternoon of April 18th and a short meeting was held between Wayne, Malcom Shaw, and me. As a result of this meeting a meeting was convened after dinner, starting around 10 p.m., between Wayne Brubacher, Malcolm Shaw, Robert Prescott (US NAFTA committee member), Armand Marios, Carl de Baca, Greg Flowers, P.L.S. (from Washington State), and Dick Wright to attempt to hammer out a draft amendment to the MRD that would satisfy the West Fed.'s concerns. This meeting adjourned around 1:30 a.m. and out of this meeting came the draft Schedule C to the MRD.

The N.S.P.S. Board of Directors meeting convened at 10 a.m. on April 19th. Wayne sat at the Directors table and I sat as an observer. Two members of the FECITEUM from Mexico, Past President Ing. Ignacio Marcial Figueroa and Ing. Enrique Larios Arcos arrived and were suitably recognized as observers by the chair.

The Mexicans joined us at the lunch break during which we caught up on what was happening in their country with regards to the MRD. The Directors meeting reconvened at 1 p.m. and Malcolm Shaw left soon after to return home. The meeting adjourned at 5 p.m. and, because Bob Prescott was tied up with other important matters, Wayne and I were left to chaperon the Mexicans, which we were happy to do.

On the evening of April 20<sup>th</sup> Ignacio and Enrique joined the Brubachers and the Wrights for dinner. It was difficult to find a place in Nashville to have dinner with more than about two people because of the crowds so the concierge at the hotel arranged, at no cost, for a stretched limousine to take us to a restaurant some distance out of town. The Mexicans were very grateful for the attention and hospitality that we extended to them.

We agreed to meet again on the following morning, Wednesday, at 10 a.m. This meeting lasted 2 ½ hours. We reviewed the changes that the West Fed. wanted (Schedule C). Because of the limited English spoken by Enrique (Ignacio speaks no English), it took some time to get across the significance of these changes. The Mexicans expressed some concern with these changes and will take them back to their government and the FECITEUM for review this summer.

This proposed Schedule C is a significant change to the MRD and to what the NAFTA committee negotiated and to what was presented to the CCLS. It was drafted in a very short period of time and I believe it needs significant scrutiny by the Committee before it is presented to the CCLS, NSPS, and the FECITEUM.

R. D. Wright  
CCLS International Trade Committee