

Message from the President, Tania Bigstone

Update from the President

It's hard to believe that the NSC 2017 has come and gone so quickly. Gone are the bi-weekly, weekly, then almost daily meetings with the organizing committee. I would have thought that I would have more "spare time" to catch up on work and my ACLS duties; especially since this is the second year of my Presidential term. I thought that this year would be a lot more relaxed...wow, I was wrong.

The duties of the President, Council and Executive Director and ACLS staff never seem to let up. We are in the midst of:

- training a new staff member, Mathieu Desjardins, as Martha has temporarily left us to care for her beautiful little baby girl, Rose;
- getting bylaws ready for a vote;
- finalizing the Survey Cost study;
- re-focusing the Aboriginal Liaison Committee;
- considering a funding opportunity to update our study materials and resources for the labour-mobility exams;
- application for funding for the Foreign Trained Credential Recognition initiative;
- launching the new website (always a few glitches to work out);
- working with our sister Associations to promote the profession and working towards resolving common issues;
- preparing for the joint NSC 2018 conference with the Canadian Hydrographic Association in Victoria, BC (March 26-29, 2018);

and the list keeps growing...



ACLS President Tania Bigstone

Council could not keep up with all of the Association activities without the support of the fantastic staff.

Since NSC 2017, I have had the privilege of representing our Association at the ABCLS AGM in April, and the APEILS AGM in June. I want to thank Rob Pinkerton, Dominique Fecteau and JC for representing the Association at the Alberta, Saskatchewan and Newfoundland AGM's.

Bruce Kirby was the keynote speaker at the ABCLS meeting. He talked about being in our own "comfort zones" and letting the fear of failing, become a barrier to succeeding and growing in life. Some of the key points that have stuck with me are; the tendency to exaggerate exotic risks (as anyone who knows me well, is aware that I am definitely NOT a risk taker) – letting the fear of what could happen, overshadow what is more likely to happen, and therefore stopping you from taking on a new opportunity or challenge in life. The importance of sleep, leaving your phone out of reach (during the night hours), and meditating were all things that he passionately promoted. I think that the audience also related to or has experienced

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his dialogue on “categorizing the near misses as successes” and “risk creep” (becoming less sensitized to hazards over time).

The ABCLS also had a number of candidates that had successfully completed all of their requirements and were welcomed as the Associations newest members. A few of these new members took the opportunity during the Business Meeting to voice their concerns, opinions and comments on various Association topics, which provided for a great interaction between the membership.

The APEILS AGM, was also an informative meeting, a seminar on climate change (impacts and adaptation) was provided by Peter Nishimura. PEI is experiencing a higher amount of sea level rise than elsewhere in the world, due to the additional factor of the “sinking” of the Island. The shoreline is seeing an increased rate of erosion, on average being 28 cm/year, with some areas experiencing over 1 metre/year. The Regulations regarding development and subdividing of coastal properties, buffer zones were discussed. In addition to the future impacts of erosion, salt marsh migration/expansion, coastal flooding and adapting (where to build, what they grow, how they build and how they prepare for storms). The Province has mapped the coastal change on PEI, whereby the data is used in the development and subdivision approval process. However, the mapping only represents what has occurred, not what will occur in terms of the coastal changes. Coastal development is restricted for erosion (being a 60 ft. buffer or 60 times the annual rate of erosion – whichever is greater), but they do not restrict development based on coastal flood risk.

There has been no new applications or candidates admitted to the APEILS, however members of the Association feel that this is not an immediate concern, but likely will be a near future concern.

A “thank you” to everyone for your continued support of the Association and Council. I wish everyone a happy and relaxing summer, and I hope to see you in Victoria at NSC 2018!

Thank you,

Tania Bigstone, CLS, PEILS (non-prac.)
President

Scholarship Winners

Every year ACLS Foundation awards scholarships. This year it decided to award 4 of \$1,750 to students enrolled in a postsecondary institution in the field of Geomatics. It used to be three \$1,500 scholarships. One of the 4 is reserved for a female student.

2017 Winners of the ACLS Foundation Scholarship in alphabetical order:



Czarina Marquez
(Entering her 4th year at the British Columbia Institute of Technology)



Mason Gray
(In his 2nd year at the University of New Brunswick)



Justin Collett
(Entering his 4th year at the University of New Brunswick)



Noah Whitenect
(Entering his first year at the University of New Brunswick after completing his diploma at the Centre of Geographic Sciences)

Visit our website at <https://www.acls-aatc.ca/students-home/scholarships/> for additional information about the Geomatics Scholarship Program and eligibility requirements.

NSC 2017: Canada's Surveyors the Cornerstone of a Country

The most recent National Surveyors Conference was a historic event and a fantastic success. The Conference was held on February 28 and March 1 to 3rd, 2017 at the impressive Shaw Centre downtown Ottawa. For a first time ever, three surveying associations joined forces to create an extraordinary show to highlight the contribution of surveyors to building the greatest nation on earth during Canada's 150 year of existence. The staff of Association of Ontario Land Surveyors, the Ordre des arpenteurs-géomètres du Québec and the ACLS worked hard for 2 years setting up this never to be forgotten event

Some statistics:

- 700 delegates
- Budget: \$485,000
- Sponsors: \$96,000
- Exhibitors: \$91,000
- 34 Exhibitors

We would like to take this opportunity to thank the following ACLS permit holders who were sponsors at NSC 2017 (in alphabetical order):

- Altus Geomatics Limited Partnership
- Challenger Geomatics Ltd.
- McElhanney
- Meridian Surveys Ltd.
- Ollerhead and Associates Ltd.
- Tulloch Geomatics Inc.
- Underhill Geomatics Ltd.
- WSP Canada Inc.

And also the following NSC regular supporting organisations:

- ACLS North of 60 Regional Group
- ACLS Yukon Regional Group
- Natural Resources Canada
- PARC Systems Inc.
- Professional Surveyors Canada

The opening ceremony was breath taking. We videotaped it and it can be seen on YouTube at: https://www.youtube.com/results?search_query=National+Surveyors%27+Conference+Intro

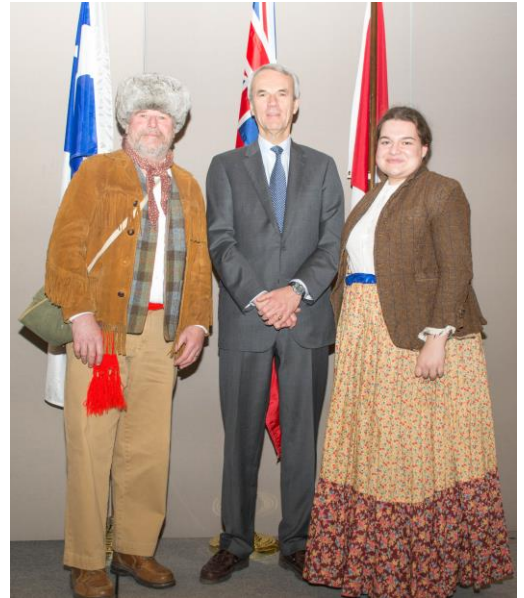
We even managed to generate a small surplus allowing us to make a \$5,000 contribution to Ronald McDonald House in the name of our presenters.

Should we repeat this experience? Maybe not for a couple of years, but why not?

New Honorary Life members

Section 8.3 (1) of the ACLS By-Laws stipulates that Council, in its discretion, may confer honorary life membership in the Association on a Canada Lands Surveyor who has held a commission, or certificate as a Dominion Topographical Surveyor, for a total of at least 20 years and who has rendered signal service to the Association and the surveying profession.

This year, the ACLS Council decided to award two Honorary Life Memberships and certificates were presented at NSC 2017 Gala Event on March 2nd, 2017 to the two following members:



A direct descendant of David Thompson, Brian Lennox of Ottawa surrounded by actors representing David Thompson and his wife at NSC 2017.

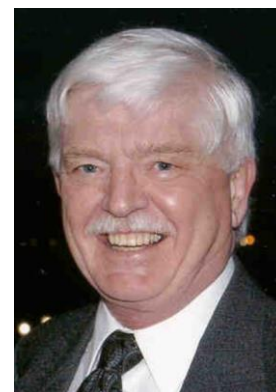
Marie Robidoux, CLS, LL.M.

- Bachelors Degree in Law from Université Laval 1978
- CLS commission 1993
- Master of Law, Robert Kennedy College, Switzerland, 2002
- Member of the ACLS Board of Examiners since 2001
- ACLS representative for the Canadian Board of Examiners for Professional Surveyors since 2006 and Chair of the Board since 2012. Has also served on many CBEPS committees and task forces.
- Served six years as an elected member of the Association of Canada Lands Surveyors
- Elected President of the Association of Canada Lands Surveyors for 2007-08 – first woman president
- Member of the Conference Committee of the Association of Canada Lands Surveyors
- Served on the Aboriginal Liaison Committee and Public Awareness of the Association of Canada Lands Surveyors
- Also currently in her spare time:
 - Appointed to the Energy Diversification Advisory Committee by the Alberta Minister of Energy in October 2016
 - Chair of the Board, Alberta Women Entrepreneurs since 2014
 - Member of the Advisory Committee – Aboriginal Community Industry Relations Certificate, University of Alberta Faculty of Extension
 - Member of the Circle for Aboriginal Relations (CFAR)
 - She currently lives in Calgary with Patricia in Calgary where she works as a consultant in Indigenous/Industry relations and consultation.



Patrick Ringwood, B.C.L.S., C.L.S.

- Commissioned as a British Columbia Land Surveyor in 1973
- Commissioned as a Dominion Land Surveyor (now Canada Lands Surveyor) in 1978
- Established private practice in Williams Lake, B.C. in 1974 and remained in business as a sole proprietor until 1988
- Sold practice upon appointment as Deputy Surveyor General
- Served as Deputy Surveyor General and, subsequently, Surveyor General from February 1988 to November 1996
- Served six years as an elected member of the Board of Management of the Corporation of Land Surveyors of the Province of British Columbia
- Elected President of the Corporation of Land Surveyors for the year 1990
- Served as senior councillor, President and Past President (1999 to 2003) of the Association of Canada Lands Surveyors
- Served on the ACLS Board of Examiners since 1999 and as Chair since 2011
- Chairman of the ACLS Foundation
- Awarded life membership in the Canadian Institute of Geomatics in 2014
- Elected a Life Member of the Association of British Columbia Land Surveyors in 2014
- Patrick and Carole live primarily in Victoria, BC and seasonally (winter and summer) at their cottage in Notre-Dame-de-Pontmain, QC.



Congratulations Marie and Patrick. Well-deserved indeed!

Tim Koepke Award winners

The Tim Koepke Awards of Merit recognizes an individual or individuals who have made extraordinary contributions and provided outstanding services to the ACLS. This year, Council selected two winners and the awards were presented at the NSC 2017 Convocation Lunch on March 2nd, 2017. The two winners are:

Rick Beaumont, ALS (ret.), CLS (ret.)

Rick has been a CLS since 1979. His contributions to the ACLS are perhaps best described in his work on the Aboriginal Liaison Committee and Council. In his role on the Aboriginal Liaison Committee as Chair he led the development of communications initiatives regarding Geomatics for Property Rights that included development of numerous products for presenting at conferences and related events and visiting First Nations communities. During this period, Rick was also involved in developing and implementing the Geomatics for Aboriginal Property Rights Infrastructure Program at Natural Resources Canada. The combination of both his work on Aboriginal Liaison and in his role in government, has contributed significantly to the strong relationships that the profession enjoys today with Indigenous communities.

Rick's tenure on ACLS Council (2009 to 2013, President 2011), was a period of change related to implementing an online exam system, launching MyCLSS, validating hydrographic surveying examinations and realizing Labour Mobility. At the AGM in Regina, as ACLS president, Rick ratified the MRA on Labour Mobility along with the majority of sister associations. A colleague described Rick as "unflappable" and that, along with common sense, particularly regarding financial matters was a valuable contribution that Rick brought to the Council.



Rick has served on numerous committees in the various professional organizations that he has served and has freely given his time and has mentored and supported many developing land surveyors and geomatics professionals.

Rick Beaumont has devoted an extensive amount of his time and effort to both his profession and his community. He has led by example through professionalism in every role in which he has served. Efforts to his community have among other things produced improved sporting facilities, he has provided leadership and outstanding levels of contribution to the various professional organizations that have been fortunate to have had his participation and he provided strong representation of the profession in government.

Bruce Gudim, ALS (ret.), CLS (ret.)

Bruce Gudim has been a member of the Association of Canada Lands Surveyors since 1997. He has devoted considerable energy and knowledge to the surveying industry in Canada through his Committee work and Eclipse College and generously shared his extensive survey experience, abundance of surveying knowledge and technical skills with other professionals.

Bruce has developed a new system and new methodology towards the betterment of our land surveying profession, creating a new way to educate the next generation of land surveyors through his co-founding of Eclipse College and creating GeoEd.

Eclipse College is a non-profit entity created to assist articling pupils and CBEPS candidates to write professional exams. Eclipse College started out as a series of classroom style seminars and has since evolved into seminars being run both online and in person weekly since 2008.

Bruce was also instrumental in the ACLS's CPD Committee's efforts to create GeoEd, and online learning portal that seeks to promote accessible continuing professional development to surveyors across Canada.

Bruce created the logo that is still in use today, and designed and put the first version of the portal online in 2011. Although GeoEd has grown considerably since then and has gone through a number of cosmetic changes, it continues to fulfill Bruce's original vision. With over 130 courses, GeoEd now is well on its way to becoming the tool that surveyors across Canada will use to make educational opportunities as easy and accessible as possible.

Bruce's contribution to the betterment of the provincial and Canada lands surveying profession is evident in his contribution to a number of committees, boards, and educational he has served over the course of his career.

Congratulations Bruce and Rick!

CHC-NSC 2018

The Association of Canada Lands Surveyors and the Canadian Hydrographic Association are uniting to hold a conference to pass on new technical knowledge, advancements in the field and a great setting for networking. Next year it will be held in Victoria, B.C from March 26th to 29th, 2018 at the Empress Hotel. The theme of the conference is: Land and Sea Shaping the World. Please visit www.chc-nsc2018.ca for more details and to reserve your hotel room. We expect to have over 450 delegates from across Canada and from around the world to help us celebrate the accomplishments of the surveying profession and its impact on the economy of our country.



The banner features a blue and yellow geometric pattern background. On the left, the text 'CHC-NSC 2018' is prominently displayed in large blue letters, with the website 'www.chc-nsc2018.ca' below it. In the center, there are two logos: the Canadian Hydrographic Association (CHA) logo, which includes a lighthouse and the text 'CANADIAN HYDROGRAPHIC ASSOCIATION' and 'ASSOCIATION CANADIENNE D'HYDROGRAPHIE', and the ACLS-ARATC logo, which features a stylized mountain and a red maple leaf. Below the logos, the text 'Land and Sea Shaping the World' and 'Terre et Mer Façonnant le Monde' is written in white. At the bottom, the dates and locations are listed: 'Victoria, B.C. March 26-29, 2018' and 'Victoria, C.B. 26 au 29 mars 2018'.

NSC 2019

We always try to book our conference venue at least two years in advance. A few weeks ago, we signed a contract with the Delta Halifax Hotel downtown Halifax to hold NSC 2019 on May 1 to 3, 2019. It's truly a beautiful hotel with view on the harbor.

We will have a limited number of guest rooms available. So we encourage members to reserve a room as soon as we provide the contact info. Remember that you can always cancel if you change your mind.

Passing of Ivan Royan and Alex Hittel

Ivan Royan



It is with regret that I announce the passing of Ivan James Royan, CLS #1569 on June 2, 2017 after a 4 ½ year battle with cancer. Ivan was born on October 14, 1949 in Bundaberg, Queensland, Australia. In 1972, he received a Bachelor of Surveying degree from the University of Queensland in Brisbane and began work with the Australia Survey Office where he was commissioned a professional land surveyor in the State of Queensland 1974. Upon marrying Val in 1977, Ivan moved to Canada and joined Underhill & Underhill where he received his commission as a BCLS on May 23, 1979. In 1983, he became a partner and remained with the Underhill firm until his passing. Ivan received his CLS commission in 1996 and served on the ACLS council from 2009 through 2014 where he was President for 2012-2013. We thank Kelly Stofer, BCLS for most of the text of this obituary.

Alex Hittel



Alex Hittel, beloved husband, father, grandfather and great-grandfather, passed away peacefully at his home on Wednesday, May 17, 2017 at the age of 85 years. Alex will be sorely missed by his loving wife Jean; children Jennifer, Jim, Jeff and Douglas; grandchildren Alexander, Matthew, Sarah and Karla; great-grandchildren Henry and Jacob; as well as countless friends. Alex was born August 19, 1931 on Section 13, Township 19, Range 26 W3, (near the town of Fox Valley, SK). Being a farm boy raised in a loving yet economically challenged environment gave Alex an early appreciation for hard work as well as the happiness and thankfulness that comes from life's simpler pleasures. Alex was athletically gifted, with golf representing an almost unhealthy obsession. In fact, Alex spent time hitting balls at the driving range of his beloved Silver Springs Golf and Country Club on the day of his passing. Alex was a land surveyor by trade holding extreme pride in his chosen profession. He was a long standing member of the Alberta Land Surveyors Assoc., as well as the Assoc. of Canadian Land surveyors. Alex

had a long career with Shell Canada, Sheltech, Nortech and All Can Engineering and Surveys. His love for technology saw him immersed very early on the use of government satellites for commercial navigation purposes. To this end, Alex led a company that designed and manufactured satellite receivers for commercial land surveying applications. He was a humble man yet had many accomplishments. Alex was granted the Alberta Land Surveyors Professional Recognition Award in 1979. He received The Canadian Petroleum Assoc. Award of Merit in 1975. Alex was granted the P.Eng designation from APEGGA in 1981, yet did not have an engineering degree. He was most proud however, of the creation of the Survey Engineering Program at U of C (now the Department of Geomatics Engineering) in 1979. Alex played a significant role in the creation of this department by his formal 1974 proposal and herculean dedication to create a Geodetic Research Institute at the U of C. Five years later it was a reality

Our most sincere condolences to the families.

FIG

The Canadian Institute of Geomatics has been representing Canada at the International Federation of Surveyors (FIG) for decades. The ACLS recently received an e-mail from the CIG President informing us that the year 2017 is the last year of CIG membership with FIG and asked if the ACLS would take its place.

The ACLS sent letters to all sister associations suggesting that Professional Surveyors Canada be the country's representative to FIG. If PSC declines and if our sister associations support ACLS's commitment to FIG both morally and financially, ACLS may go ahead and apply for membership.

CIG

The Canadian Institute of Geomatics has been an office neighbour of ACLS and PSC for many years but its lease has expired on June 30th, 2017 and was not renewed.

CIG is not moving; it decided to close the office and the staff will now work from their home.

We are sorry to see them leave!

Survey Cost Study

A Briefing of the Results & An Update on the "Cost Analysis for Legal Surveys on First Nation Lands in Canada"

The "Survey Cost Study" Report is almost complete. There was a significant amount of work and resources from the Survey Cost Committee members, comprised of representatives from the Surveyor General Branch (SGB), Indigenous and North Affairs Canada (INAC), the Association of Canada Lands Surveyors (ACLS), that contributed to the success of the project. In addition, the Report prepared by Julia Meldrum Smith, OLS, CLS and Scott Smith, BA., MA has been a long, tough project that they can be proud of.

The seventy-five First Nation lands managers & staff, as well as the numerous members of the ACLS had a very large part in this project as well. Without their commitment and time, to answer the questionnaires honestly and openly, there would still be that lingering question of "are the cost of surveys on Canada lands more expensive than those on Provincial lands?"

Originally there was 3 objectives to the Survey Cost Study:

- i. Determine the key drivers of survey costs with respect to parcel and jurisdictional boundaries on First Nation Reserve Lands in Canada.
- ii. Based on data acquired in the project, deliver a set of recommendations to address the key issues identified. Recommendations are to include the impact of the following on the cost of legal surveys¹: the quality of land development regimes (integrated land use planning, land survey and land registration systems), awareness and familiarity with the legal survey process, the condition of legal survey infrastructure (parcel fabric), land registries and legal survey regimes (CLSR and ILR)² and related information systems (web browsers and on-line data) and access to Canada Lands Surveyors.

¹ Legal Surveys in this context refer to surveys made under the instructions of the Surveyor General of Canada Lands

² CLSR = Canada Lands Surveys Records, ILR = Indian Lands Registry

- iii. Report submitted serves as an educational tool to key stakeholders involved in survey projects (i.e. First Nation land managers, INAC staff, etc.), who may not be familiar with all aspects of a survey and the associated costs.

This was a tall task to be completed, on a limited budget and within a very short amount of time. In the end, objective (iii) was not capable of being fully addressed. The size and contents of the Report proved to be too immense and complex to directly use as an educational tool to key stakeholders. The ACLS representatives of the Survey Cost committee, realize the importance and value of this objective and will proceed with assisting the ACLS Aboriginal Liaison Committee to prepare the educational tools to key stakeholders using the Report findings and research.

As some ACLS members have questioned the need for the Report to be prepared in the first place, it is important for all of us to remember that what we perceive, isn't always what our clients perceive. Meaning that, although we know the value and importance of our work, not everyone else does. And therefore, not everyone is understanding of the key cost drivers for a project (what goes into the cost of the survey), the type of survey required for the transaction (i.e. the difference between a location certificate in the Province and a lot survey on Federal Lands), and why the survey that they are paying for has value.

The ACLS has been in need (for many years) of a tool or document, based on thorough research and concrete findings, to back up our assertion of the value and importance of surveys on Federal lands.

This Report is the first step to the creation of the much-needed educational tools that will be produced by the Aboriginal Liaison Committee.

While most of the findings in the Report may not be a surprise to the ACLS members; the findings certainly were a bit of a surprise to key stakeholders. Some of the key cost drivers identified in the Report were:

- **Condition of the survey evidence** – in locations where the evidence was in good condition it was an average of 86 hours for a project. In locations with poor evidence available, the average amount of hours jumped to 170 for a project. The tasks associated with the additional amount of hours (where poor evidence was available) was: establishing control (over double the amount of hours spent), evidence searches (over 1.5 times more hours spent), resolving evidence conflicts (over 4.5 times more hours spent) and boundary demarcation (over 1.75 times more hours spent).
- **Changes to the survey “Standards” and infrequent use of MyCLSS or experience in conducting CLS projects** – for many CLS's their main source of work is not CLS projects, rather it is Provincial survey projects. Therefore, familiarity with survey requirements or standards can affect the amount of time required of the CLS. “Surveyors and Land Managers have both expressed frustration with the changing requirements to have Legal Surveys performed...Each of these groups juggle many responsibilities, and have little time or funds to become proficient in each new processes, and to train their staff in the changes as well.”³
- **Type of survey required** – jurisdictional boundary surveys were almost 3 times the amount of average project hours and average distance surveyed, when compared to parcel and right of way surveys. The average distance surveyed per hour was fairly similar, when comparing the 3 types of surveys.
- **Distance travelled** – as survey crews may need to spend hours traveling to a location, the cost of the survey will likely increase. Employees are paid for their time, whether travelling to a site or working at the site, this is a factor that may not be considered by the public when reviewing the costs of their survey.
- **Line cutting and blazing** – “While only a small percentage of projects required this activity, invariably labour inputs escalated as the cutting distances increased. The number of hours devoted to cutting and blazing account for as much as half of the total labour for the project when distances surveyed exceeded 500 m.”⁴

Some of the factors that did not appear to have an impact on the amount of project hours were:

³ Cost Analysis for Legal Surveys on First Nations Lands in Canada, March 31, 2017

⁴ Cost Analysis for Legal Surveys on First Nations Lands in Canada, March 31, 2017

- **Number of monuments placed** – “in some cases setting a relatively small number of monuments required a relatively high intensity labour output. Conversely, there were projects where a high number of monuments were placed required a relatively low labour intensity.”⁵
- **Time of year** – “Generally speaking, work takes approximately the same amount of time year round...it is due in part to the fact that surveyors will select the most appropriate time of year to accomplish work efficiently (where possible).”⁶

The Report concluded that “The data shows that, based on the multipliers used, surveys are charged out at the same rates on First Nations Reserves as in the Provinces. The data from the study further shows that the amount of time spent on legal surveys on First Nations Reserves is often less than that of comparable legal surveys in the provinces.”⁷

Although the findings of the Report most likely verify what the ACLS members have thought all along, regarding the costs of surveys, until now, the data didn’t exist to back up the statement.

The next steps for the Cost Study Report are:

- Final review by the Survey Cost Committee members and request for amendments (as needed)
- ACLS Council to review and approve the Report
- ACLS to post the Report on the website (will be available in both official languages)
 - Both the SGB and INAC will also post the Report on their respective websites
- Aboriginal Liaison Committee to use the Report to prepare the “educational tool” for key stakeholders.

Tania Bigstone, CLS, PEILS (non-pract.)
President

Summary of Council Meetings

Go-to-Meeting August 30, 2016

- Decision to renew lease for 1 year and to award funds for any upgrades to the ACLS office space.
- Decision to approve the changes to bylaw amendment 2017-3.
- Approval of changes to the CPD categories as proposed by the CPD Committee.
- Appointment of Jim Gunn as Chair for the Discipline Committee.
- Reid Egger will take over as Chair on the CPD Committee.
- Carl Friesen has now joined the Finance and HR Task Force.

Go-to-Meeting October 4, 2016

- Decision to offer a CLS Commission to Rueben McRae of Mississauga, Ontario.
- Approval of the Terms of Reference of the Aboriginal Liaison Committee.
- Decision to appoint Anne Cole to the Discipline Committee.
- Report on complaint case 16-01 from the Complaints Committee was circulated. Decision by Council to refer case 16-01 to the Discipline Committee.

Go-to-Meeting November 1, 2016

- Decision to appoint Robert Pinkerton to the Discipline Committee.
- Approval of the Terms of Reference of the Bylaws and Legislations Committee.
- Approval of the memorandum of understanding with the Canadian Hydrographic Association for the joint conference in 2018.

⁵ Cost Analysis for Legal Surveys on First Nations Lands in Canada, March 31, 2017

⁶ Cost Analysis for Legal Surveys on First Nations Lands in Canada, March 31, 2017

⁷ Cost Analysis for Legal Surveys on First Nations Lands in Canada, March 31, 2017

Face-to-face meeting in Chateau Montebello November 23rd and 24th, 2016

- Decision to offer a solution to CIG who intends on downsizing it's office space.
- Presentation by two staff members from the firm Impact Public Affairs on possible advocacy activities. Invitation to present a proposal at \$1 a month.
- Decision to offer Julia Meldrum Smith a contract as Practice Review Manager for the year 2018.
- Review of a series of recommendations from the ACLS Finance and HR Task Force. Work in progress.
- Approval of changes to By-law amendment resolution 2017-03.
- Request to the Offshore Committee to consider how Hydrographers can best participate in the Association governance.
- Decision to send a letter to NRCan Minister to recommend reappointing G. Connolly for another term as lay councillor.
- Approval of changes to various committee members.
- Review of strategic plan initiatives.
- Preliminary report from the Nominating Committee. Still searching for candidates.
- Review of the ACLS report to the Minister for 2014-2015.
- Report on CBEPS and GeoEd.
- Updates on the Foreign Credential Recognition initiative and the Survey Cost Study.
- Presentation by the Surveyor General on work on the Survey Capacity Study.

Go-to-Meeting December 13, 2016

- Review of recommendations from the Finance and HR Task Force.
- Decision to present bylaw amendment resolution 2017-1 to the membership.
- Approval of the RFP for the new ACLS website to be sent out to firms for proposals.
- Presentation of the report from the Nominating Committee.
- Approval for the \$55 fee for the ACLS business meeting and \$120 fee for the ACLS seminar presented in conjunction with NSC 2017.
- Decision to appoint Ralph Bode as ACLS liaison on the University of Calgary Geomatics Liaison Committee.

Go-to-Meeting January 16, 2017

- Presentation of a first draft of the budget for 2017.
- Decision made that the Tim Koepke Award be presented to Rick Beaumont and Bruce Gudim at NSC 2017.
- Decision to offer commissions to: Warren Lippitt of Canmore, Alberta; Mark Miller of Spruce Grove, Alberta; and Blair A. Bridger of Mount Pearl, Newfoundland.
- Appointment of Anita Lemmetty, Ben Giesbrecht, and Doug Dodge as special examiners for subject P1.
- Decision of the new fee structure for special examiners.

Go-to-Meeting January 31, 2017

- Decision to approve the 2017 Budget as presented.
- The Finance and HR Committee recommended a few different scenarios to create more revenue by increasing some fees.
- Approval of the bylaw amendment 2017-4 as presented which includes recommendations from the Finance and HR Task Force to be presented to the membership.
- Approval of the bylaw amendment 2017-2 which revises the CPD requirements for new license holders and those whose license has expired/been revoked to be presented to the membership.
- Eight applications were received for the David Thompson Awards, the awards will be presented in two categories, cadastral and non-cadastral.
- Approval of the new CPD Committee Terms of Reference.
- Decision made that Council will investigate the possibility of liaising with provincial associations to create a National Task Force to restore and re-observe the centennial survey monuments.

Go-to-Meeting March 14, 2017

- Debrief of February 28 Business Meeting.
- Debrief of March 3 workshop.
- Some changes were made to committee membership.
- David Gray has resigned as special examiner for Offshore Property Rights examination and will be replaced by Julian Goodyear. He has been approved as the new special examiner.

Go-to-Meeting April 11, 2017

- A commission will be offered to Darren Patkau of Saskatoon, Saskatchewan.
- Approval of the series of questions for the PSC survey.
- Appointment of Andrew Leyzack as the new Chair of the Offshore Committee and Ryan Schuler as the new Chair of the Standards of Practice Committee.
- Approval of the project proposed by Impact Public Affairs for a reception on June 7th on Parleмент Hill.
- Decision to send a member of the Public Awareness Committee to the AOLS Marketing Workshop
- ACLS will participate in the AOLS salary survey.

Go-to-Meeting May 2, 2017

- Decision to accept the FAQ proposed by the Public Awareness Committee.
- In reply to concerns by members on Bylaw amendment resolution 2017-04, Council requested a more definite amount to fund executive directors replacement.

Go-to-Meeting May 23rd, 2017

- Decision to approve Bylaw amendment 2017-04 to be sent to the membership.
- Bill Edgerton has stepped down as Chair of the Complaints Committee, Dave McArthur has resigned from the committee, more members are needed.
- Appointment of Bruce Calderbank as chair of the Canadian Hydrographer Certification Panel.
- Decision has been made to pay the GeoAlliance membership invoice.
- Decision to offer Zuzana Fulkova of Surrey, BC a CLS commission.
- The President will work with INAC to find a way to provide easy access to the Indian Lands Registry for ACLS members.

Go-to-Meeting June 13th, 2017

- Decision to approve Bylaw amendment 2017-04 to be voted by the membership in June 2017.
- Decision to approve Bylaw amendment 2018-01 to be sent to the membership in 2018.
- CIG is closing down its office so 2 staff members will be working from home. It asked for storage space from ACLS. Council directed ACLS staff to help CIG as much as possible.
- SGB presented a project to the Board of Examiners to create an application to help candidates though the examination process. Council is in support of this project.
- ACLS received an e-mail message from the CIG President inviting ACLS to take it's place as the official Canadian representative on FIG. ACLS will recommend to sister associations that PSC assume that role.

Executive Director's Notes

The 2017-2018 Council

The following Council was confirmed at the AGM:

POSITION	NAME	HOME
President	Tania L. Bigstone	Dartmouth, Nova Scotia
Past President	J. Anne Cole	Sudbury, Ontario
Vice President	Dominique Fecteau	Mont-Tremblant, Québec
3rd Year Councillor	G.C. (Carl) Friesen	Whitehorse, Yukon
2nd Year Councillor	Robert Andrew Pinkerton	Calgary, Alberta
1st Year Councillor	Doug Dodge	Williams Lake, British Columbia
Appointed by Minister	Geoffrey Connolly	Cornwall, Prince Edward Island
Appointed by Minister	Leona Irons	Curve Lake, Ontario
Surveyor General	Peter Sullivan	Edmonton, Alberta

Use of the CLS Title

I'm happy to see that many of our members proudly announce that they are Canada Lands Surveyors in their publicity (survey crew vehicles, yellow pages, magazine ads. etc.). Unfortunately, some have a typo. They omit the "s" at the end of "Land".

Did you know that nowhere in the CLS legislation is mentioned the term "land surveyor". A Canada Lands Surveyor is a professional who is authorized to practice cadastral surveying on Canada Lands. So a surveyor for Canada Lands. Be proud of being a CLS but also please spell it correctly.

New CLSs

Congratulations to the following people who were awarded a CLS Commission since the last issue of Communique:

- Matthew M.P. Sakatch, Calgary, AB
- Praveen Mahendra, Red Deer, AB
- Amanpreet Singh, Edmonton, AB
- Zuzana Fulkova, Surrey, BC
- Darren Peter Patkau, Saskatoon, SK
- Blair Bridger, Mount Pearl, NL
- Mark Miller, Edmonton, AB
- Warren A. Lippitt, Canmore, AB
- Reuben McRae, Whitby, ON

Welcome to CLS family.

Complaints and Discipline

We were dealing with two complaints. Complaints Case 16-01 has just closed with a decision of the Discipline Committee delivered on June 23rd, 2017. A summary of the decision is available in the members only section of the website under "Publications". Complaints Case 17-01 is presently under investigation by the Complaints Committee.

Jean-Claude Tétreault, CLS, a.-g., (ret.) MBA
Executive Director

On-going By-Law Amendments Vote

At the last ACLS AGM on February 28th, 2017 we presented 4 resolutions to amend the ACLS General By-laws. On June 27th an e-mail was sent to all ACLS members who have the right to vote containing the link to the electronic voting system on the ACLS new Web site. The following are brief summaries:

- Resolution 1: Defining committees and regional groups
- Resolution 2: Concerns the provisions for obtaining a license including the mandatory requirements for continuing professional development
- Resolution 3: Concerns the separation of levies, dues and fees into different sections of the bylaws
- Resolution 4: Concerns proposed fee changes for permit, monument and document fees.

In respect to resolution 4, members at the business meeting stated that gathering an amount of \$115,000 to prepare for the retirement of the existing Executive Director was excessive. Following the meeting, I came up with a plan for my retirement which was accepted by Council. It plans for my hours working for the Association to gradually decrease over a year after hiring the new candidate. It is estimated that that would cost \$75,000. An amount of \$40,000 from the surplus of the year 2016 will be committed to this reserve, so only \$35,000 remains to be collected. Council reduced the proposed monument and documents fees from the amounts presented at the last business meeting.

Deadline to vote is July 26, 2017.

New ACLS Website

We are happy to announce that the new ACLS Web site is now on line. We hope you like it. The previous site was launched in December of 2009. After 8 years and a half it was high time for a new site which is now device friendly. To log in the new ACLS website, use the same e-mail address that was used on the previous site. What needs to be done now is to create a new password to be able to log in. On the log in page where it asks Username or Email address and Password, underneath this box you will see a link "Lost your password?" Click on the link, it will redirected you to the "My Account" page where it asks for your Username or email. Once entered, click "Reset password" and an e-mail will be sent out to you. In the email, you will see password reset instructions. At the bottom of the page you will have to click on the link "Click here to reset password" and you will be redirected to the new password page. The new password must contain at least 8 characters; for a stronger password use upper and lower case letters, numbers and symbols (!"??%@). Then click save and log in with your new password.

ACLS and PSC

The ACLS is in the final year of our three-year commitment for the "All-in" model for the PSC dues. Council wanted to get a feel from the membership to see if there was a desire to re-commit to the all-in model, upon the conclusion the current commitment. So the ACLS conducted a Survey Monkey electronic survey in April-May 2017. Here is a summary of results:

1. Do you believe that the ACLS should commit to support PSC using the "all in" model, the same way it did in the last 3 years?
 - a) 75 said yes (55%)
 - b) 62 said no (45%)
2. If yes, for how many years?
 - a) One year: 3 (4%)

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T: 1-813-723-9200
English Français (French)

The ACLS is not-for-profit, non government organization that governs the activities of its members in the field of cadastral (boundary or legal) surveying.

Welcome to ACLS-AATC – Association of Canada Lands Surveyors (ACLS)
Surveyors apply mathematics, property law and use of the latest measurement technology to real-life situations. These professionals are enablers of industries that pump billions into the Canadian economy annually. Because of their expertise, surveyors are required whenever there is a need to create parcels of land and establish property boundaries.
The Association of Canada Lands Surveyors (ACLS) is the national licensing body for professionals surveying in the three Canadian territories, in the Federal parks, on Aboriginal reserves, on and under the surface of Canada's oceans. The exclusive title attributed to these professionals is that of Canada Lands Surveyors (CLS).
Recognizing that professional surveyors have a lifelong learning responsibility, the ACLS implemented Mandatory Continuing Developments on January 1st, 2011.

Public Members (Login Required) Students

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- b) Two years: 7 (9%)
 - c) Three years: 50 (66%)
 - d) More: 16 (21%)
3. Please provide your comments: Many members provided comments either for or against continuing the “All-in” commitment.

So the results were in favor of the “All-in” model. This fall, Council was planning to conduct an official membership vote on the re-commitment.

At a recent ACLS Regional Group meeting, a question was raised about the consequences if a member didn’t pay their PSC dues through the ACLS. Council opted to obtain a legal opinion, in order to properly address the members concern.

Council received the legal opinion in June and discussed it at the June 13th Council meeting. We have been notified that there is no explicit authority under the Act or the Regulations to impose and collect fees for another organization.

As a result, Council has decided that the year 2017 will be last year of the ACLS “All-in” model. There will not be a membership vote on this. However, at the request of PSC, the ACLS can arrange to collect PSC dues at the upcoming membership renewal cycle beginning in November as a service to its members. ACLS encourages members to pay the dues to become/continue to be a PSC member.

Land Descriptions, Issues and the Effects of a Land Code for a Canada Lands Surveyor

First Nations opting to govern their lands and resources through the *Framework* Agreement on First Nation Land Management require a land code, which is developed by the First Nation.

A First Nation’s Community membership votes to ratify its land code and Individual Transfer Agreement:

- The land code sets out the First Nation’s powers and obligations for Reserve land and resource governance. Within the land code is a description of the boundaries of the Reserve lands that will be governed by the First Nation.
- The Individual Transfer Agreement is a government-to-government agreement between Canada [represented by the Minister of Indigenous and Northern Affairs Canada (INAC)] and the First Nation. The Agreement sets out the technical aspects of the transfer of authority from Canada to the First Nation including a description of the Reserve lands and description of the environmental health of the reserve lands as well as next steps required to confirm or remediate any known areas of contamination.

Upon an affirmative ratification vote by the Community, an effective date is established for the land code to become operative (Operational).

Once Operational, a First Nation can create laws applicable to their lands and resources. Some First Nations have chosen to create laws to address how surveys are to be requested and approved (i.e. who would have the authority for the request and approval of surveys).

At first thought, the identification of the exterior boundaries for an existing Reserve would seem like a simple task; as the exterior boundaries of the Reserve are jurisdictional boundaries and therefore Canada (and the Province) would know where their jurisdiction begins and ends. Unfortunately for many Reserves across Canada, the true extent may not be known or confirmed.

The preparation of Land Descriptions under the Framework Agreement in many cases, is one of the first times that the exterior boundaries of a Reserve has been fully researched. This involves a thorough review of the documentation and survey related information, from the time of the Reserve’s establishment to today. These issues can be specific to the Province or region, while others may be more common across Canada.

The issue of jurisdiction is a very common issue.

For example, in British Columbia, the existence, location and width of “all traveled streets, roads, trails, and other highways” (as per PC 208 & OCPC 1036) through a Reserve, for which the Province may have a claim to or interest in, is a very common issue for Reserves in the Province. The questions of: who has jurisdiction and to what extent, are raised as these “traveled streets, roads, trails” were usually not surveyed, their location may no longer be visible on the ground today, portions may have been realigned, or they have been widened without obtaining proper consent.

In Nova Scotia, the application of Provincial Legislation (and what version of the legislation is applicable) with regards to the ownership of the beds of watercourses, depends on the type of watercourse, and how and when the lands were acquired by Canada (to be set aside as Reserve). It is possible to have a Reserve, if acquired as separate parcels, to have full, partial and no ownership of portions of the bed of a watercourse as it meanders through the various parcels of the Reserve.

The ownership of intervening and adjoining township road allowances through Reserves in the Prairie Provinces can also be a jurisdictional issue to be addressed. A Reserve may have been surveyed as a contiguous block, but the Order-in-Council establishing the Reserve refers to the Reserve by Sections and remains silent as to the intervening and adjoining road allowances.

Some of the more general or common types of issues identified across Canada, tend to be: significant changes to natural boundaries (through accretion, erosion, flooding, etc.), overlapping titles/interests in the lands, incomplete transactions (i.e. missing documentation to add lands to or transfer lands from a Reserve), environmental contamination, potential errors with previous surveys, or there has never been a survey conducted.

The research conducted for the preparation of the land description, identifies many potential issues, which may not have been previously known to the First Nation, or to Canada. In most cases, these issues require some form of consultation between the First Nation, Canada and other stakeholders (i.e. Province, interest holders, etc.) to resolve. A resolution to the issue(s) may be required in order to prepare the land description (which can have the effect of postponing a Vote); or in some instances the resolution can be negotiated at a later date (enabling the Vote to remain on schedule).

A temporary resolution to an issue may be to exclude a portion of the Reserve⁸. Whereby, a portion of the Reserve would remain managed by INAC under the Indian Act, while the remaining portion would be governed by the First Nation under their land code. In these situations, when the issue has been resolved, the excluded portion of the Reserve could be added to the lands being managed under the land code.

When exterior boundary issues are identified or if a portion of a Reserve is to be excluded, a survey may be required. These surveys need to be completed in a timely manner, as First Nations are provided with a two-year timeframe (and funding) to complete all the tasks and documents⁹ required of them to proceed to their Community Ratification Vote.

The First Nations Land Management Resource Centre Inc. (Resource Centre) has been granted the authority to issue and manage survey contracts on First Nation Reserve lands, to support the transfer of lands pursuant to the Framework Agreement. As the First Nation is preparing to take over their lands and resource governance responsibilities, the Resource Centre encourages the hiring of First Nation members (as a survey assistant, guide, etc.) to assist in the collection of information/knowledge with regards to the location of their Reserve boundaries and survey processes. Any potential opportunities to utilize First Nation services or businesses (gas stations, boat rentals, accommodations, etc.) are also a highly valued part of a contract proposal. The Resource Centre also encourages the surveyors to show the surveyed boundaries and meet to discuss the survey plan with the First Nation. There is also the opportunity for a surveyor to develop a great business relationship with the First Nation for future opportunities.

Once a First Nation’s land code is in effect, any surveyors working on the Reserve lands need to be aware of:

1. Any applicable laws in place with regards to surveys;
These can be found in the First Nations Land Register or directly from the First Nation.
2. The extent of the Reserve lands under the land code;

⁸ Refer to Sections 4.4 to 4.6 of the *Framework Agreement* for the conditions and provisions that enable an exclusion of a portion of a Reserve.

⁹ Refer to the Labrc.com website for additional information on the Developmental and Operational phases.

The Land Description Report (LDR) for each Reserve is recorded in the Canada Lands Surveys Records. The LDR would identify those Reserve lands to be governed under the land code, and those (if any) to remain managed under the Indian Act. An Amended Individual Agreement (between the First Nation and INAC) would describe any amendments to the extent of the Reserve, once the land code is in effect. The Amended Agreement(s) can be found in the First Nations Land Register or directly from the First Nation.

3. The issuing of survey instructions, the review and processing of the survey plan are still completed by the Surveyor General Branch (SGB);
Although a First Nation is governing their Reserve lands according to a land code, the lands “will continue to be a reserve within the meaning of the Indian Act.”
4. Access to the records and instruments in the First Nation Land Registry (FNLR), requires permission directly from the First Nation.
The First Nation would need to provide the surveyors name to INAC, requesting him/her to have access their records in the FNLR or provide copies of the documents directly to the surveyor.

The future resolution of the issues that are still outstanding (those identified through the research but not resolved), has yet to take form. Canada is still “liable to for any acts or omissions of Canada or any person or entity authorized by Canada to act in relation to First Nation land that occurred before the First Nation’s land code takes effect”¹⁰, however there has been insufficient resources (funding, experienced personnel, etc.) committed to start addressing/resolving the outstanding issues.

The outstanding issues identified from the research, are typically related to the exterior boundaries of the Reserve. In most cases, the interior issues haven’t been researched, identified or discussed. Some First Nation’s have dedicated their own resources for addressing internal boundary issues, as funding from Canada has been minimal or non-existent for these projects.

For a listing of the First Nation’s involved in the Developmental and Operational process, as well as additional information on the Framework Agreement, please refer to the Resource Centre website at: www.labrc.com

Tania Bigstone, CLS, PEILS (non-pract.)
Special Advisor
First Nations Land Management Resource Centre Inc.

Goodale Event on the Hill

With the help of the firm Impact Public Affairs, we held a reception at 5:30 PM on June 7th, 2017 on Parliament Hill to create an opportunity to meet with MPs and raise their awareness of the surveying profession and the ACLS.

A mix of CLS and OLSs were in attendance including our President, Tania Bigstone and the Executive Director, Jean-Claude Tétreault.

The theme for the reception was to show our gratitude to the current Minister of Public Safety, then the Minister of Natural Resources, Ralph Goodale, who brought forth the Canada Lands Surveyors Act, which came into force in March 1999. Mr. Goodale showed up and made an excellent speech highlighting the importance of our profession for Canada.

We thank Mr. Goodale and all members who attended.



From left to right: Jean-Claude Tétreault, ACLS Executive Director, Ralph Goodale, Tania Bigstone, ACLS President, and Senator Grant Mitchell.

¹⁰ Section 50.1 of the *Framework Agreement*

David Thompson National Geomatics Awards

The Association of Canada Lands Surveyors and Professional Surveyors Canada are proud to announce the winners of the ninth annual David Thompson Awards! The awards were presented during the National Surveyors' Conference in Ottawa on March 2, 2017.



Celebrating excellence in the field of geomatics in Canada, the David Thompson National Geomatics Award was introduced in the winter of 2006-2007. The program was developed to recognize projects that exemplify the innovation and contribution to society that surveyors make every day to bring successful projects about for the betterment of all Canadians. The program has the two following categories:

- Challenging Cadastral Survey Project
- Challenging Non Cadastral Survey Project

Challenging Cadastral Survey Project

In the category Challenging Cadastral Survey Project, the winner was Christopher de Haan (pictured right receiving the award from great-great-great grandson of David Thompson, Brian Lennox) of Underhill Geomatics Ltd. for the project entitled: "Survey the natural boundary of the Toquana Indian Reserve # 4". Underhill Geomatics was hired to conduct a survey of Toquana IR #4 that included a boundary limit of "high tide of the Theodosia Inlet". However, the limit of the high tide was only discernable on the ground for short periods each day and was not possible to survey before the water receded. Instead, a drone was used to obtain 800 aerial photographs of the area during high tide while the elevations of the highest tide was measured. A DTM was then created and the contour of the measured elevation was used to delineate the limit of the high tide.

Runners up for this award were Derek French of Derek A. French Professional Services Inc. for the project entitled: "PEI-NB Cable Interconnection Upgrade Project" and Peter Yorke of WSP Canada Inc. for the project entitled: "ICE District".

Challenging Non Cadastral Survey Project

In the category Challenging Non Cadastral Survey Project, the winner was James Ferguson (pictured left) of Tulloch Engineering for the project entitled: "Engineering Survey of Metrolinx's Go Transit Electrification Project".

This project used a unique hybrid surveying approach to accommodate surveying 270 km of railway corridors that were consistently in use. This was accomplished by using mobile LiDAR surveying primarily at night to collect visible features, followed by conventional ground surveys to fill in missing features and static LiDAR surveys for bridges inaccessible by mobile LiDAR.



Runners up for this award were G.C. Friesen of Underhill Geomatics Ltd. for the project entitled: "Whitehorse Erik Nielsen International Airport Obstacle Limitation Surfaces Survey" and David Gurnsey of Altus Geomatics Ltd. for the project entitled: "Augmented Reality system".

The Association of Canada Lands Surveyors (ACLS) introduced the David Thompson National Geomatics Awards Program in cooperation with all professional surveying associations across Canada through Professional Surveyors Canada (PSC).

The David Thompson National Geomatics Awards Program is open to all commissioned surveyors who are members of a Canadian surveying association, submitting projects that have been completed within the last three years. The deadline for submissions is January 15, 2018.

The ACLS is a national self-regulating professional association that is the licensing body for professionals surveying in the three Canadian territories, in the Federal parks, on Aboriginal reserves, as well as on and under the surface of Canada's oceans. It has over 600 members located across Canada (and the world), with expertise in surveying, photogrammetry, remote sensing, geodesy, hydrography and land information systems. For details, please visit: www.acls-aatc.ca



Professional Surveyors Canada is conceived, developed, and run by Canadian surveyors, and is dedicated to building and enabling a strong multi-faceted community of surveying professionals committed to exceeding expectations. <http://www.psc-gpc.ca>

For more details on the David Thompson National Geomatics Awards Program, please visit: <http://davidthompsonawards.ca/home/>

University of Calgary and SAIT - Student Outreach

On 24 March and 08 November at the University of Calgary (UofC), and on 31 March and 24 October at the Southern Alberta Institute of Technology (SAIT), Bruce Calderbank, FRICS, CLS, P. Eng. (far right on photograph) spoke to the geomatics students at each learning institution about marketing themselves in the current challenging economic climate. Each presentation lasted about 2 hours with lots of questions from the floor. A total of 30 UofC and 32 SAIT students attended these events.

During each presentation the opportunity was taken to promote the new Canadian Hydrographer Certification Scheme and the Association of Canada Lands Surveyor (ACLS) student membership. The ACLS and the Royal Institution of Chartered Surveyors were sponsors of these events with pizza and pop provided to feed some hungry students.

At the UofC events the opportunity was also taken to promote student membership in the Alberta Land Surveyors' Association (ALSA), and at the SAIT events to promote student membership in the Association of Science & Engineering Technology Professionals of Alberta (ASET)."

