

May 6, 2015

Representative Paul Holvey  
Chair, Oregon House Committee on Business and Labor  
900 Court St. NE  
Salem, OR 97301

## **RE: Opposition to a proposed amendment to SB297 requiring a professional land surveying license to practice hydrographic surveying**

Dear Representative Holvey,

We are writing, jointly, to express our concern for a proposed amendment to SB 297, and to respectfully request your assistance and cooperation in amending the bill. As we understand, there has been a recent request by the American Council of Engineering Companies of Oregon (ACEC) and the Professional Land Surveyors of Oregon (PLSO) to draft an amendment to SB297 that will require that “hydrographic/bathymetric surveying be conducted by a licensed land surveyor in the state of Oregon.” Our concern is that this impactful language is potentially being added into legislation by special interests without full consideration of the negative effect it may cause to the safety of the citizens of Oregon and the businesses of currently practicing hydrographers in Oregon. The practical effect of the amendment of SB 297 will be to regulate hydrography. **Consequently, the proposed amendment may have the unintended effects of legislating highly experienced, qualified and competent hydrographers, and companies, out of business in Oregon, and may put public safety, commerce and the marine and inland water navigable environments at risk.**

The multi-disciplinary professionals listed below strongly OPPOSE this amendment for several reasons. We have recently (within the past few years) been proactively working with the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and are reaching out to the National Council of Examiners for Engineering and Surveying (NCEES) to create a distinguished hydrographic surveying technical profession that is based on rigorous education, experience/expertise and testing. **Approval and enactment of this amendment will directly circumvent all efforts that have been recently made to find a solution amenable to all. Further, it will likely have immediate, detrimental impacts on the livelihood of currently-practicing hydrographic surveyors, while directly benefitting a select few.**

Hydrography is a profession that is not currently recognized by the State of Oregon, but has a long and distinguished history in the United States of America. Hydrographic surveyors have traditionally been trained through established hydrographic surveying programs and careers. For example, the U.S. Naval Oceanographic Office (NAVOCEANO), the National Geospatial-Intelligence Agency (NGA) and the National Oceanographic and Atmospheric Administration (NOAA), formerly the Coast and Geodetic Survey, have been the nation’s premier mapping and charting organizations since the 1800s. Combined with the U.S. Army Corps of Engineers (USACE), these four organizations have been responsible for training hydrographic surveyors for many decades. The Navy, NOAA, NGA and USACE are responsible

for ensuring safe navigation, in the open ocean, coastal and inland waterways, and are the responsible parties for development of federal navigation charts and geospatial defense products.

Moreover, two U.S. universities, the University of New Hampshire - Center for Coastal and Ocean Mapping, Joint Hydrographic Center (UNH CCOM/JHC) and the University of Southern Mississippi (USM), in conjunction with NOAA and NAVOCEANO, each have established academic programs in which graduates obtain internationally-recognized hydrographic training and certification. Both the University of Southern Mississippi and CCOM/JHC were recognized as Category 'A' educational programs by the International Federation of Surveyors, the International Hydrographic Organization, and the International Cartographic Association (FIG/IHO/ICA). This recognition speaks to the level of approval given to these hydrographic science programs by other surveying organizations.

These universities and federal agencies are at the forefront of the advancement of hydrographic surveying science and technology implementation and methodologies. **Approval and enactment of the proposed amendment to SB297 would render it illegal for these highly-qualified academic graduates and former NOAA/USACE/NGA/Naval Officers and employees to practice hydrographic surveying in the state of Oregon unless under the direct supervision of an Oregon Licensed Professional Land Surveyor.**

Land surveying and hydrographic surveying are very different sub-disciplines in the broader fields of surveying, engineering and remote sensing. Though they share similarities, they require different techniques, equipment, training, methodologies, experience and examination, and are inherently different. An individual trained and experienced in land surveying may not be qualified to complete hydrographic surveys much like a hydrographer may not be qualified to perform legal boundary surveys. It is contrary to the fundamental principal of registered professionals and against Oregon State Law to engage in practice outside their area of expertise (ORS 672.007, 672.045). **Hydrography is, generally, not a requirement within the area of education, expertise or examination requirements of a registered Professional Land Surveyor in the State of Oregon. Moreover, time spent performing hydrographic surveying does not qualify as required experience to sit for the Professional Land Surveyor examination.**

At present, a Professional Land Surveyor's academic curriculum, experience and examination criteria do not include the most basic concepts of hydrographic surveying or acoustic theory, which are paramount to completing accurate (i.e. safe) and quality hydrographic surveys. As can be found in the December 2012 OSBEELS Professional Practice Committee Meeting minutes, "Following an extensive overview of hydrographic surveying, the Committee determined that the professional examination for land surveying does not cover any of these topics and there are no professional engineering examinations that address hydrographic surveying either." This topic has also been revisited in recent meetings with OSBEELS (November 2014 and January 2015). In these meetings, OSBEELS board members have debated the proper course for categorizing and regulating hydrographic surveying. Public participants have included Certified Hydrographers, Professional Engineers and Professional Land Surveyors (arguing both sides). **Approval and enactment of the proposed amendment counteracts these efforts, may jeopardize established businesses' and maritime safety, and may have immediate and direct negative impacts on commerce and the marine and inland water navigable environments.**

Our goal is not to prevent qualified, licensed Land Surveyors from completing hydrographic surveys. Rather, we would prefer to create regulation that is amenable to all parties practicing hydrography, and one that is qualifications and experience based. **If SB 297 amendment is enacted in its present form, experienced and qualified hydrographers who do not meet the State Board's Professional Land Surveyor requirements will be legally prohibited from continuing to practice in Oregon State.**

**Please help us to support the safety and welfare of our citizens and environment and safeguarding Oregon businesses' and jobs by OPPOSING establishment of this proposed amendment until such time as the issue can be thoroughly studied, and all stakeholders involved.**

Please read this letter into the official legislative record and at all procedural meetings on this issue.

The individuals listed below have all granted consent to include their names at the bottom of this letter. Please contact us at anytime for additional information, details and supporting documentation. Thank you for your service.

Respectfully,

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