

Flood Openings

Ms. Turner's article in the recent *American Surveyor* was quite comprehensive cataloging surveyor's issues with flood vents. Thank you for covering these topics. There is one technicality I must make mention of, otherwise we surveyors may be filling out our elevation certificates incorrectly.

Ms. Turner correctly cites FEMA Technical Bulletin No. 1 as the source for information concerning flood openings. Every surveyor in the country issuing elevation certificates to the public should familiarize themselves with this fine publication. A local surveyor made me aware of a commonly overlooked issue concerning flood vents I had always overlooked. Ms. Turner's article has also overlooked this issue. Not all flood vents within 1 foot of the adjacent grade can count as an opening, no matter the design.

On page 14 of TB-1, it is stated: "Note that the openings (or those portions that count towards the required net open area) must be located below the BFE." On page 17 of TB-1, this is elaborated: "Only those portions of openings that are below BFE can be counted towards the required net open area..., if the BFE does not reach the top of the opening, only the portion that is below the BFE will count as contributing to the required net open area." What this means is that if the opening, no matter its design, is within 1 foot of the adjacent grade yet is above the BFE, it must be counted as "0" in Sections A.8 b) and in A.9 b) on the elevation certificate. While surveying your vertical information in the field, get an elevation on the bottom ledge of the opening.

Thanks again for *American Surveyor's* efforts in sharing NFIP subjects and thanks to Ms. Turner for the information she has aptly presented.

C. Barton Crattie, LS, CFM

Turner responds: Not content with what appears to be an oversight on my part in the above referenced article, I offer the following:

Mr. Crattie pointed out that while I referenced FEMA Technical Bulletin No 1, Openings in Foundation Walls and Walls of Enclosures, as one of the sources used for describing flood openings in my article, I did not emphasize the location of those same flood openings in respect to the Base Flood Elevation (BFE). Page 14 of TB-1 reads as follows: "Note that the openings (or those portions that count towards the required net open area) must be located below the BFE." Page 17 goes on to state that, "Only those portions of openings that are below the BFE can be counted towards the required net open area.....if the BFE does not reach the top of the opening, only the portion that is below the BFE will count as contributing to the required net open area."

What this means is that "in areas with shallows floods depths" (emphasis mine), according to TB-1 (page 14), "this may require positioning the openings closer to grade than the maximum 1 foot allowed."

Obviously, in "shallow" flood hazard zones, any flood opening that is within 1 foot of adjacent grade, no matter what the design (engineered or non-engineered), but is above the BFE does not meet the requirement for a flood opening.

Mr Crattie correctly suggests that the easiest way to ascertain whether or not the flood opening is above or below the BFE is to "get an elevation on the bottom ledge of the opening"

-TT

Continuing Education

I have been thoroughly enjoying each issue of your estimable magazine for many years now, learning much about both historical and current surveying, and also expanding my knowledge of real estate law. Michael Pallamary's article about continuing education in the current issue (supplemented by the current installment of the Curt Brown Chronicles mentioning the same subject) touched a raw nerve. Continuing Legal Education is a requirement for maintaining the right to practice law in all states. I am obligated to earn 24 hours of CLE credits (and must certify

that I have done so and must maintain the course certificates in my files) as a condition for my biennial registration renewal. It is axiomatic and self-evident that the law is a continuously changing thing. Every time a judge decides a case and files a decision, new precedent has been created, and with it, often new law. But if that decision happens to relate to real estate, to riparian rights, to a border survey, or to a host of other legal matters, it has created new law applicable to surveyors, to the services they provide, and to the work product they provide.

In light of that, in light of the continual change in the technology of surveying, and in the expanding universe of the ever-more-complex world in which surveyors practice their profession, I am appalled that continuing education credits are not a requirement of continued licensure. However, even with the CLE requirement in the legal profession, that is no guarantee that relatively young and inexperienced lawyers know enough about the real world and how human beings interact to avoid the sort of blindered thinking that Mr. Pallamary described so witheringly. The knee-jerk reliance on what the computer spits out that he portrayed was mimicked in the reliance of gung-ho engineers on pocket calculators when they first were introduced decades ago. My father (a college professor) would take great delight in catching a student handing in an answer to a calculation that he assured my father was correct because the LCD of his battery-powered calculator had given it to him, and Dad pulling out his slide rule, running the same calculation and demonstrating that the student's answer was off by a factor of ten (or even 100) because he hadn't been required by the calculator to mentally approximate the result, as the slide rule would require in order for the decimal point to be set. It's no different with hot-shot young lawyers who argue about what must be in a complex contract, or what a pre-existing contract requires, by bringing to bear

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FeedBack

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only the basic theory that was learned in the contracts course in law school. It shouldn't take gray hair and wrinkles to realize that business is done in the real world according to the laws of practicality as well as financial reality. A contract in one situation may be a guaranteed lawsuit before the project is over merely because of the underlying factual realities (a younger second-wife who has just become a widow and is arguing with the children of her dead husband by his first wife over the family business she has just inherited) while a contract in another may be as risky as watching the grass grow. What is needed in each of those cases is totally different. Age and experience reveals that; law school almost never does. But a change in the law, or in a standard business practice, can change the calculus almost overnight, and that's why CLE is needed for lawyers. Architects also must have a set number of Continuing Professional Education credits to renew their licenses in most states. Surveyors straddle the line separating lawyers and architects, yet no Continuing Surveying Education credits are required for them? Maybe not a problem at the level of a major hurricane or tornado, but nonetheless of concern to anyone who has occasion to employ a surveyor or to act in reliance on what surveyors do.

Oh, and by the way, I think that double-spacing after a period helps the reader to understand that a new sentence brings with it a new thought . . . as much on a computer as on a typewriter.

*Andrew Alpern, JD, AIA
New York City*

Got some feedback?

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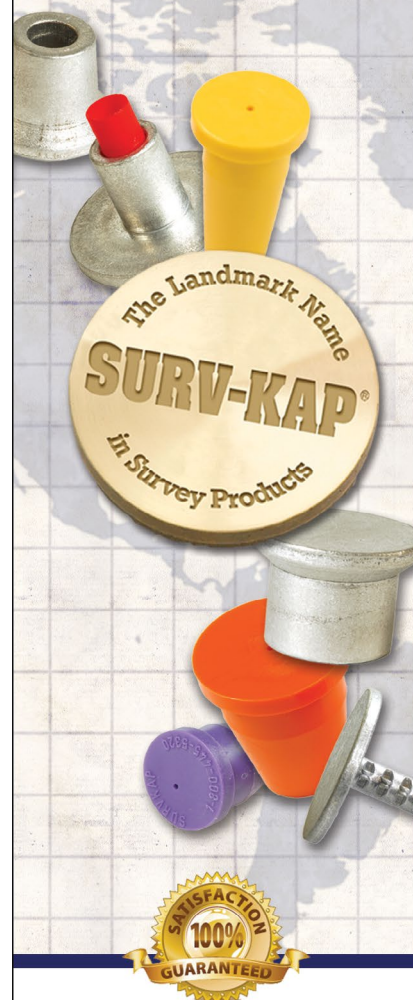
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