July 22, 2011

David S. Tuttle

4601 Six Forks Road

Suite 310

Raleigh, NC 27609

Re: 21 NCAC 56 .1602

Dear Mr. Tuttle:

At its July 21, 2011 meeting the Rules Review Commission extended the period of review on the above-captioned rule in accordance with G.S. 150B-21.13.

The Commission did this to give you an opportunity to explore with your surveyor board members acceptable language which could define in (a) line 4 what is meant or required by the necessity for a licensee “to make adequate investigation” or “to determine.” This was prompted by my earlier technical change request to delete or define “adequate.” It would seem that an “investigation to determine if there are encroachments, gaps, lappages, or other irregularities along each line surveyed” is the definition of “adequate” and makes that word unnecessary. It is unclear what that word adds to the requirements and appears to make the rule ambiguous.

The same issue applies in line 6 in regards to what constitutes a “nearby” closed or verified traverse. By requiring that the points be from a “nearby” closed or verified traverse, there is an implication that some point may be too far away to be used. If that is the case then there needs to be a definition of “nearby” or a listing of the standards that are to be used to make that determination.

If you have any questions regarding the Commission’s action or if I may be of

any assistance please let me know.

Sincerely,

Joseph J. DeLuca, Jr.

Commission Counsel

JJD:jbe