



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: December 20, 2023

TIME: 2:19 PM

WSR 24-02-005

**Agency:** Department of Natural Resources

Original Notice

Supplemental Notice to WSR 23-15-099

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 23-11-161 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Minimum Standards for Land Boundary Surveys. Relative Accuracy 332-130-080. Clarification of guidelines for using and reporting relative accuracy when used to analyze a land boundary survey.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
Thursday, February 15, 2024	11:00 am	DNR Tumwater Compound 801 – 88 <sup>th</sup> Ave. SE Tumwater, WA 98501-7019	DNR Black Hills District Conference Room. Participate in person or contact David Icenhower to attend online via Teams.

**Date of intended adoption:** February 22, 2024 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Patrick J. Beehler, PLS

Address: 1111 Washington St. SE, MS 47030, Olympia, WA 98504-7030

Email: pat.beehler@dnr.wa.gov

Fax: (360) 902-1178

Other:

By (date) February 15, 2024

**Assistance for persons with disabilities:**

Contact David Icenhower, PLS

Phone: 360-902-1197

Fax:

TTY:

Email: david.icenhower@dnr.wa.gov

Other:

By (date) February 14, 2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Provides additional guidance on reporting the results of using relative accuracy.

**Reasons supporting proposal:** Makes clear that this section only applies to principles of relative accuracy.

**Statutory authority for adoption:** RCW 58.24.040(1),

**Statute being implemented:** RCW 58.24.040(1)

**Is rule necessary because of a:**

Federal Law?

Yes  No

Federal Court Decision?

Yes  No

State Court Decision?

Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization) Department of Natural Resources

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Patrick J. Beehler, PLS	Engineering Division Natural Resources Building 1111 Washington St. SE Olympia, WA 98504-7030	(360) 902-1181
Implementation:	David Icenhower, PLS	Public Land Survey Office DNR Tumwater Compound 801 – 88 <sup>th</sup> Ave SE Tumwater, WA 98501-7019	(360) 902-1197
Enforcement:	David Icenhower, PLS	Public Land Survey Office DNR Tumwater Compound 801 – 88 <sup>th</sup> Ave SE Tumwater, WA 98501-7019	(360) 902-1197

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

No: Please explain: A cost savings is anticipated due to setting up reporting systems and requiring a better system for completion reports. This revision will make the monument removal process more efficient and lower participants' cost.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. This revision will provide guidance to those professional land surveyors who already choose to use relative accuracy to analyze their work. This is voluntary and does not create a mandate.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** 12/19/2023

**Name:** Todd Welker

**Title:** DNR Deputy Supervisor State Uplands

**Signature:**

*Todd Welker*

**WAC 332-130-080 Relative accuracy—Principles.** The following principles of relative accuracy are provided to guide those who may be analyzing their work by these procedures.

(1) Relative accuracy means the theoretical uncertainty in the location of any point or corner relative to other points or corners set, found, reestablished, or established. A standard of relative accuracy can be achieved by using appropriate equipment and implementing field and office procedures that will result in a 95 percent probability of achieving the accuracy required.

(2) In the application of a relative accuracy standard, the surveyor must consider the established land use patterns, land values of and in the vicinity of the surveyed parcel, and the client's intended use of the property. Higher levels of measurement precision are expected to be used in situations necessitating higher accuracy being achieved.

(3) Each land boundary survey analyzed using relative accuracy should contain a statement reporting the relative accuracy achieved and identifying the method of mathematical analysis used in achieving a stated relative accuracy.