



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 18, 2023

TIME: 5:28 PM

WSR 23-15-106

Agency: Department of Natural Resources

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 23-11-070 ; 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) WAC 332-120-060 and 332-120-070. Monument preservation clarification of process and revision of existing requirements for creating a public record.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 23, 2023	9:00 am	DNR Tumwater Compound 801 – 88 th Avenue SE Tumwater, WA 98501-7019	Conference Room

Date of intended adoption: August 30, 2023 (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: 360-902-1778
Other: 360-902-1181
By (date) August 23, 2023

Assistance for persons with disabilities:

Contact _____
Phone:
Fax:
TTY:
Email:
Other:
By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Revision to the monument removal and replacement rules to make the process more efficient and lower the cost to the applicant.

Reasons supporting proposal: Monument preservation.

Statutory authority for adoption: RCW 58.24.030(2) and RCW 58.24.040(8)

Statute being implemented: RCW 58.24.030(2) and 58.24.040(8)

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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

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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Patrick J. Beehler, PLS	Natural Resources Building 1111 Washington St. SE Olympia, WA 98504-7030	360-902-1181
Implementation:	David Icenhower, PLS	DNR Tumwater Compound 801 88 th Ave SE Tumwater, WA 98501-7019	360-902-1190
Enforcement:	David Icenhower, PLS	DNR Tumwater Compound 801 88 th Ave SE Tumwater, WA 98501-7019	360-902-1190

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 permits more efficient and lower participants' cost.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((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 _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: 7/10/2023
Name: Dale Mix
Title: DNR Deputy Supervisor State Uplands (Acting)

Signature:


WAC 332-120-060 Project completion—Perpetuation of the

original position. (1) After completion of the activity that caused the removal or destruction of the monument, a land surveyor ~~or engineer shall~~ must, unless specifically authorized otherwise:

(a) Reset a suitable monument at the original survey point or, if that is no longer feasible;

(b) Establish permanent witness monuments easily accessible from the original monument to perpetuate the position of the preexisting monument.

(2) Land boundary survey monumentation required by this chapter ~~must shall~~ meet the requirements of the RCW 58.09.120 and 58.09.130.

(3) After completion of the remonumentation, the land surveyor ~~or engineer shall~~ must complete the report form required by this chapter and forward it to the department.

(4) A record of survey or land corner record shall be completed ~~as required by the Survey Recording Act~~ to document the remonumentation in the public record. The department must

index the completion report in its land survey records database and make a copy available to the public online.

(5) A land corner record must be completed as required by the Survey Recording Act, RCW 58.09.040(2), to document the remonumentation of a general land office corner.

[Statutory Authority: RCW 58.24.040(8). WSR 20-10-003, § 332-120-060, filed 4/23/20, effective 5/24/20; WSR 94-06-034 (Order 617), § 332-120-060, filed 2/25/94, effective 3/28/94.]

WAC 332-120-070 Application and completion/permit forms.

All applications and completion reports must be ~~completed~~ on forms provided by the department and follow ~~theing~~ instructions provided by the department. ~~Completed applications shall be filed at the department.~~

[Statutory Authority: RCW 58.24.030, 58.24.040, 58.09.050, and 58.17.160. WSR 10-09-011, § 332-120-070, filed 4/9/10, effective 5/10/10. Statutory Authority: RCW 58.24.040(8). WSR 94-06-034 (Order 617), § 332-120-070, filed 2/25/94, effective 3/28/94.]