

# Title 25 WAC

## OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

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### Chapter 25-12 WAC ADVISORY COUNCIL ON HISTORIC PRESERVATION

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**WAC 25-12-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Advisory Council on Historic Preservation with the provisions of chapter 1, Laws of 1973 (chapter 42.17 RCW) in particular that portion dealing with public records. [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-010, filed 5/30/80.]

**WAC 25-12-020 Definitions.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) Writing. Writing means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation is the council established pursuant to RCW 43.51A.110, and is hereinafter referred to as the "council."

(4) Office of Archaeology and Historic Preservation. The Office of Archaeology and Historic Preservation is that agency established pursuant to RCW 43.51A.030,

and is hereinafter referred to as the "office." The office provides staff for the council.

(5) State Historic Preservation Officer. The State Historic Preservation Officer is that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

(6) Professional public. The professional public includes individuals, government agencies, or private businesses which, as a means of providing livelihood or fulfilling legal obligations, are available to prepare nominations to the State and National Registers of Historic Places. The professional public is further identified in WAC 25-12-050(2).

(7) Nonprofessional public. The nonprofessional public includes individuals, organizations, government agencies, or private businesses not identified as provided in WAC 25-12-050(2). [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-020, filed 5/30/80.]

**WAC 25-12-030 Description of purpose and staff.** The council is of an advisory nature for the governor and the office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the council by the office. The administrative location of the council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The council meets on the last Friday of every third month unless otherwise agreed by a majority of the members of the council. [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-030, filed 5/30/80.]

**WAC 25-12-040 Procedures--Nominations proposed by nonprofessional public.** (1) Individuals expressing an interest in promoting the nomination of a property shall first receive a survey-inventory form. The form, when returned to the SHPO with a recent photograph, will be the basis for further action.

(2) If the SHPO determines that the property may meet the criteria of the State or National Register of Historic Places, a nomination form and instructions will be forwarded to the proponent. Completed nominations must be submitted to the SHPO for review and evaluation.

(3) The SHPO shall alert the proponent to any assistance that may be available to the proponent to complete

the nomination in a manner consistent with the provisions of WAC 25-12-060(3). Such alert may include the direct involvement of the Office in the preparation of the nomination or referrals to professionals.

(4) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060. [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-040, filed 5/30/80.]

**WAC 25-12-050 Procedures--Nominations proposed by the professional public.** (1) Members of the professional public may submit completed nominations directly to the SHPO for review and evaluation. The opportunity to review drafts of the nomination is encouraged to promote the rapid handling of the complete document.

(2) The SHPO shall prepare and maintain a list of the professional public to identify those who can submit nominations under this section and for referrals as provided in WAC 25-12-040(3). Inclusion on the list shall be limited to those individuals, governmental agencies, or private businesses that have demonstrated an ability to prepare nominations consistent with WAC 25-12-060(3).

(3) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060. [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-050, filed 5/30/80.]

**WAC 25-12-060 Procedures.** The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) The SHPO shall not schedule any nomination for review by the council if the nomination is poorly prepared, incomplete in any manner, or treats a property that does not appear to be eligible for the State or National Registers of Historic Places. The agenda shall be established by the SHPO in cooperation and consultation with the chairperson of the council.

(2) The SHPO may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(3) The SHPO shall prepare and distribute standards of acceptability for nominations, such standards to be not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the National Register program.

(4) The SHPO will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the council, such notification to occur not more than 45 days nor less than 30 days prior to the scheduled meeting date.

(5) In the nomination of an historic district where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation.

(6) Federally affected properties which have been determined under Federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without

referring the nomination to the council for further consideration.

(7) Following council review, the council will transmit its recommendations to the SHPO. When the council has reviewed and approved a procedurally correct nomination and has forwarded it to the SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit a nomination is within the discretion of the SHPO. All council determinations regarding nominations are advisory only. In each instance that the SHPO determines a nomination to be ineligible for inclusion in the National Register, he/she shall notify the council of this action at its next regularly scheduled meeting.

(8) The SHPO shall act upon all nominations reviewed by the council prior to its next regularly scheduled meeting, and shall report those actions to the council at that meeting. [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-060, filed 5/30/80.]

**WAC 25-12-070 Public records available.** All public records of the council, as defined in WAC 25-18-020, are available for public inspection any copying at the office location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 25-18-130, except as otherwise provided by RCW 42.17.310. [Statutory Authority: RCW 43.51A.080. 80-06-096 (Order 6), § 25-12-070, filed 5/30/80.]

## Chapter 25-18 WAC PUBLIC RECORDS

### WAC

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**WAC 25-18-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Office of Archaeology and Historic Preservation with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-010, filed 4/3/80.]

**WAC 25-18-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Office of Archaeology and Historic Preservation" shall mean the agency established pursuant to by RCW 43.51A.030, hereinafter referred to as the "office."

(4) "State Historic Preservation Officer" shall mean that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO." [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-020, filed 4/3/80.]

**WAC 25-18-030 Public records available.** All public records of the office, as defined in WAC 25-18-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 25-18-080. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-030, filed 4/3/80.]

**WAC 25-18-040 Public records officer.** The office's public records shall in the charge of the public records officer designated by the SHPO. The person so designated shall be located in the office. The public records officer shall be responsible for the following: the implementation of office policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 1, Laws of 1973 (Chapter 42.17 RCW). [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-040, filed 4/3/80.]

**WAC 25-18-050 Office hours.** Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. All public records of the agency are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-050, filed 4/3/80.]

**WAC 25-18-060 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 (Chapter 42.17 RCW), that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location

indicated in WAC 25-18-050. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) An appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 25-18-080 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other particular information.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-060, filed 4/3/80.]

**WAC 25-18-070 Copying.** No fee shall be charged for the inspection of public records. The office shall charge a fee of fifty cents per page of copy for single page documents and twenty-five cents per page of copy for multiple page document copies of public records and for use of the office copy equipment. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-070, filed 4/3/80.]

**WAC 25-18-080 Exemptions.** (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-18-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973 (Chapter 42.17 RCW). The public records officer will justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Statutory Authority: RCW 43.51A-.080. 80-05-001 (Order 4), § 25-18-080, filed 4/3/80.]

**WAC 25-18-090 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the SHPO. The SHPO shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the SHPO has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-090, filed 4/3/80.]

**WAC 25-18-100 Protection of public records.** Records are available for inspection and copying at the location and during office hours identified in WAC 25-18-050 and then only in the presence of an authorized employee of the office and with the aid and assistance of such an employee. [Statutory Authority: RCW 43.51A-.080. 80-05-001 (Order 4), § 25-18-100, filed 4/3/80.]

**WAC 25-18-110 Communications.** All communications with the office including but not limited to the submission of materials pertaining to its operation, the administration, or the enforcement of chapter 1, Laws of 1973 (Chapter 42.17 RCW), and these rules, requests for copies of decisions and other matters, shall be addressed as follows: State Historic Preservation Officer, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA 98504. [Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-110, filed 4/3/80.]

**WAC 25-18-120 Adoption of form.** The office hereby adopts for use by all persons requesting inspection or copying or copies of its records, the form attached hereto as WAC 25-18-130, entitled "Request for Public Record." [Statutory Authority: RCW 43.51A-.080. 80-05-001 (Order 4), § 25-18-120, filed 4/3/80.]

**WAC 25-18-130 Request for public record.**

To: State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
111 West 21st Avenue  
Olympia, WA 98504

Name of requestor: \_\_\_\_\_

Address of requestor: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip)

Date of request: \_\_\_\_\_  
(Month) (Day) (Year)

Time of request: \_\_\_\_\_  
AM  
(Hour) PM

What information is requested? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are copies requested? \_\_\_\_\_

If so, how many? \_\_\_\_\_

Total pages \_\_\_\_\_

Fee charged \_\_\_\_\_ \$ \_\_\_\_\_

(Pages x \$ \_\_\_\_\_)

[Statutory Authority: RCW 43.51A.080. 80-05-001 (Order 4), § 25-18-130, filed 4/3/80.]

**Chapter 25-24 WAC**

**HISTORIC PRESERVATION GRANTS ADVISORY COMMITTEE**

**WAC**

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**WAC 25-24-010 Purpose.** The purpose of this chapter is to establish an Historic Preservation Grants Advisory Committee to assist the State Historic Preservation Officer in the disbursement of grant funds as provided in RCW 43.51A.090. [Statutory Authority:

RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-010, filed 4/3/80.]

**WAC 25-24-020 Definitions.** (1) Committee. Committee means the Historic Preservation Grants Advisory Committee as established by this chapter, hereinafter referred to as the committee.

(2) State Historic Preservation Officer. The State Historic Preservation Officer is that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic Preservation Fund. The Historic Preservation Fund means the annual allocation provided that state by the federal government to fulfill the intent of the National Historic Preservation Act of 1966 (PL89-665).

(4) Grants. Grant means a sum of money assigned from the Historic Preservation Fund to accomplish a specific acquisition or development project. [Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-020, filed 4/3/80.]

**WAC 25-24-030 Description of purpose and staff.** The committee is of an advisory nature for the State Historic Preservation Officer. Financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel and procurement, shall be provided the committee by the Office of Archaeology and Historic Preservation. [Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-030, filed 4/3/80.]

**WAC 25-24-040 Composition.** The committee shall be composed of five members:

A member of a minority race or legally cognizable group; an architect experienced in the rehabilitation of historic structures; a resident of eastern Washington, and a resident of western Washington, both with an interest in historic preservation; and a member of the Washington State Trust for Historic Preservation. Members shall serve staggered terms of three years and shall be appointed by the State Historic Preservation Officer. [Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-040, filed 4/3/80.]

**WAC 25-24-050 Duties and responsibilities.** The committee shall have the following duties and responsibilities:

(1) To advise the SHPO in the selection and adoption of state criteria for the assignment of grants from the Historic Preservation Fund;

(2) To receive public testimony of applicants and others concerned with the distribution of historic preservation grants or their administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;

(3) To review the recommendations for grants made by the staff of the SHPO, and to endorse or amend them;

(4) Following the review of grant proposals and public testimony, to recommend to the SHPO the distribution of acquisition or development grants from the Historic Preservation Fund; and

(5) In all its reviews and recommendations, to be consistent with federal program guidelines for the administration of the Historic Preservation Fund. [Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-050, filed 4/3/80.]

**WAC 25-24-060 Procedures.** The following is a statement of the general course and method followed in the assignment of a grant from the Historic Preservation Fund.

(1) Interested persons and organizations submit applications to the Office of Archaeology and Historic Preservation on forms provided for the purpose;

(2) Application forms are reviewed by staff using criteria established by the committee and SHPO;

(3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the committee.

(4) The committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be appropriate, and establishes a priority for project funding;

(5) The committee forwards its priority to the SHPO for review prior to inclusion in the state's annual Historic Preservation Fund request;

(6) The SHPO examines the priority developed by the committee, considers it in comparison with federal and state grant criteria and the state historic preservation plan, amends it if necessary, within his discretion, and directs its inclusion in the Historic Preservation Fund request. [Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-060, filed 4/3/80.]

**WAC 25-24-070 Public records available.** All public records of the committee are available for public inspection and copying at the Office of Archaeology and Historic Preservation, pursuant to WAC 25-18-010 through 25-18-130. Financial information provided by grant applicants for which confidentiality has been requested shall be exempt. [Statutory Authority: RCW 43.51A.080. 80-05-002 (Order 5), § 25-24-070, filed 4/3/80.]