

Chapter 332-10 WAC

PUBLIC RECORDS—DEPARTMENT OF NATURAL RESOURCES AND BOARD OF NATURAL RESOURCES

WAC

332-10-010	Purpose of rules.
332-10-020	Definition.
332-10-030	Description of organization of department of natural resources.
332-10-040	Operations and procedures of the department of natural resources.
332-10-041	Meetings of board of natural resources.
332-10-050	Public records available.
332-10-060	Public records officer for the department of natural resources.
332-10-065	Public records officer for the board of natural resources.
332-10-070	Office hours.
332-10-080	Requests for public records.
332-10-090	Copying.
332-10-100	Exemptions.
332-10-105	Statement of reason for denial of request for records.
332-10-110	Reviews of denials of public records requests.
332-10-120	Protection of public records.
332-10-130	Records index for the department.
332-10-140	Address for communication requests.
332-10-145	Notification roster of interested persons.
332-10-170	Fees for performing the following service.
332-10-180	Application fee.
332-10-190	Exceptions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

332-10-035	Description of organization of board of natural resources. [Order 262, § 332-10-035, filed 6/16/76.] Repealed by WSR 91-14-014 (Order 574), filed 6/24/91, effective 7/25/91. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250.
332-10-045	Operations and procedures of board of natural resources. [Order 262, § 332-10-045, filed 6/16/76.] Repealed by WSR 91-14-014 (Order 574), filed 6/24/91, effective 7/25/91. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250.
332-10-135	Records index for the board. [Order 262, § 332-10-135, filed 6/16/76.] Repealed by WSR 91-14-014 (Order 574), filed 6/24/91, effective 7/25/91. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250.
332-10-150	Promulgation. [Statutory Authority: RCW 79.01.088, WSR 80-17-021 (Order 349, Resolution No. 310), § 332-10-150, filed 11/13/80.] Repealed by WSR 83-24-055 (Order 406), filed 12/6/83. Statutory Authority: RCW 79.01.088 and 79.01.720.
332-10-160	Definition. [Statutory Authority: RCW 79.01.088, WSR 80-17-021 (Order 349, Resolution No. 310), § 332-10-160, filed 11/13/80.] Repealed by WSR 83-24-055 (Order 406), filed 12/6/83. Statutory Authority: RCW 79.01.088 and 79.01.720.

WAC 332-10-010 Purpose of rules. The purpose of this chapter shall be to insure compliance by the department of natural resources and the board of natural resources with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records, and in particular with RCW 42.17.250 through 42.17.340 of that act dealing with public records.

[Order 262, § 332-10-010, filed 6/16/76.]

WAC 332-10-020 Definition. The following definitions shall apply in this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics. See RCW 42.17.020 (26).

(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. See RCW 42.17-020(28).

(3) "Board" means the board of natural resources, a policy setting board whose six members serve in an ex officio capacity. The duties of the board are described in RCW 43.30.150.

(4) "Department" means the department of natural resources which is:

(a) A regulatory agency with regard to geology activities on state and privately owned land, and outdoor burning on state and privately owned forest land,

(b) A proprietary land management agency for state-owned land under the jurisdiction of the department,

(c) A service and information repository agency regarding surveys and maps of the state, farm forestry advice and general geology information,

(d) An agency that administers and enforces state forest protection laws and the forest practices regulations of the forest practices board and the department of ecology on state and privately owned forest land.

(5) "Commissioner" means the commissioner of public lands who is an elected official and serves as the administrator of the department. The commissioner, in accordance with RCW 43.30.170, has delegated to the supervisor of the department the direct supervision of the department activities.

(6) "Supervisor" means one or more supervisor(s) of natural resources.

[Statutory Authority: RCW 43.30.020, 43.30.170, 42.17.250, 34.05.220, WSR 01-07-049 (Order 705), § 332-10-020, filed 3/16/01, effective 4/16/01. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250, WSR 91-14-014 (Order 574), § 332-10-020, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-020, filed 6/16/76.]

WAC 332-10-030 Description of organization of department of natural resources. (1) The department of natural resources consists of a board of natural resources, an administrator, and a supervisor. The administrative office of

the department and its staff are located in Olympia, Washington 98504. Field offices of the department are located at:

Region Office	Address
Olympic	411 Tillicum Lane, Forks, WA 98331
Northwest	919 North Township Street, Sedro Woolley, WA 98284
South Puget Sound	950 Farman Ave. N., Enumclaw, WA 98022
Pacific Cascade	601 Bond Road, Castle Rock, WA 98611
Southeast	713 East Bowers Road, Box 280, Ellensburg, WA 98926
Northeast	225 South Silke Road, Colville, WA 99114

(2) Map.

[Statutory Authority: RCW 43.30.215, WSR 14-17-078, § 332-10-030, filed 8/18/14, effective 9/18/14. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-030, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-030, filed 6/16/76.]

WAC 332-10-040 Operations and procedures of the department of natural resources. (1) The legal authority for the department's activities is provided principally by:

- (a) The State Enabling Act, Section Nos. 10 through 19;
- (b) The state Constitution, Article Nos. III, XV, XVI, XVII and Amendment No. 15;
- (c) The Revised Code of Washington, Title Nos. 43, 46, 58, 70, 76, 78, 79 and 84;
- (d) The Washington Administrative Code, Title Nos. 222 and 332.

(2) The commissioner and the board acting under their respective legal authorities determine policy for the department. The supervisor of the department:

- (a) Provides direct supervision over the department's activities.
- (b) Implements department policy through a line-functional staff comprised of several divisions and seven regional offices. The divisions develop operational programs and procedures within their respective specialties of resource management. These programs and procedures are carried out through the seven regional offices.

[Statutory Authority: RCW 43.30.020, 43.30.170, 42.17.250, 34.05.220, WSR 01-07-049 (Order 705), § 332-10-040, filed 3/16/01, effective 4/16/01. Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-040, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-040, filed 6/16/76.]

WAC 332-10-041 Meetings of board of natural resources. (1) Regular meetings of the board of natural resources shall be held on the first Tuesday of every month except August. If a regular meeting falls on a holiday, such regular meeting shall be held on the next business day. A schedule of meetings will be published in the Washington Register in January of each year. Changes to the schedule will be published in the state register pursuant to RCW 42.30.075. Special meetings may be held pursuant to RCW

42.30.080. Any person may obtain information about locations and meeting times by contacting the Department of Natural Resources, P.O. Box 47001, Olympia, Washington 98504-7001. The public is invited to attend and comment at all meetings.

(2) Members of the board of natural resources may participate by telephone in any regular or special meeting so long as a speaker phone is available at the public meeting location. To assure that all discussions comply with RCW 42.30.030, if more than one board member is participating by telephone, then each such board member shall use a separate telephone line or a separate telephone. If other electronic means of attending meetings from remote locations are available, board members may employ these means so long as board discussion can be heard by those attending the public meeting consistent with the Open Public Meetings Act RCW 42.30. Board members participating by telephone or other electronic means may vote on any matter and shall be considered as part of the quorum.

[Statutory Authority: RCW 43.30.150 (5), (6), (9), and 42.30.030. WSR 02-19-058 (Order 707), § 332-10-041, filed 9/12/02, effective 10/13/02. Statutory Authority: RCW 43.30.150 and 42.30.070. WSR 92-20-060 (Order 606), § 332-10-041, filed 10/2/92, effective 11/2/92.]

WAC 332-10-050 Public records available. All public records of the department are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-050, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-050, filed 6/16/76.]

WAC 332-10-060 Public records officer for the department of natural resources. (1) The public records officer for the department is designated as the chief lands recorder located in the department's administrative office. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(2) Additional public record officers may be designated for specific offices within the department:

- (a) The secretary of the commissioner is designated as the public records officer for the board.
- (b) The office manager located in each of the regional offices is designated as the public records officer for region office records.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-060, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-060, filed 6/16/76.]

WAC 332-10-065 Public records officer for the board of natural resources. The public records officer for the board is designated as the secretary of the commissioner.

[Order 262, § 332-10-065, filed 6/16/76.]

WAC 332-10-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For the purpose of this chap-

ter, the customary office hours shall be from 8:00 a.m. until noon and from 1:00 p.m. until 4:30 p.m., Monday through Friday, excluding legal holidays. Such inspection and copying may be postponed if, in the department's opinion, it would interfere with duties related to an emergency at a regional office or the fire control division in central headquarters.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-070, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-070, filed 6/16/76.]

WAC 332-10-080 Requests for public records. 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 procedures:

(1) Inquiry for general information regarding department activities may be directed to the administrative office or any regional office.

(2) A request for specific public records shall be made in writing upon a form prescribed by the department which shall be available at its administrative and regional offices. The form shall be presented to the public records officer, during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record and the organization they represent;

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

(c) A description of the material requested.

(3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(4) The department will also honor requests received by mail for identifiable public records unless exempted.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-080, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-080, filed 6/16/76.]

WAC 332-10-090 Copying. No fee shall be charged for the inspection of public records. For printed, typed and written material of a maximum size of 8 1/2" by 14", the department shall charge a reasonable fee determined from time to time by the department for providing copies of public records and for use of the department's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying. Copies of maps, photos, reports and other nonstandard items shall be furnished at the regular price established by the department. When other special copy work of nonstandard items is requested, the fee charged will reflect the total cost including the time of department personnel.

[Order 262, § 332-10-090, filed 6/16/76.]

WAC 332-10-100 Exemptions. (1) The department reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details

(8/18/14)

would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

(4) All denials of requests for public records will 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.

(5) The department recognizes that the preservation of personal rights is of paramount importance. Accordingly, the department policy shall be to conduct the disclosure of public records in such a manner to preserve the personal privacy of all department personnel. The policy shall extend to companies and individuals from outside the department whose records come into possession of the department.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the department, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-100, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-100, filed 6/16/76.]

WAC 332-10-105 Statement of reason for denial of request for records. When the department or board refuses, in whole or part, inspections of any public record, it shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

[Order 262, § 332-10-105, filed 6/16/76.]

WAC 332-10-110 Reviews 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 tendering 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 supervisor of the department. The supervisor or his designee shall immediately consider the matter and either affirm or reverse such denial. 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 department has returned the petition with

a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 262, § 332-10-110, filed 6/16/76.]

WAC 332-10-120 Protection of public records. In order to adequately protect the public records in the custody of the department, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the department.

(5) Access to file cabinets, shelves, vaults, etc., is restricted to the department.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-120, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-120, filed 6/16/76.]

WAC 332-10-130 Records index for the department.

(1) The department maintains the following methods to index its records:

(a) Tract books. Indicate all significant transactions since statehood concerning the disposition and management of state lands. Is organized by legal description, i.e., section - township - range. The tract book is located in the office of the chief lands recorder.

(b) Commissioner and department orders. Indexed from 1975 to present by year and order number. Commissioner and department orders contain and indicate subject and/or file jacket number.

(c) Board meeting index. Board meetings are tape recorded and written minutes prepared. These are indexed by date and are available for inspection through the public records officer in the commissioner's office.

(d) Administrative rule docket. The department has historically maintained an index of administrative rules adopted by the department. It is formatted by: Date, department rule number, subject, and contact person. Beginning in 1990 the format was expanded to conform with the requirements of RCW 34.05.315. This index is located in the office of the chief lands recorder.

(e) To conform with RCW 42.17.260(4), the following indexes and files are maintained by the chief lands recorder in the department's administrative office:

(i) All records issued before July 1, 1990, for which the department has maintained an index;

(ii) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iii) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iv) Interpretive statements as defined in RCW 34.05.-010(8) that were entered after June 30, 1990; and

(v) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Copies of all indexes shall be available for public inspection and copying during business hours and in accordance with WAC 332-10-080. The indexes shall be kept current and updated annually. Selected final and declaratory orders that contain an analysis or decision of substantial importance to the agency in carrying out its duties, and interpretive and policy statements will be indexed chronologically by date, applicable program, hearing title, description of subject matter, citation to the law involved, or a selected combination of these, as appropriate.

(f) Rule-making file. To conform with RCW 34.05.370, the department maintains an official rule-making file for each rule that the department proposes by publication in the state register or adopts. Some rules apply to specific programs within the department, while others, such as those adopted under the State Environmental Policy Act and the Administrative Procedure Act, apply department-wide. The administrative offices of divisions that administer specific programs maintain the rule-making files that apply to those programs. The department rules coordinator maintains the rule-making files for rules that apply department-wide.

(g) Department manual. The department maintains a comprehensive policy and procedures manual. The manual describes policy statements and procedures used to implement the department's various responsibilities. It is organized by program activity, i.e., fire control, timber sales, etc. Manuals are available for review at the department's administrative or any regional office.

(h) Bibliography of department publications. It is common practice for the department to publish important policy and management plans as well as reports on specific subjects regarding resource management. The bibliography can be obtained through the department's Photo and Distribution Center, 1065 S. Capitol Way, Olympia, WA 98504, or any regional office.

(2) The department does not use a central filing system. Records are maintained in each of the regional offices spread throughout the state and in each of the divisions in the administrative office. Each organizational unit maintains a record system to meet its specific needs. The department can respond to requests for records, by the public describing the type of information they are seeking. General correspondence related to governmental and regulatory activities and internal services can usually be identified by subject and usually in the division responsible for that activity. Regulatory permits and licenses may be identified by legal description or application number. Correspondence and other data related to proprietary activities are identified by application number and can be cross-referenced by legal description.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-130, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-130, filed 6/16/76.]

WAC 332-10-140 Address for communication requests. All communications with the department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chap-

ter 42.17 RCW, and these rules, requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of Natural Resources, c/o Public Records Officer, Olympia, Washington 98504.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-140, filed 6/24/91, effective 7/25/91; Order 262, § 332-10-140, filed 6/16/76.]

WAC 332-10-145 Notification roster of interested persons. To conform with the requirements of RCW 34.05.-230, the department maintains a roster of interested persons who have requested in writing to the department rules coordinator, to be notified of all interpretive and policy statements issued by the department. The roster is kept in the rules coordinator's office and is updated once each year. Persons not indicating a desire to continue on the roster will be eliminated during the yearly update. Whenever the department issues an interpretive or policy statement, a copy of the statement will be sent to each person listed on the roster.

[Statutory Authority: RCW 34.05.220, 34.05.230 and 42.17.250. WSR 91-14-014 (Order 574), § 332-10-145, filed 6/24/91, effective 7/25/91.]

WAC 332-10-170 Fees for performing the following service. Charges for the following categories of services will be collected and transmitted to the state treasurer for deposit:

(1) Twenty-five dollars for the approval of any assignment of contract of sale, assignment of lease, assignment of bill of sale or assignment of right of way.

(2) Twenty-five dollars for the division of contracts or leases pursuant to RCW 79.01.236.

(3) Five dollars for certification of any document.

(4) Twenty-five cents per page, plus postage if mailed, for copies of documents which do not exceed 8-1/2 x 14 inches in size. May be copied by requestor or agency staff.

Up to one dollar per page, plus postage if mailed, for copies of documents when copying would unreasonably disrupt the operations of the agency, requiring uninterrupted, long-term use of agency copy equipment. Actual costs incident to such copying will be charged. Copies not to exceed 8-1/2 x 14 inches in size.

(5) Copies of documents or nonstandard items beyond the size of documents set forth in subsection (4) of this section (e.g., computer printouts, films, recordings or maps) will be charged on the basis of the cost of reproduction including the time of department personnel as determined by the department of natural resources.

[Statutory Authority: RCW 42.17.250 and 42.17.300. WSR 92-22-076 (Order 600), § 332-10-170, filed 11/2/92, effective 12/3/92. Statutory Authority: RCW 79.01.088 and 79.01.720. WSR 83-24-055 (Order 406), § 332-10-170, filed 12/6/83. Statutory Authority: RCW 79.01.088. WSR 80-17-021 (Order 349, Resolution No. 310), § 332-10-170, filed 11/13/80.]

WAC 332-10-180 Application fee. An applicant to purchase or lease any public land or valuable materials shall pay a twenty-five dollar application fee, except for oil and gas leases as specified by WAC 332-12-230.

[Statutory Authority: RCW 79.01.618, 79.01.088 and 79.01.720. WSR 87-21-005 (Order 523, Resolution No. 571), § 332-10-180, filed 10/9/87. Statutory Authority: RCW 79.01.088 and 79.01.720. WSR 83-24-055 (Order 406), § 332-10-180, filed 12/6/83. Statutory Authority: RCW 79.01.088. WSR 80-17-021 (Order 349, Resolution No. 310), § 332-10-180, filed 11/13/80.]

(8/18/14)

WAC 332-10-190 Exceptions. The following applicants are exempt from paying the fees set forth in WAC 332-10-170 and 332-10-180:

(1) Any agency, political subdivision or municipal corporation of this state, or any agency of the United States;

(2) Any lease or sale of land, valuable materials, minerals, coal, oil or gas, which is initiated by the department;

(3) Applicants for a coal mining option contract who shall instead pay the fees required by RCW 79.01.656.

(4) Assignment transferring contract or leasehold interest by operation of law.

[Statutory Authority: RCW 79.01.088 and 79.01.720. WSR 83-24-055 (Order 406), § 332-10-190, filed 12/6/83. Statutory Authority: RCW 79.01.088. WSR 80-17-021 (Order 349, Resolution No. 310), § 332-10-190, filed 11/13/80.]