

**WSR 24-02-002
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Filed December 20, 2023, 1:21 p.m.]

Supplemental Notice to WSR 23-15-106.

Preproposal statement of inquiry was filed as WSR 23-11-070.

Title of Rule and Other Identifying Information: Land survey monument preservation, chapter 332-120 WAC; clarification of application process and revision of requirements for creating a public record.

Hearing Location(s): On Thursday, February 15, 2024, at 10:00 a.m., at the Department of Natural Resources (DNR) Tumwater Compound, 801 88th Avenue S.E., Tumwater, WA 98501-7019. DNR Black Hills District Conference Room. Participate in person or contact David Icenhower to attend online via Microsoft Teams.

Date of Intended Adoption: February 22, 2024.

Submit Written Comments to: Patrick J. Beehler, PLS, 1111 Washington Street S.E., Mailstop 47030, Olympia, WA 98504-7030, email pat.beehler@dnr.wa.gov, fax 360-902-1178, by February 15, 2024.

Assistance for Persons with Disabilities: Contact David Icenhower, PLS, phone 360-902-1197, email david.icenhower@dnr.wa.gov, by February 14, 2024.

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: Makes clear that only a licensed professional land surveyor is authorized to participate in the monument preservation process.

Statutory Authority for Adoption: RCW 58.24.030(2), 58.24.040(8), 58.09.130.

Statute Being Implemented: RCW 58.24.030(2), 58.24.040(8), 58.09.130.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DNR, governmental.

Name of Agency Personnel Responsible for Drafting: Patrick J. Beehler, PLS, Engineering Division, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504-7030, 360-902-1181; Implementation and Enforcement: David Icenhower, PLS, Public Land Survey Office, DNR Tumwater Compound, 801 88th Avenue S.E., Tumwater, WA 98501-7019, 360-902-1197.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. 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.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. 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 permit process more efficient and lower participants' cost.

December 19, 2023

Todd Welker

Deputy Supervisor State Uplands

OTS-5122.1

AMENDATORY SECTION (Amending WSR 20-10-003, filed 4/23/20, effective 5/24/20)

WAC 332-120-020 Definitions. The following definitions shall apply to this chapter:

Covering: The physical covering of a survey monument such that the physical structure is no longer visible or readily accessible.

Department: The department of natural resources.

Engineer: Any person authorized to practice the profession of engineering under the provisions of chapter 18.43 RCW (~~who also has authority to do land boundary surveying pursuant to RCW 36.75.110, 36.86.050, 47.36.010 or 58.09.090~~).

Geodetic control point: Points established to mark horizontal or vertical control positions that are part of the National Geodetic Survey Network.

Land boundary survey corner: A point on the boundary of any easement, right of way, lot, tract, or parcel of real property; a controlling point for a plat; or a point which is a General Land Office or Bureau of Land Management survey corner.

Land corner record: The record of corner information form as prescribed by the department of natural resources pursuant to chapter 58.09 RCW.

Land surveyor: Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

Local control point: Points established to mark horizontal or vertical control positions that are part of a permanent government control network other than the National Geodetic Survey network.

Parcel: A part or portion of real property including but not limited to GLO segregations, easements, rights of way, aliquot parts of sections or tracts.

Pavement preservation treatment: Asphalt light bituminous applications such as slurry, micro seal, cape and chip seal treatments that are typically less than 5/8 inch thick.

Removal or destruction: The physical disturbance of a monument such that the physical structure no longer marks the location of the land boundary position.

Survey monument: The physical structure, along with any references or accessories thereto, used to mark the location of a land boundary survey corner, geodetic control point, or local control point.

Survey Recording Act: The law as established and designated in chapter 58.09 RCW.

AMENDATORY SECTION (Amending WSR 94-06-034, filed 2/25/94, effective 3/28/94)

WAC 332-120-050 Application process. (1) Whenever a survey monument needs to be removed or destroyed the application required by this chapter shall be submitted to the department.

It shall be completed, signed and sealed by a land surveyor (~~or engineer~~) as defined in this chapter.

(2) Upon receipt of a properly completed application, the department shall promptly issue a permit authorizing the removal or destruction of the monument; provided that:

(a) In extraordinary circumstances, to prevent hardship or delay, a verbal authorization may be granted, pending the processing and issuance of a written permit. A properly completed application shall be submitted by the applicant within fifteen days of the verbal authorization.

(b) Applications received by the department concerning local or geodetic control points will be referred to the appropriate agency for action. The applicant will be notified when such action is taken.

(3) One application may be submitted for multiple monuments to be removed or destroyed as part of a single project; however, there shall be separate attachments to the application form detailing the required information for each monument removed or destroyed.

AMENDATORY SECTION (Amending WSR 20-10-003, filed 4/23/20, effective 5/24/20)

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 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~~) may be (~~completed as~~) required by (~~the Survey Recording Act to document the remonumentation in the public record~~) RCW 58.09.040(1).

(5) When the remonumentation involves a general land office corner, and a record of survey is not required, a Land Corner Record must be completed as required by RCW 58.09.040(2).

AMENDATORY SECTION (Amending WSR 10-09-011, filed 4/9/10, effective 5/10/10)

WAC 332-120-070 ((~~Application/permit form.~~) Application and completion report forms. All applications and completion reports must be ((~~completed~~)) on forms provided by the department and following instructions provided by the department. Completed ((~~applications~~)) forms shall be filed at the department.