



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:**

**Title of rule and other identifying information:** (Describe Subject)

Department of Natural Resources performance security identified in WAC 332-18-140, Surface Mine Reclamation permits, pertaining to interest in real property in lieu of other performance security required for surface mining reclamation permits. DNR annual fees identified in WAC 332-18-01005, Annual Permit Fees for County Governments, pertaining to variances and schedules required for county government annual surface mining reclamation permit fees.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Rochelle Goss  
Agency: Department of Natural Resources  
Address: 1111 Washington Street SE PO Box 47015  
Olympia, Washington 98504

**AND RECEIVED BY** April 8, 2014

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

**Repeal WAC 332-18 140 and 332-18-01005:**

- **Repeal 332-18-140 pertaining to** assignment of interest in real property within the state of Washington as an approved performance security. Repeal of the WAC will achieve consistency with legislative changes approved by the Laws of 2006 deleting RCW 78.44.087(6).
- **Repeal 332-18-01005 pertaining to** variances and schedules required for county government annual surface mining reclamation permit fees. Repeal of the WAC 332-18-01005 will achieve consistency with legislative changes approved by the Laws of 2006 to RCW 78.44.085.

**Reasons supporting proposal:**

The intent is to make Department of Natural Resources rules consistent with Washington State statutes.

**Statutory authority for adoption:**

- RCW 34.05.220

**Statute being implemented:**

- Statute amended in Laws of 2006

**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:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: February 04, 2014**

**TIME: 4:26 PM**

**WSR 14-04-118**

**DATE**  
1/31/14

**NAME (TYPE OR PRINT)**  
Commissioner Peter Goldmark

**SIGNATURE**

**TITLE**  
Commissioner of Public Lands

**Name of proponent:** Department of Natural Resources

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Rochelle Goss	1111 Washington Street SE	(360)902-2117

Implementation....

Enforcement..... ( )

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

**The Expedited Rule Making repeals WAC 332-18-140 language that implemented RCW 78.44.087(6) language. The Legislature repealed the RCW in 2006.**  
**The Expedited Rule Making repeals WAC 332-18-01005 pertaining to variances and schedules required for county government annual surface mining reclamation permit fees. Repeal of the WAC 332-18-01005 will achieve consistency with legislative changes approved by the Laws of 2006 to RCW 78.44.085.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-18-01005      Annual permit fees for county governments.

WAC 332-18-140      Interest in real property in lieu of other performance security.