



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 23, 2020

TIME: 11:57 AM

WSR 20-10-003

**Agency:** Department of Natural Resources

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** Amending current land survey monument preservation standards and procedures. Adding new memorandum of understanding (MOU) for pavement preservation treatment projects that temporarily cover land survey monuments. The department of natural resources is authorized by RCW 58.24.040(8) to: "Permit the temporary removal or destruction of any section corner or any other land boundary mark or monument...".

**Citation of rules affected by this order:**

New: 332-120-080

Repealed:

Amended: 332-120-020, 332-120-060,

Suspended:

**Statutory authority for adoption:** RCW 58.24.040(8).

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-06-013 on February 20, 2020 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted on the agency's own initiative:**

New	<u>1</u>	Amended	2	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

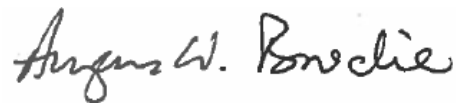
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**Date Adopted: 4/23/2020**

**Name:** Angus Brodie

**Title:** Deputy Supervisor for State Uplands

**Signature:**



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

**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 (~~(or covering)~~) of a monument such that the (~~(survey point is)~~) physical structure no longer (~~(visible or readily accessible)~~) 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 332-120-060 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, 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 complete the report form required by this chapter and forward it to the department.

(4) ~~((Additionally, after remonumenting any corner originally monumented by the GLO or BLM, a land corner record form shall also be filed with the county auditor as required by the Survey Recording Act.))~~ 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.

#### NEW SECTION

**WAC 332-120-080 Survey monument preservation MOU for chip seal projects.** The purpose of this section is to cooperatively promote a reasonable method of land survey monument preservation throughout a pavement preservation treatment project in lieu of requiring an application for permit to remove or destroy a survey monument, per WAC 332-120-030.

(1) It is the responsibility of the licensed engineer, or their designee, in responsible charge of any pavement preservation project, which may cover existing visible survey monuments, to search for and identify any such survey monuments within the project limits.

(2) A state, county, or municipal agency conducting annual pavement preservation projects that cover existing survey monuments in the roadway may enter into an MOU with DNR which must include the following requirements:

(a) Annually, prior to the start date of planned pavement preservation projects, send notification to the department of planned projects for that year with road names and mileposts and/or beginning and ending intersections, including start date and expected date of completion;

(b) Acknowledgment of the agency's responsibility to ensure that all known survey monuments within the project area are located and protected;

(c) All monuments that were covered during a project shall be uncovered and made accessible after completion of annual activities; and

(d) The professional engineer in responsible charge of pavement preservation projects shall submit an annual letter to the department certifying that the affected monuments were uncovered.

(3) An agency which does not enter into an MOU under this section is required to submit a permit application following WAC 332-120-030 through 332-120-070 for any pavement preservation project that will cover a survey monument.