



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 27, 2018

TIME: 10:49 AM

WSR 18-20-062

Agency: Department of Natural Resources

Original Notice

Supplemental Notice to WSR

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-11-045 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Amending current land boundary survey standards, adding new definitions and the use of relative accuracy to WAC 332-130. The department of natural resources is authorized by RCW 58.24.040 (1) to: "Set up standards of accuracy and methods of procedure".

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

November 6, 2018	2:00 pm	Department of Natural Resources Natural Resources Building, Room #342 1111 Washington Street SE Olympia, WA	
------------------	---------	---	--

Date of intended adoption: November 13, 2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: Patrick J. Beehler, PLS, CFedS
Address: 1111 Washington Street SE, Olympia, WA 98504-7030
Email: pat.beehler@dnr.wa.gov
Fax: 360 902-1778
Other: 360 902-1181
By (date) November 6, 2018

Assistance for persons with disabilities:

Contact _____
Phone:
Fax:
TTY:
Email:
Other:
By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed changes and additions update existing language and clarify definitions and procedures in the practice of professional land surveying. The definition of redundant measurements is revised. References to NAD83 are removed in anticipation of NGS establishing NATRF 2022. Definition for intelligent interpretation, relative accuracy and relative precision are added. Language concerning equipment and procedures is modified.

Reasons supporting proposal: These proposed changes to WAC 332-130 should have little to no effect on the practice of professional land surveying. The profession has already adopted field and office procedures that comply with most of the proposed changes.

Statutory authority for adoption: RCW 58.24.040 (1)

Statute being implemented: RCW 58.24.040 (1)

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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

Name of proponent: (person or organization) Department of Natural Resources Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Patrick J. Beehler, PLS,	1111 Washington St. SE, Olympia, WA 98504	360 902-1181
Implementation:	Kristina Horton, PLS	801 88th Ave. SE, Tumwater, WA, 98501-7019	360-902-1190
Enforcement:	Board of Registration, PE & LS	405 Black Lake Blvd, Olympia, WA 98502	360-664-1571

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: There is little or no additional cost to the professional land surveyor. The profession has already adopted field and office procedures to comply with the proposed changes.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

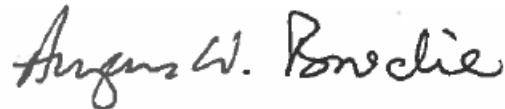
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 9/21/18

Name: Angus W. Brodie

Title: Deputy Supervisor State Uplands

Signature:



WAC 332-130-020 Definitions. The following definitions shall apply to this chapter:

(1) **Local geodetic control surveys:** Surveys for the specific purpose of establishing control points for extending the National Geodetic Survey horizontal and vertical control nets, also known as the National Spatial Reference System (NSRS), but not submitted to the National Geodetic Survey for inclusion in the NSRS.

(2) **GLO and BLM:** The General Land Office and its successor, the Bureau of Land Management.

(3) **Land boundary surveys:** All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the vertical or horizontal boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

(4) **Land corner record:** The record of corner information form as prescribed by the department of natural resources in WAC 332-130-025.

(5) **Land description:** A description of real property or of rights associated with real property.

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

(7) ~~((Measurement redundancy: To perform sufficient measurements to reduce or isolate blunders and statistically improve measurement accuracy.~~

~~(8) **NAD83:** North American Datum of 1983 as designated by chapter 58.20 RCW.~~

~~(9)) **Redundant measurements:** Independent observations of a quantity that are collected under different conditions. Horizontal angles measured to a point from multiple backsights, observing reciprocal zenith angles and backsight distances, "closing the horizon," and GPA positions for a point that are computed using different satellite constellations are examples of redundant measurements.~~

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

~~((10))~~ (9) **Survey Recording Act:** The law as established and designated in chapter 58.09 RCW.

~~((11))~~ (10) **Washington plane coordinate system:** The system of plane coordinates as established and designated by chapter 58.20 RCW.

(11) **Intelligent interpretation:** A land boundary survey capable of intelligent interpretation will provide, either on the face of the document or by reference to other pertinent surveys of record, information that is sufficient in kind and quality to explain the rationale for the boundary locations shown thereon and to allow for the accurate and unambiguous retracement or re-creation thereof without requiring oral testimony for clarification. Includes, but is not limited to, information required in RCW 58.09.060(1) and WAC 332-130-050.

(12) **Relative accuracy:** The theoretical uncertainty in the horizontal position of any subordinate point or corner with respect to other controlling points or corners, whether set, found, reestablished, or established. Relative accuracy is not related to uncertainties

due to differences between measured values and record values or uncertainties in the geodetic position.

(13) **Relative precision:** An expression of linear misclosure, e.g., 1 part in 5000, in a closed traverse. Relative precision is computed after azimuths in a traverse have been adjusted. Relative precision is not a reliable predictor of relative accuracy.

(14) **Controlling point or corner:** Those points, whose horizontal positions are used to compute, establish or reestablish the horizontal positions of other subordinate points or corners. Subordinate points or corners are therefore dependent upon the positions of controlling points or corners.

AMENDATORY SECTION (Amending WSR 90-06-028, filed 3/1/90, effective 4/1/90)

WAC 332-130-030 Land subdivision and corner restoration standards—Recording. The following requirements apply when a land boundary survey is performed. If, in the professional judgment of the surveyor, the procedures of subsections (1) and (2) of this section are not necessary to perform the survey, departures from these requirements shall be explained and/or shown on the survey map produced.

(1) The reestablishment of lost GLO or BLM corners and the subdividing of sections shall be done according to applicable GLO or BLM plats and field notes and in compliance with the rules as set forth in the appropriate GLO or BLM *Manual of Surveying Instructions*, manual supplements and circulars. Federal or state court decisions that influence the interpretation of the rules should be considered. Methods used for such corner reestablishment or section subdivision shall be described on the survey map produced.

(2) All maps, plats, or plans showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including corresponding directions and distances, which were used to survey and which will be necessary to resurvey the parcel shown. Additionally, all such maps, plats, or plans shall show sufficient section subdivision data, or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed. Where a portion or all of this information is already shown on a record filed or recorded in the county recording office of the county in which the parcel is located, reference may be made to that record in lieu of providing the required data.

(3) Documentation shall be provided for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed. This requirement shall be met by providing on the document produced:

(a) The information required by both the Survey Recording Act and the history and evidence found sections of the Land Corner Record Form; or

(b) The recording data of a document(s) that provides the required information and is filed or recorded in the county recording office of the county in which the parcel is located.

(4) Every corner originally monumented by the GLO or BLM that is physically reestablished shall be monumented in accordance with the Survey Recording Act. If the reestablished corner is not filed or re-

corded as part of a record of survey, plat or short plat, at least three references shall be established and filed or recorded on a Land Corner Record Form. If the reestablished corner is filed or recorded as part of a record of survey, plat or short plat, then ties to at least two other monuments shown on the record document may serve in lieu of the required references. A valid set of coordinates on the Washington plane coordinate system may serve as one of the references. However, to best ensure an accurate relocation, references in close proximity to the corner are recommended. Monuments placed shall be magnetically locatable and include a cap stamped with the appropriate corner designation as defined in the current *BLM Manual of Surveying Instructions*.

AMENDATORY SECTION (Amending WSR 00-17-063, filed 8/9/00, effective 9/9/00)

WAC 332-130-050 Survey map requirements. The following requirements apply to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county.

(1) All such documents filed or recorded shall conform to the following:

(a) They shall display a county recording official's information block which shall be located along the bottom or right edge of the document unless there is a local requirement specifying this information in a different format. The county recording official's information block shall contain:

(i) The title block, which shall be on all sheets of maps, plats or plans, and shall identify the business name of the firm and/or land surveyor that performed the survey. For documents not requiring a surveyor's certificate and seal, the title block shall show the name and business address of the preparer and the date prepared. Every sheet of multiple sheets shall have a sheet identification number, such as "sheet 1 of 5";

(ii) The auditor's certificate, where applicable, which shall be on the first sheet of multiple sheets; however, the county recording official shall enter the appropriate volume and page and/or the auditor's file number on each sheet of multiple sheets;

(iii) The surveyor's certificate, where applicable, which shall be on the first sheet of multiple sheets and shall show the name, license number, original signature and seal of the land surveyor who had responsible charge of the survey portrayed, and the date the land surveyor approved the map or plat. Every sheet of multiple sheets shall have the seal and signature of the land surveyor and the date signed;

(iv) The following indexing information on the first sheet of multiple sheets:

(A) The section-township-range and quarter-quarter(s) of the section in which the surveyed parcel lies, except that if the parcel lies in a portion of the section officially identified by terminology other than aliquot parts, such as government lot, donation land claim, homestead entry survey, townsite, tract, and Indian or military reservation, then also identify that official subdivisional tract and call out the corresponding approximate quarter-quarter(s) based on projections of the aliquot parts. Where the section is incapable of being

described by projected aliquot parts, such as the Port Angeles town-site, or elongated sections with excess tiers of government lots, then it is acceptable to provide only the official GLO designation. A graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

(B) Additionally, if appropriate, the lot(s) and block(s) and the name and/or number of the filed or recorded subdivision plat or short plat with the related recording data;

(b) They shall contain:

(i) A north arrow;

(ii) The vertical datum when topography or elevations are shown;

(iii) The basis for bearings, angle relationships or azimuths shown. The description of the directional reference system, along with the method and location of obtaining it, shall be clearly given (such as "North by Polaris observation at the SE corner of section 6"; "Grid north from azimuth mark at station Kellogg"; "North by compass using twenty-one degrees variation"; "None"; or "Assumed bearing based on ..."). If the basis of direction differs from record title, that difference should be noted;

(iv) Bearings, angles, or azimuths in degrees, minutes and seconds;

(v) Distances in feet and decimals of feet;

(vi) Curve data showing the controlling elements.

(c) They shall show the scale for all portions of the map, plat, or plan provided that detail not drawn to scale shall be so identified. A graphic scale for the main body of the drawing, shown in feet, shall be included. The scale of the main body of the drawing and any enlargement detail shall be large enough to clearly portray all of the drafting detail, both on the original and reproductions;

(d) The document filed or recorded and all copies required to be submitted with the filed or recorded document shall, for legibility purposes:

(i) Have a uniform contrast suitable for scanning or microfilming((~~-~~));

(ii) Be without any form of cross-hatching, shading, or any other highlighting technique that to any degree diminishes the legibility of the drafting detail or text;

(iii) Contain dimensioning and lettering no smaller than 0.08 inches, vertically, and line widths not less than 0.008 inches (equivalent to pen tip 000). This provision does not apply to vicinity maps, land surveyors' seals and certificates.

(e) They shall not have any adhesive material affixed to the surface;

(f) For the intelligent interpretation of the various items shown, including the location of points, lines and areas, they shall:

(i) Reference record survey documents that identify different corner positions;

(ii) Show deed calls that are at variance with the measured distances and directions of the surveyed parcel;

(iii) Identify all corners used to control the survey whether they were calculated from a previous survey of record or found, established, or reestablished;

(iv) Give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited;

(v) Show the record land description of the parcel or boundary surveyed or a reference to an instrument of record;

(vi) Identify any ambiguities, hiatuses, and/or overlapping boundaries;

(vii) Give the location and identification of any visible physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title.

(2) All signatures and writing shall be made with permanent black ink.

(3) The following criteria shall be adhered to when altering, amending, changing, or correcting survey information on previously filed or recorded maps, plats, or plans:

(a) Such ~~((documents))~~ maps, plats, or plans filed or recorded shall comply with the applicable local requirements and/or the recording statute under which the original map, plat, or plan was filed or recorded;

(b) Alterations, amendments, changes, or corrections to a previously filed or recorded map, plat, or plan shall only be made by filing or recording a new ~~((document))~~ map, plat, or plan;

(c) All such ~~((documents))~~ maps, plats, or plans filed or recorded shall contain the following information:

(i) A title or heading identifying the ~~((document))~~ map, plat, or plan as an alteration, amendment, change, or correction to a previously filed or recorded map, plat, or plan along with, when applicable, a cross-reference to the volume and page and auditor's file number of the altered ~~((document))~~ map, plat, or plan;

(ii) Indexing data as required by subsection (1)(a)(iv) of this section;

(iii) A prominent note itemizing the change(s) to the original ~~((document))~~ map, plat, or plan. Each item shall explicitly state what the change is and where the change is located on the original;

(d) The county recording official shall file, index, and cross-reference all such ~~((documents))~~ maps, plats, or plans received in a manner sufficient to provide adequate notice of the existence of the new ~~((document))~~ map, plat, or plan to anyone researching the county records for survey information;

(e) The county recording official shall send to the department of natural resources, as per RCW 58.09.050(3), a legible copy of any ~~((document))~~ map, plat, or plan filed or recorded which alters, amends, changes, or corrects survey information on any ~~((document))~~ map, plat, or plan that has been previously filed or recorded pursuant to the Survey Recording Act.

(4) Survey maps, plats and plans filed with the county shall be an original that is legibly drawn in black ink on mylar and is suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The following are allowable formats for the original that may be used in lieu of the format stipulated above:

(a) Photo mylar with original signatures ~~((τ))~~ ;

(b) Any standard material as long as the format is compatible with the auditor's recording process and records storage system. Provided, that records of survey filed pursuant to chapter 58.09 RCW are subject to the restrictions stipulated in RCW 58.09.110(5) ~~((τ))~~ ;

(c) An electronic version of the original if the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import elec-

tronic files into an imaging system. The electronic version shall be a standard raster file format acceptable to the county.

(5) The following checklist is the only checklist that may be used to determine the recordability of records of survey filed pursuant to chapter 58.09 RCW. There are other requirements to meet legal standards. This checklist also applies to maps filed pursuant to the other survey map recording statutes, but for these maps there may be additional sources for determining recordability.

CHECKLIST FOR SURVEY MAPS BEING RECORDED
(Adopted in WAC 332-130)

The following checklist applies to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county. There are other requirements to meet legal standards. Records of survey filed pursuant to chapter 58.09 RCW, that comply with this checklist, shall be recorded; no other checklist is authorized for determining their recordability.

ACCEPTABLE MEDIA:

- For counties required to permanently store the document filed, the only acceptable media are:
 - Black ink on mylar or photo mylar
- For counties exempted from permanently storing the document filed, acceptable media are:
 - Any standards material compatible with county processes; or, an electronic version of the original.
- All signatures must be original and, on hardcopy, made with permanent black ink.
- The media submitted for filing must not have any material on it that is affixed by adhesive.

LEGIBILITY:

- The documents submitted, including paper copies, must have a uniform contrast throughout the document.
- No information, on either the original or the copies, should be obscured or illegible due to cross-hatching, shading, or as a result of poor drafting technique such as lines drawn through text or improper pen size selection (letters or number filled in such that 3's, 6's or 8's are indistinguishable).
- Signatures, date, and seals must be legible on the prints or the party placing the seal must be otherwise identified.
- Text must be 0.08 inches or larger; line widths shall not be less than 0.008 inches (vicinity maps, land surveyor's seals and certificates are excluded).

INDEXING:

- The recording officer's information block must be on the bottom or right edge of the map.
 - A title block (shows the name of the preparer and is on each sheet of multiple sheets).
 - An auditor's certificate (on the first sheet of multiple sheets, although Vol./Pg. and/or AF# must be entered by the recording officer on each sheet).
 - A surveyor's certificate (on the first sheet of multiple sheets; seal, date, and signature on multiple sheets).

- The map filed must provide the following indexing data:
 - [] S-T-R and the quarter-quarter(s) or approximate quarter-quarter(s) of the section in which the surveyed parcel lies,
 - [] Optional: A graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

MISCELLANEOUS

- If the function of the document submitted is to change a previously filed record, it must also have:
 - [] A title identifying it as a correction, amendment, alteration or change to a previously filed record,
 - [] A note itemizing the changes.
- For records of survey:
 - [] The sheet size must be 18" x 24"
 - [] The margins must be 2" on the left and 1/2" for the others, when viewed in landscape orientation.
 - [] In addition to the map being filed there must be two prints included in the submittal; except that, in counties using imaging systems fewer prints, as determined by the Auditor, may be allowed.

AMENDATORY SECTION (Amending WSR 05-13-104, filed 6/17/05, effective 7/18/05)

WAC 332-130-060 Local geodetic control survey standards. The following standards shall apply to local geodetic control surveys:

The datum for the horizontal control network in Washington shall be ((~~NAD83~~)) as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce ((~~or~~)) as established in accordance with chapter 58.20 RCW. The datum tag and coordinate epoch date ((~~if pertinent~~)) shall be reported on all documents prepared, which show local geodetic control ((~~;~~ e.g., ~~NAD83 (1991), NAD83 (CORS) (2002.00), NAD83 (NSRS) (2005.50) and other future [standards]~~)).

AMENDATORY SECTION (Amending WSR 05-13-104, filed 6/17/05, effective 7/18/05)

WAC 332-130-070 Land boundary survey standards. The following standards shall apply to land boundary surveys:

(1) The accuracy or precision of field work may be determined and reported ((~~by~~)) using either relative accuracy ((~~procedures~~)) standards or field traverse standards, provided that ((~~the final result shall~~)) field work not capable of analysis with field traverse standards must be evaluated using relative accuracy standards and procedures. Final results must meet or exceed the appropriate standards as contained in WAC 332-130-085 or 332-130-090.

(2) The datum when using the Washington Plane Coordinate System shall be ((~~NAD83~~)) as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce ((~~or~~))

as established in accordance with chapter 58.20 RCW. The datum tag and the coordinate epoch date (~~((if pertinent))~~) shall be reported on all documents prepared which reference the Washington Plane Coordinate System (~~(, e.g., NAD83 (1991), NAD83 (CORS) (2002.00), NAD83 (NSRS) (2005.50) and other future standards)~~).

NEW SECTION

WAC 332-130-085 Relative accuracy standards for land boundary surveys. The following standards may be applied to boundary surveys utilizing field traverses and shall be applied when positioning techniques used in a land boundary survey are not amenable to analysis with standards in WAC 332-130-090. Such standards should be considered minimum standards only. Higher levels of accuracy are expected to be utilized in areas with higher property values or in other situations necessitating higher accuracy.

The maximum allowable relative accuracy for positions shown on a boundary survey under this standard is 0.07 feet plus 200 parts per million at the ninety-five percent confidence level, based on the distance shown on the map between the two positions being tested. It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation, or improvements on the surveyed property, can result in survey measurements that may cause the maximum allowable relative accuracy in the survey to be exceeded. If the maximum allowable relative accuracy in the survey is exceeded, the surveyor shall report the reasons for exceeding the standard, shall identify those monuments whose positions exceed the standard and the amount by which said monuments exceed the standard.

AMENDATORY SECTION (Amending WSR 04-11-019, filed 5/10/04, effective 6/10/04)

WAC 332-130-100 Equipment and procedures. (1) All land boundary surveys filed or recorded shall contain a statement identifying the type of equipment used, such as (~~(10-second theodolite and calibrated chain, or 10-second)~~) 3-second theodolite and electronic distance measuring unit, total station or GNSS receiver, and procedures used, such as field traverse, scanning, photogrammetric survey, (~~(global positioning system survey)~~) GNSS based relative static or real time kinematic survey, or a combination thereof to accomplish the survey shown;

(2) All measuring instruments and equipment shall be maintained in adjustment according to manufacturer's specifications.