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IN THIS ISSUE

Aging and Disability Services Administration
Agriculture, Department of
Bates Technical College
Bellingham Technical College
Clemency and Pardons Board
Convention and Trade Center
Criminal Justice Training Commission
Ecology, Department of
Economic Development Finance Authority
Economic Services Administration
Education, State Board of
Engineers and Land Surveyors, Board of
Registration for Professional
Fish and Wildlife, Department of
Gambling Commission
Governor, Office of the
Health Care Authority
Health, Department of
Higher Education Coordinating Board
Horse Racing Commission
Insurance Commissioner, Office of the
Interagency Committee, Office of the
Judicial Conduct, Commission on
Labor and Industries, Department of
Lake Washington Technical College
Licensing, Department of
Medical Assistance Administration
Natural Resources, Department of
Nursing Care Quality Assurance Commission
Olympic Region Clean Air Agency
Optometry, Board of
Outdoor Recreation, Interagency Committee for
Peninsula College
Personnel Resources Board
Pharmacy, Board of
Public Disclosure Commission
Public Employees Benefits Board
Public Instruction, Superintendent of
Puget Sound Clean Air Agency
Retirement Systems, Department of
Revenue, Department of
Secretary of State
Skagit Valley College
Social and Health Services, Department of
Spokane, Community Colleges of
Supreme Court, State
Transportation, Department of
Workforce Training and Education
Coordinating Board

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of July 2003 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material~~ is ((~~lined out between double parentheses~~));
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

2002-2003
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 22, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03
03 - 01	Nov 21, 02	Dec 5, 02	Dec 19, 02	Jan 2, 03	Jan 22, 03	Feb 19, 03
03 - 02	Dec 5, 02	Dec 19, 02	Jan 2, 03	Jan 15, 03	Feb 4, 03	Mar 4, 03
03 - 03	Dec 26, 02	Jan 8, 03	Jan 22, 03	Feb 5, 03	Feb 25, 03	Mar 25, 03
03 - 04	Jan 8, 03	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 11, 03	Apr 8, 03
03 - 05	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 25, 03	Apr 22, 03
03 - 06	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 19, 03	Apr 8, 03	May 6, 03
03 - 07	Feb 19, 03	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 22, 03	May 20, 03
03 - 08	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 16, 03	May 6, 03	Jun 3, 03
03 - 09	Mar 26, 03	Apr 9, 03	Apr 23, 03	May 7, 03	May 27, 03	Jun 24, 03
03 - 10	Apr 9, 03	Apr 23, 03	May 7, 03	May 21, 03	Jun 10, 03	Jul 8, 03
03 - 11	Apr 23, 03	May 7, 03	May 21, 03	Jun 4, 03	Jun 24, 03	Jul 22, 03
03 - 12	May 7, 03	May 21, 03	Jun 4, 03	Jun 18, 03	Jul 8, 03	Aug 5, 03
03 - 13	May 21, 03	Jun 4, 03	Jun 18, 03	Jul 2, 03	Jul 22, 03	Aug 19, 03
03 - 14	Jun 4, 03	Jun 18, 03	Jul 2, 03	Jul 16, 03	Aug 5, 03	Sep 3, 03
03 - 15	Jun 25, 03	Jul 9, 03	Jul 23, 03	Aug 6, 03	Aug 26, 03	Sep 23, 03
03 - 16	Jul 9, 03	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 9, 03	Oct 7, 03
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
03 - 20	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 15, 03	Nov 4, 03	Dec 2, 03
03 - 21	Sep 24, 03	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 25, 03	Dec 23, 03
03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

WSR 03-13-004

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 4, 2003, 3:00 p.m.]

Subject of Possible Rule Making: Washington citizens' commission on salaries for elected officials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.03.305.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules need updated because of chapter 102, Laws of 1999.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Huennekens, Policy Analyst, Office of the Secretary of State, Elections Division, P.O. Box 40229, Olympia, WA 98504-0229, bhuennekene@secstate.wa.gov, phone (360) 902-4169, fax (360) 586-5629, TDD/TTY 1-800-448-4881.

June 4, 2003

Steve Excell

Assistant Secretary of State

WSR 03-13-009

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 5, 2003, 9:32 a.m.]

Subject of Possible Rule Making: Full-time equivalent enrollment for work based learning, WAC 392-121-124.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise current rules in order to:

- Align the student FTE calculation for funding with the state board program calculation for credits found in WAC 180-50-315.
- To establish in rule the current limit on the number of work based learning hours that may be claimed for a student pursuing one credit.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amendment or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98556, fax (360) 753-

4201. For telephone assistance contact Calvin W. Brodie at (360) 725-6301.

May 29, 2003

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 03-13-012

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

(Board of Engineers)

[Filed June 5, 2003, 4:07 p.m.]

Subject of Possible Rule Making: Amending chapter 196-23 WAC, eliminating WAC 196-23-070(e).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Subsection (e) of WAC 196-23-070 is unnecessary and interferes with the adaptability of the remainder of the rule to technological changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments may be submitted through regular mail, phone, fax or e-mail to Joe Vincent Jr., P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1567, fax (360) 664-1575, e-mail engineers@dol.wa.gov. Draft language of rule amendments will be distributed to the board's list of interested persons.

June 6 [5], 2003

George A. Twiss
Executive Director
Board of Registration for
Professional Engineers
and Land Surveyors

WSR 03-13-018

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed June 6, 2003, 1:44 p.m.]

Subject of Possible Rule Making: Chapter 308-97 WAC, Vehicle license interstate and intransit permits, to include but not limited to WAC 308-97-011, 308-97-125, and 308-97-230.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

June 5, 2003

D. McCurley, Administrator
Title and Registration Services

WSR 03-13-026

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed June 10, 2003, 8:49 a.m.]

Subject of Possible Rule Making: WAC 415-02-500 through 415-02-550, 415-104-202, 415-104-211, 415-104-215, and 415-02-380.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.50.500, [41.50.]670 *et seq.*, [41.50.]790, 41.26.162, [41.26.]164, [41.26.]460, chapter 41.45 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) adopted the new and amended rules listed above to implement ESB 6380 (chapter 158, Laws of 2002); these rules become effective July 1, 2003. It may prove necessary for DRS to amend one or more of these rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of the State Actuary may be required to provide actuarial information for implementation of one or more of these rules. DRS works closely with that office.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encourage to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA

98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

June 9, 2003

Merry A. Kogut
Rules Coordinator

WSR 03-13-031

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 10, 2003, 3:57 p.m.]

Subject of Possible Rule Making: Raffle for permanent annual combination license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal is for a permanent annual combination license that will be offered by raffle. This is an opportunity for a person to have permanent recreational licensing and is expected to generate revenue.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Lux, Business Services, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2444. Contact by July 31, expected proposal filing August 1, 2003.

June 10, 2003

Evan Jacoby
Rules Coordinator

WSR 03-13-033

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 10, 2003, 4:34 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs is considering amending the eligibility rules for the general assistance-unemployable (GAU) program, chapter 388-448 WAC (and related rules as needed).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005(6) and 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department anticipates the state legislature will amend the laws governing eligibility for the GAU program and require changes in administrative rules.

In addition, the department has reviewed program policies and finds it necessary to amend rules to clarify intent and streamline program administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Interested persons should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. All persons on the mailing list or who requests a copy will be sent the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To comment or be placed on the mailing list, please contact Douglas Sevin, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3097, fax (360) 413-3493, e-mail SEVINDJ@DSHS.WA.GOV.

June 9, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-13-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 10, 2003, 4:36 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend all necessary sections in Title 388 WAC to implement changes to the following standards for the Washington combined application program (WASHCAP) and the Washington basic food program: Income standard, maximum allotment, maximum shelter deduction standard, standard deduction, standard utility allowances, WASHCAP shelter cost standard, and WASHCAP opt-out standard.

These changes will include but are not limited to amendments to WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for food assistance?, 388-450-0190 How does the department figure my shelter cost income deduction for food assistance?, 388-450-0195 Utility allowances for food assistance programs, 388-478-0060 What are the income limits and maximum benefit amounts for food assistance?, 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance?, and 388-492-0070 How are my Washington state combined applications program (WASHCAP) benefits calculated?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, and 74.08-090, 7 C.F.R. 273.9 (d)(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required

by federal regulations and approved department waivers. These standards must be adjusted annually in order to determine a client's eligibility and benefit level for WASHCAP or the Washington basic food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjusts income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the food stamp utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index. The department determines the basic food standard utility allowance by applying the consumer price index to a utility market basket survey and adopting the new amounts under administrative rule.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

June 9, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-13-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 10, 2003, 4:38 p.m.]

Subject of Possible Rule Making: The DSHS Division of Employment and Assistance Programs will amend all necessary sections of Title 388 WAC to implement changes related to change reporting requirements that affect client's eligibility and benefit level for food stamps and the state-funded food assistance program for legal immigrants (FAP). This could include changes to rules in any of the following chapters: Change of circumstances requirements in chapter 388-418 WAC; employment and training requirements in chapter 388-444 WAC; income and deductions for food assistance in chapter 388-450 WAC; and any other sections necessary to implement the requirements of the food stamp program under the Washington basic food program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, and 74.08.-090; 7 C.F.R. 272 and 273.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must adopt rules to be consistent with federal regulations for food stamps. On April 29, 2003, the United States Department of Agriculture, Food and Nutrition Service (FNS) published a final rule related to the food stamp program (RIN: 0584-AB57).

By amending 7 C.F.R. Parts 272 and 273, this rule change sets new federal requirements and allows new state options related to how states anticipate income for food stamps as well as change reporting requirements.

The department will amend WAC sections necessary to implement the federal requirements and exercise department options as allowed under this final rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed [rules] with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

June 9, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-13-040

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed June 11, 2003, 3:13 p.m.]

Subject of Possible Rule Making: To amend chapter 468-70 WAC, so that certain rules conflicting with 2002 legislative activity are corrected.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.310 and 47.36.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature directed the department to hire a private contractor to run the motorist information sign program and eliminated the department's funding for the program. The legislature also asked the department to delay hiring a contractor. The department placed the program on hold. As a result many businesses, interested in joining the program, could not. The department can only install or replace businesses logos on a cost reimbursement basis, not the fee schedule identified in WAC 468-70-080.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Dornfeld, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (206) 705-6826, e-mail dornfem@wsdot.wa.gov.

June 6, 2003

John F. Conrad
Assistant Secretary

WSR 03-13-041

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed June 11, 2003, 3:15 p.m.]

Subject of Possible Rule Making: To allow official, on duty law enforcement vehicles to use high occupancy lanes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.165 and 47.52.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The use of high occupancy lanes by official, on duty law enforcement vehicles will significantly enhance high occupancy lane enforcement. It will also improve law enforcement emergency response time and improve incident management.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Dornfeld, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (206) 705-6826, e-mail dornfem@wsdot.wa.gov.

June 9, 2003

John F. Conrad
Assistant Secretary

WSR 03-13-044**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed June 11, 2003, 4:31 p.m.]

Subject of Possible Rule Making: WAC 388-273-0025 Benefits you receive as a WTAP participant, 388-273-0030 How you can apply for WTAP, and 388-273-0035 What we reimburse the local telephone company.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 80.36.440, chapter 134, Laws of 2003.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Community Services Division is amending Washington telephone assistance program (WTAP) rules to: Clarify the payment limits for reimbursable services, and streamline the billing process. The amendment also adds community service voice mail as a WTAP benefit as provided for by 2003 legislative session (chapter 134, Laws of 2003) effective July 1, 2003.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington Utilities and Transportation Commission, and Washington Community, Trade and Economic Development representatives from DSHS and the two agencies have met and discussed these changes several times in the past two months. The rule amendments will be coordinated with these agencies.

Process for Developing New Rule: A CR-103 emergency rule was filed under WSR 03-12-057 on May 30, 2003, with an effective date of June 1, 2003. The rule language has been sent to all stakeholders with a letter requesting comments. We will notify all interested parties of the scheduled hearing to adopt rules. Comments and information on how to participate are available by contacting the DSHS representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Grace Moy, Program Manager, Department of Social and Health Services, Washington Telephone Assistance Program, P.O. Box 45413, Olympia, WA 98504-5413, phone (360) 725-4751, fax (360) 413-3479, e-mail moygc@dshs.wa.gov.

June 11, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-13-071**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed June 13, 2003, 12:28 p.m.]

Subject of Possible Rule Making: WAC 260-70-630 Threshold levels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the quantitative medication levels permissible in official urine tests and the number of multiple substances allowed in any test sample.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

May 14, 2003

R. M. Leichner

Executive Secretary

WSR 03-13-075**PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD**

[Filed June 13, 2003, 12:44 p.m.]

Subject of Possible Rule Making: To revise rules for the EOG program to be consistent with ESB 5676 passed in chapter 233, Laws of 2003, and effective on July 27, 2003.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Passage of ESB 5676 results in current rules being outdated. The major revisions include the inclusion of branch campuses as an eligible institution and making students from all Washington counties eligible.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Gebhardt, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98540-3430 [98504-3430], e-mail bettyg@hecb.a.gov, phone (360) 753-7852, fax (360) 704-6252.

June 13, 2003

Betty Gebhardt

Associate Director

WSR 03-13-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed June 16, 2003, 4:28 p.m.]

Subject of Possible Rule Making: WAC 388-550-4800 Hospital payment methods—State administered programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify how MAA determines payments for state-administered program claims that qualify as diagnosis-related group (DRG) high-cost outliers. To remove language regarding enhanced payments for trauma care provided to a client eligible under the medically indigent (MI) program or general assistance-unemployable (GAU) program. To add a table that shows high-cost outlier calculations for qualifying claims for state-administered programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules and Publications, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov.

June 13, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 03-13-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 17, 2003, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan and set premium rates that maintain actuarial solvency of the accident and medical aid funds. By law, the plan must be consistent with recognized principles of insurance and rates adjusted annually or as needed to ensure solvency of the insurance trust funds. Labor and industries is

also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and accident prevention.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries will work with the Workers' Compensation Advisory Committee and Retrospective Rating Advisory Committee as changes are developed. The public can participate in these discussions by attending the respective advisory committee meetings. Schedules of these meetings are available on the insurance services section of the labor and industries internet site. This site can be accessed @lni.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries is tentatively planning to hold formal public hearings between October 27 - November 7 in Spokane, Yakima, Mt. Vernon, Tukwila, Tacoma, Tumwater, and Vancouver. Public hearings are anticipated to begin at 10 a.m. and last until all public comments are received. Inquiries can be directed to Ken Woehl of the classification services section at (360) 902-4775.

June 17, 2003

Paul Trause

Director

WSR 03-13-104
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed June 17, 2003, 1:39 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to electronic filing of campaign finance reports, disclosure of small contributors, Caucus Political Committee reporting requirements, reporting by out-of-state and federal political committees and updating of the Public Disclosure Commission (PDC) enforcement hearing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The PDC will consider rule amendments and possible new rules to clarify reporting requirements and to update administrative rules consistent with statutory provisions including the Administrative Procedure Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: At its meeting on September 23, 2003, the commission is expected to discuss and possibly adopt proposed amendatory language to the

above-mentioned rules. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by September 19, 2003, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, September 15, 2003, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Director of Public Outreach, Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov. A public hearing on this matter may occur on October 28, 2003.

June 17, 2003
Vicki Rippie
Executive Director

WSR 03-13-110
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD

[Filed June 17, 2003, 4:05 p.m.]

Subject of Possible Rule Making: Changes to state residency rules in response to legislation enacted in the 2003 session (HB 1079 and SB 5134) and minor inconsistencies between RCW and WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1079 and SB 5134 change the state law related to classification of college students as residents or nonresidents for the purposes of paying tuition. WAC rules must be amended to reflect the new statutory provisions. Several other provisions of the WACs are inconsistent with state law and should be changed to ensure consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington's public two-year and four-year colleges and universities administer residency rules in order to determine the appropriate tuition charges to students. The Office of the Attorney General provides legal counsel to institutions in these decisions. The HECB rules will be developed in consultation with these agencies.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Belma Villa, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, (360) 753-7810, belmav@hecb.wa.gov.

June 17, 2003
Belma Villa
Rules Coordinator

WSR 03-13-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 17, 2003, 4:17 p.m.]

Subject of Possible Rule Making: Public safety cougar removal permit rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Possession of a license at time of permit application ensures eligibility to participate in the cougar removal, while a residency requirement emphasizes knowledge of local terrain and conditions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by July 31, expected proposal filing August 1, 2003.

June 17, 2003
Evan Jacoby
Rules Coordinator

WSR 03-13-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed June 18, 2003, 9:18 a.m.]

Subject of Possible Rule Making: The department will propose amendments to WAC 16-200-715 Fertilizer label information, to implement chapter 15, Laws of 2003 (HB 1117), which unanimously passed the 2003 legislature and was signed by Governor Locke, April 16, 2003. HB 1117 amends RCW 15.54.340 [(1)](f) and is effective on January 1, 2004.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.54 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 15, Laws of 2003 (HB 1117) amends RCW 15.54.340 [(1)](f) by requiring the department to adopt, in rule, a statement on a fertilizer label referring people to the department's uniform resource location (URL or web address) where data regarding the metals content of the product is located. Before HB 1117 was enacted, the department's URL was contained in RCW 15.54.340 [(1)](f); now it must be in rule. The department intends to propose for adoption the three options that are currently in RCW 15.54.340 [(1)](f) with the only change being the citation of the new URL. In addition, the department is considering adopting a fourth option that would cite the Association of American Plant Food Control Officials' (AAPFCO) website, which in turn would direct persons to

the department's website. Language allowing this fourth option has been tentatively adopted by the AAPFCO and will be voted on in early August for permanent adoption. In order to mitigate any potential adverse economic impact of these new label requirements upon the regulated industry, the department's proposed amendments will allow industry to continue to use the URL currently in RCW 15.54.340 [(1)](f) until July 1, 2006.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Proposed rule amendments to WAC 16-200-715 will be development by department staff and will be sent to the department's Fertilizer Advisory Committee and other interested parties for review and comment. When the CR-102 is filed, interested parties will be able to submit comments during the public comment period and will be able to participate in the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Maxwell, Program Manager, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, e-mail tmaxwell@agr.wa.gov, phone (360) 902-2026, fax (360) 902-2093.

June 18, 2003
Bob Arrington
Assistant Director

WSR 03-13-124

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed June 18, 2003, 10:08 a.m.]

Subject of Possible Rule Making: Establishing which oral Schedule III through V controlled substances and oral legend drugs are approved for qualified optometrists to use, prescribe, dispense or administer. Development of specific guidelines for the prescription and administration of approved drugs by qualified optometrists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of chapter 142, Laws of 2003.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Haenke, Program Manager, P.O.

Box 47870, Olympia, WA 98504-7870, (360) 236-4947, judy.haenke@doh.wa.gov.

June 9, 2003
D. H. Williams
Executive Director

WSR 03-13-125

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed June 18, 2003, 10:09 a.m.]

Subject of Possible Rule Making: Define training required for licensed optometrists to qualify for certification to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes. Define training required for licensed optometrists to qualify for certification to administer epinephrine by injection for treatment of anaphylactic shock.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of chapter 142, Laws of 2003.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, judy.haenke@doh.wa.gov.

June 9, 2003
D. H. Williams
Executive Director

WSR 03-13-126

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed June 18, 2003, 10:10 a.m.]

Subject of Possible Rule Making: WAC 246-834-990 Midwifery fees, the department will be looking at raising the midwifery licensure fees to a sufficient level to defray the costs of administering the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.50.135 and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.250 requires that the fees associated with licensing be set at a sufficient level to defray the costs of administering the program. At present, the fees collected for midwifery licensure do not cover the costs of administering the program. The department will perform a fee study to determine the amount

needed to cover the costs of the program and raise the fees to that level.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: A notice will be sent to interested members of the public to inform them of the department's intention to amend these rules. A fee study will be performed and the proposed amendment will be based on the fee study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra N. Pitzler, Program Manager, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4723, fax (360) 236-4738, e-mail kendra.pitzler@doh.wa.gov.

M. C. Selecky
Secretary

WSR 03-13-128

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 18, 2003, 10:12 a.m.]

Subject of Possible Rule Making: Chapter 16-607 WAC, Inspection and identification of livestock, the department is planning to initiate rule making to implement chapter 326, Laws of 2003 (SSB 5891) requirements that were unanimously passed by the 2003 legislature and signed by Governor Locke on May 16, 2003. In addition, the department, in response to Executive Order 97-02, will rewrite chapter 16-607 WAC in a clear and readable format based upon clear rule-writing principles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 16-607 WAC are necessary to bring the department's livestock identification rules into compliance with chapter 326, Laws of 2003 (SSB 5891). The rewriting of chapter 16-607 WAC according to clear rule-writing principles is in response to the "clarity" criteria in Executive Order 97-02 and the mandate in RCW 34.05.220(5) that requires "to the extent practicable, any rule proposed or adopted by an agency should be clearly and simply stated, so that it can be understood by those required to comply."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Agriculture (WSDA) is the only agency that regulates the subject of chapter 16-607 WAC.

Process for Developing New Rule: The WSDA director, through her designated representative and in compliance with RCW 16.57.015(2), will develop proposed rule language in consultation with the Livestock Identification Advisory Board. Interested parties may make suggestions regarding proposed rule amendments to Leslie Alexander at the address listed below or to members of the Livestock Identification

Advisory Board. Interested parties may also submit comments on proposed rule amendments during the formal public comment period and may participate in the public hearing process. The dates of the formal public comment period and of the public hearing will be announced when the department files its CR-102.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Alexander, Assistant Program Manager, Livestock Identification Program, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1855 or (509) 545-8816, fax (360) 902-2087, e-mail lalexander@agr.wa.gov.

June 18, 2003
Kathryn Kravit-Smith
Assistant Director

WSR 03-13-136

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 18, 2003, 10:41 a.m.]

Subject of Possible Rule Making: Merchandise prizes for punch board and pull-tab games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Dwight Bailey, Spokane Pull-Tab and Bingo Supply. Mr. Bailey is requesting the licensure of individuals or entities that sell only merchandise to punch board and pull-tab operators to be used as a punch board or pull-tab prize.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on August 14 and 15, 2003; at the Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on September 11 and 12, 2003; and at the Double Tree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201, (509) 744-2310, on October 9 and 10, 2003.

June 18, 2003
Susan Arland
Rules Coordinator

WSR 03-13-139
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 11:23 a.m.]

Subject of Possible Rule Making: Nuisance wildlife control operator permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change nuisance wildlife control from agreements to the current permit system and provide a suspension mechanism.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by July 31, expected proposal filing August 1, 2003.

June 18, 2003
Evan Jacoby
Rules Coordinator

WSR 03-11-045
PROPOSED RULES
OLYMPIC REGION
CLEAN AIR AGENCY
 [Filed May 16, 2003, 9:31 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amendments to the following sections of Olympic Region Clean Air Agency (ORCAA) Regulation 1: Article 1 (Policy, Short Title and Definitions); Article 3 (General Provisions); Article 5 (Registration); Article 6 (Operating Permits); and Article 7 (Notice of Construction and Application for Approval).

Purpose: Amendment of ORCAA's Regulation 1 is necessary to achieve conformity and alignment with state and federal air quality laws and is a prerequisite for incorporation of ORCAA's regulations into the state implementation plan (SIP) for Washington.

Other Identifying Information: State implementation plans (SIPs) are state plans for attaining and maintaining the national ambient air quality standards.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141 and [70.94.]151 - [70.94.]162.

Summary: The proposed amendments to Articles 1, 3, 5, 6, and 7 of ORCAA Regulation 1 resolve conflicts and inconsistencies with the Washington Clean Air Act (chapter 70.94 RCW) and with requirements for state air pollution programs pursuant to Subpart I of 40 C.F.R. Part 51 that have been identified by the United States Environmental Protection Agency (EPA) and by the State Department of Ecology (ecology).

Reasons Supporting Proposal: Incorporation of ORCAA's regulations in the Washington SIP is necessary to maintain a local air pollution control program administered by ORCAA through local regulations. Resolving conflicts and inconsistencies with the Washington Clean Air Act will provide clarity and consistency to regulated sources.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark Goodin, 2940 B Limited Lane N.W., Olympia, WA 98502, (360) 586-1044.

Name of Proponent: Olympic Region Clean Air Agency (ORCAA), governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No fiscal impact to agency.

Rule is necessary because of federal law, 40 C.F.R. Part 51, Subpart I.

Explanation of Rule, its Purpose, and Anticipated Effects: ORCAA Regulation 1 implements the Washington Clean Air Act (chapter 70.94 RCW). The proposed changes to ORCAA Regulation 1 include amendments to Article 1 (Policy, Short Title and Definitions); Article 3 (General Provisions); Article 5 (Registration); Article 6 (Operating Permits); and, Article 7 (Notice of Construction and Application for Approval).

The proposed amendments resolve certain conflicts and inconsistencies with the Washington Clean Air Act (chapter

70.94 RCW) and with requirements for state air pollution programs pursuant to Subpart I of 40 C.F.R. Part 51, that have been identified by the United States Environmental Protection Agency (EPA) and by the state Department of Ecology (ecology). Upon final adoption of the proposed Regulation 1 changes these issues will be resolved, and ORCAA's regulations can be incorporated into the state implementation plan (SIP) for Washington. The Washington SIP is the Washington's comprehensive plan for attaining and maintaining the national ambient air quality standards. Incorporation of ORCAA's regulations into the Washington SIP is important for maintaining a local air regulatory program administered by ORCAA through a comprehensive set of local regulations.

The proposed changes are intended to clarify requirements for existing and new stationary sources of air pollution by eliminating conflicts with chapter 70.94 RCW and Subpart I of 40 C.F.R. Part 51. The proposed changes will also reduce the number of duplicative applicable state regulations once ORCAA's rules are incorporated into the Washington SIP. After incorporation into the Washington SIP, ORCAA's rules will be recognized as the body of rules implementing both the Washington Clean Air Act and federal requirements for state programs under Subpart I of 40 C.F.R. Part 51 within ORCAA's jurisdiction. Clarifying ORCAA's applicable air requirements and reducing the number of redundant applicable state regulations will make it easier for existing and new sources to comply.

Proposal Changes the Following Existing Rules: In Article 1, Section 1.07, definitions were changed to make them consistent with definitions of the same terms in both state and federal regulations. Several definitions were also added to clarify terms used in Regulation 1 that were either not defined previously or are new terms used.

In Article 3, the following changes were made to align ORCAA's regulations with chapter 70.94 RCW:

1. Section 3.03 was amended to clarify that ambient air quality data and emissions data can not be considered as confidential.

2. Sections 3.17 and 3.19 were amended to clarify when orders issued by the authority become final, and how and when they can be appealed. Also, the provision in section 3.19 requiring an automatic stay of orders issued by ORCAA that are appealed was removed. A provision for stay of appealed orders at the discretion of the authority was added to section 3.17.

In Article 5, the following changes were made to achieve consistency with the state's requirements for registration pursuant to chapter 70.94 RCW:

1. Section 5.00, Definitions, was deleted since all definitions for Regulation 1 were incorporated into section 1.07 of Article 1.

2. Section 5.01 was amended to align ORCAA's registration applicability and exemption lists with the state's.

3. Section 5.02 was amended to clarify the scope of ORCAA's registration program.

4. Section 5.03 was amended to clarify the requirements for stationary sources subject to registration and to resolve conflicts with both RCW 70.94.151 and Subpart I of 40 C.F.R. Part 51 that were identified by the U.S. EPA.

5. Section 5.03 was amended to achieve more consistent use of terms throughout Regulation 1. Also, the description of the registration classification category for gasoline stations was revised to be consistent with existing state regulations.

6. Section 5.05 was amended to achieve more consistent use of terms throughout Regulation 1. Also, changes were made to clarify the purpose of the ORCAA's annual workload analysis for the registration program.

In Article 6, the following changes were made to achieve consistency with RCW 70.94.152 and requirements under the state's operating permit regulation, chapter 173-401 WAC:

1. Section 6.00 definitions deleted and moved to Article 1.

2. Section 6.03 was amended to exclude notice of construction fees paid by major sources from being accounted for in ORCAA's Title V program. The proposed change allows notice of construction fees paid by major sources to be accounted as revenue for ORCAA's notice of construction programs. According to the U.S. EPA, this meets the requirement of RCW 70.94.152(2) which specifies that notice of construction fees be deposited in a dedicated account.

3. Minor clarifying changes made throughout Article 6.

In Article 7, the following changes were made to achieve consistency with RCW 70.94.152, the state's new source review program under chapter 173-400 WAC, and requirements for state new source review programs pursuant to Subpart I of 40 C.F.R. Part 51:

1. Section 7.01 was amended to align applicability thresholds and exemptions with the state's new source review program. Also, language was added to specify actions for which new source review is mandatory.

2. Section 7.02 was amended to clarify requirements for those actions subject to requirements to file a Notice of Intent (NOI) to operate. Also, NOI fees for new source types subject to a NOI were added to the NOI fee table.

3. Section 7.03 was amended to comprehensively address notice of construction (NOC) application processing requirements and schedules. Changes and additions align ORCAA's new source review (NSR) program with the state's NSR program pursuant to RCW 70.94.152.

4. Section 7.04 was amended by adding a mechanism facilitating an opportunity to request a public notice and comment period on all NOC applications received. This change was made to meet federal public participation requirements for state programs under Subpart I of 40 C.F.R. Part 51.

5. Section 7.05 was deleted in its entirety and replaced with a section 7.06.

6. Section 7.06 was added to comprehensively address requirements for approval of new stationary sources and modifications subject to approval through a NOC application. The requirements for approval in section 7.06 are the same as the requirements for approval in the state's NSR program under WAC 173-400-110.

7. Section 7.07 was amended to clarify the requirements for submitting a notice of completion.

8. Section 7.09 was deleted and requirements for conditional approvals of NOC applications were incorporated in section 7.03.

9. Section 7.11 was completely revised to make it consistent with RCW 70.94.152.

10. Section 7.12 was added for purposes of creating a comprehensive program for regulating relocation of temporary portable sources of air pollution that is consistent with definitions for Subpart I of 40 C.F.R. Part 51 and does not conflict with federal provisions for nonroad engines.

11. Section 7.13 was amended to clarify when NOC fees are due.

12. Sections 7.17 and 7.18 were completely deleted and requirements were incorporated into section 7.06.

13. Section 7.19 was amended to maintain consistent use of terms.

14. Section 7.20 was amended to clarify applicability of WAC 173-400-141.

15. Section 7.21 was completely deleted and requirements were moved to section 7.06.

16. Section 7.21 was added to be consistent with chapter 70.94 RCW and WAC 173-400-091.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the Regulatory Fairness Act (chapter 19.85 RCW) because air pollution control authorities are not deemed state agencies (RCW 70.94.141).

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Olympic Region Clean Air Agency, 2940 B Limited Lane N.W., Olympia, WA 98502, on August 13, 2003, at 10:00.

Assistance for Persons with Disabilities: Contact Craig Weckesser by April 3, 2003, (360) 586-1044 ext. 111.

Submit Written Comments to: Olympic Region Clean Air Agency, 2940 B Limited Lane N.W., Olympia, WA 98502, fax (360) 586-1044, by August 13, 2003.

Date of Intended Adoption: August 13, 2003.

May 16, 2003

Richard Stedman
Executive Director

AMENDATORY SECTION

ARTICLE 1

POLICY, SHORT TITLE AND DEFINITIONS

SECTION 1.01 POLICY

The (~~Olympic Air Pollution Control Authority~~) Olympic Region Clean Air Agency, consisting of the counties of Clallam, Grays Harbor, Jefferson, Mason, Pacific and Thurston, having formed pursuant to Chapter 70.94 RCW, as amended, adopts the following Regulation to control the emission of air contaminants from sources within the jurisdiction of the Authority: to provide for the uniform administration and enforcement of this Regulation: and to administer the requirements and purposes of Chapter 70.94 RCW, as amended, and the Federal Clean Air Act.

It is hereby declared to be the public policy of the (~~Olympic Air Pollution Control Authority~~) Olympic Region Clean Air Agency to secure and maintain such levels of air quality as will protect human health and safety; and, to the greatest degree practicable, prevent injury to plant and

animal life and to property; and be consistent with the social, economic and industrial well-being of the territory of the Authority.

SECTION 1.03 NAME OF AUTHORITY

The name of the multi county air pollution control authority comprised of the activated or inactivated air pollution control authorities of Clallam County, Grays Harbor County, Jefferson County, Mason County, Pacific County, and Thurston County shall be known and cited as the "~~((Olympic Air Pollution Control Authority))~~ Olympic Region Clean Air Agency."

SECTION 1.05 SHORT TITLE

This Regulation may be known and cited as "Regulation 1 of the ~~((Olympic Air Pollution Control Authority))~~ Olympic Region Clean Air Agency."

SECTION 1.07 DEFINITIONS

When used in regulations of the Olympic ~~((Air Pollution Control Authority))~~ Region Clean Air Agency, the following definitions shall apply, unless defined otherwise ~~((they are preempted by definitions))~~ in individual Articles:

(1) "Actual Emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a ~~((one))~~ two-year period which precedes the particular date and which is representative of normal source operation. The Authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Agency" shall mean the same as "Authority".

~~((Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.))~~

(3) "Agricultural Operation" means the growing of crops, the raising of fowl or animals as gainful occupation.

(4) "Air Contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(5) "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(6) "Air Pollution Episode" means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in Chapter 173-435 WAC.

(7) "Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the ~~((stationary))~~ source is subject to federally enforceable limits ~~((enforceable by the Authority))~~ which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR part 60, 61 or 63;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or;

(c) The emissions rate specified as a federally enforceable permit condition, ~~((in an approval order, permit condition, or regulatory order issued by the Authority))~~ including those with a future compliance date.

(8) "Alteration" means the act of altering, which means to change or make different and includes any addition to or enlargement or replacement; ~~((or any major modification))~~ or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility; or any change in fuels, method of operation or hours of operation not previously approved by the Agency through a Notice of Construction Approval, which would ~~((will significantly))~~ increase or adversely affect the kind or amount of air contaminant emitted by a stationary source.

(9) "Ambient Air" means ~~((that portion of the atmosphere external to a building to which the general public has access))~~ the surrounding outside air.

(10) "Ambient Air Quality Standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(11) "Ancillary" for the purpose of defining "stationary source" or "source," means "related."

(12) "Approval order" is defined in "order of approval."

(13) "Attainment Area" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

(14) "Authority" means the Olympic Region Clean Air Agency ~~((Air Pollution Control Authority))~~. Agency shall mean the same as Authority.

(15) "Authorized Permitting Agent" means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control authority or Department of Ecology.

(16) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(17) "Best Available Control Technology" (BACT) means an emission limitation ((including a visible emission standard)) based on the maximum degree of reduction for each air pollutant subject to ((this)) regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source ((which would be emitted from any proposed new or modified source)) which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source(s) or modification through application of production processes((;)) and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available control technology result in emissions of any ((air)) pollutants which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part ((64)) 63. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990. ((If the reviewing authority determines that technological or economic limitations on the application of the imposition of an emission standard is infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.))

((Best Available Retrofit Technology (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.))

(18) "Board" means the Board of Directors of the Olympic ((Air Pollution Control Authority)) Region Clean Air Agency.

(19) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit((;)) in exchange for a decrease in emissions from another emissions unit((;)), pursuant to RCW 70.94.155 and section 7.21 of the Regulation.

(20) "Capacity Factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(21) "Class I Area" means any area designated ((pursuant to §)) under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park;
- (h) Pasayten Wilderness; and,
- (i) Spokane Indian Reservation.

(22) "Combustible Refuse" means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

(23) "Combustion and Incineration Units" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(24)

(a) "Commenced"((;)) as applied to CONSTRUCTION means that the owner or operator has all the necessary pre-construction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(b) For the purpose of this definition, "necessary pre-construction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local, and federal regulations and orders contained in the SIP.

(25) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(26) "Control Apparatus" means any device which prevents or controls the emission of any air contaminant.

(27) "Control Officer" means the Air Pollution Control Officer of the Olympic ((Air Pollution Control Authority)) Region Clean Air Agency. Executive Director means the same as Control Officer.

(28) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emis-

sions unit) which would result in a change in actual emissions.

(29) "Criteria Pollutant" means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon (~~(dioxide)~~) monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

(30) "Daylight Hours" means the hours between official sunrise and official sunset.

(31) "Director of Ecology" means director of the Washington state department of ecology or duly authorized representative.

(32) "Dispersion Technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(33) "Ecology" means the Washington State department of ecology.

(34) "Emission" means a release of air contaminants into the ambient air.

(35) "Emission Point" means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

(36) "Emission reduction credit (ERC)" means a credit granted pursuant to section 7.22. This is a voluntary reduction in emissions.

(37) "Emission Standard" and "Emission Limitation" ((EMISSION LIMITATION OR EMISSION STANDARD)) means requirement established ((by the EPA, Ecology, or the Authority)) under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air ((pollutants)) contaminants on a continuous basis, including any requirement ~~((s which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction))~~ relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW.

(38) "Emission Unit" means any part of a stationary source or ((a stationary)) source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 or 70.98 RCW.

(39) "EPA" means the United States Environmental Protection Agency (USEPA).

(40) "Equipment" means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

(41) "Excess Emission" means emissions of an air pollutant in excess of an applicable emission standard ((or emission limitation)).

(42) "Establishment" means the act of establishing, which means creating, setting up, or putting into practice any equipment, material, fuel, or operational change.

(43) "Excess Stack Height" means that portion of a stack which exceeds the greater of sixty five meters or the calculated stack height described in WAC 173-400-200(2).

(44) "FACILITY" is defined as all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership of control.

(45) "Federal Class I Area" means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park; and
- (h) Pasayten Wilderness.

(46) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((Federal Land Manager means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.))~~

(47) "Federally Enforceable" means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to section 7.21 or WAC 173-400-091.

(48) "Fee Eligible Generating Equipment" means, for purposes of calculating Article 5 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:

(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.

(b) Storage tanks and other equipment located at dry cleaning facilities.

(c) Combustion units with less than 10 million BTUs per hour heat input.

(d) Process equipment with less than 5,000 ACFM flow rate.

(e) Paint spray booths and related paint spraying equipment.

(f) Mobile sources.

(g) Any other equipment or process determined appropriate for this exemption by the Authority.

(49) "Fee Eligible Stack" means, for purposes of calculating fees pursuant to Article 5, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

(a) Emission points associated with gasoline or fuel dispensing stations.

(b) Emission points associated with dry cleaning facilities.

(c) Pipes or ducts equal to or less than six (6) inches in diameter.

(d) Any other emission point determined appropriate for this exemption by the Authority.

(50) "Fossil Fuel-fired Steam Generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(51) "Fuel Burning Equipment" means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

(52) "Fugitive Dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(53) "Fugitive Emissions" means emissions which (~~do not pass, and which~~) could not reasonably pass(;) through a stack, chimney, vent, or other functionally equivalent opening.

(54) "Garbage" means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

(55) "General Process Unit" means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(56) "Generating Equipment" means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

(57) "Good Engineering Practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

(58) "Hog-fuel" means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

(59) "Identical Units" means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.

(60) "Impaired Air Quality" means a condition declared by the department or a local air authority in accordance with the following criteria:

(a) Meteorological conditions are conducive to accumulation of air contamination concurrent with:

(i) Particulate that is ten micron and smaller in diameter (PM-10) at or above an ambient level of sixty (60) micrograms per cubic meter measured on a twenty-four-hour average; or

(ii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.

(b) Air quality that threatens to exceed other limits established by the department or a local air authority.

(61) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(62) "In Operation" means engaged in activity related to the primary design function of the source.

(63) "Installation" means the act of installing, which means placing, assembling or constructing equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

(64) "LIDAR (Light Detection and Ranging)" means the EPA alternate method 1 determination of the opacity of emissions from stationary sources remotely by LIDAR.

(65) "Lowest Achievable Emission Rate (LAER)" means for any stationary source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of stationary source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(66) "Major Modification" is defined depending on the attainment status of the area in which the project is located, or planned to be located, as follows:

(a) Nonattainment Areas. "Major Modification," as it applies in nonattainment areas means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(A) Routine maintenance, repair and replacement;

(B) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(C) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Clean Air Act;

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(E) Use of an alternative fuel or raw material by a stationary source which: The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or The source is approved to use under any major new source review permit or

approval order issued under subsection 7.05(b) or WAC 173-400-112;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

(II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(I) The SIP; and

(II) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(b) Attainment or unclassified areas. "Major Modification," as it applies in attainment or unclassified areas means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(A) Routine maintenance, repair and replacement;

(B) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(C) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(E) Use of an alternative fuel or raw material by a stationary source which:

(I) The stationary source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or

approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or

(II) The stationary source is approved to use under any PSD permit;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

(II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(67) "Major Stationary Source" is defined depending on the attainment status of the area in which the stationary source is located, or planned to be located, as follows:

(a) Nonattainment areas. "Major Stationary Source," as it applies in nonattainment areas means:

(i) Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:

(A) 70 tons per year of PM-10 in any "serious" nonattainment area for PM-10.

(B) 50 tons per year of carbon monoxide in any "serious" nonattainment area for carbon monoxide where stationary sources contribute significantly to carbon monoxide levels in the area.

(ii) Any physical change that would occur at a stationary source not qualifying under (b)(i) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.

(iii) A major stationary source that is major for volatile organic compounds or NOx shall be considered major for ozone.

(iv) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this

paragraph whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the stationary source is a major stationary source due to (b)(i)(A) or (b)(i)(B) of this subsection:

- (A) Coal cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;
- (E) Iron and steel mills;
- (F) Primary aluminum ore reduction plants;
- (G) Primary copper smelters;
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(I) Hydrofluoric, sulfuric, or nitric acid plants;

(J) Petroleum refineries;

(K) Lime plants;

(L) Phosphate rock processing plants;

(M) Coke oven batteries;

(N) Sulfur recovery plants;

(O) Carbon black plants (furnace process);

(P) Primary lead smelters;

(Q) Fuel conversion plants;

(R) Sintering plants;

(S) Secondary metal production plants;

(T) Chemical process plants;

(U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(W) Taconite ore processing plants;

(X) Glass fiber processing plants;

(Y) Charcoal production plants;

(Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(v) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, FACILITY, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, as amended.

(b) Attainment or unclassified areas. "Major Stationary Source," as it applies in attainment or unclassified areas means:

(i) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:

(A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(B) Coal cleaning plants (with thermal dryers);

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric, sulfuric, and nitric acid plants;

(K) Petroleum refineries;

(L) Lime plants;

(M) Phosphate rock processing plants;

(N) Coke oven batteries;

(O) Sulfur recovery plants;

(P) Carbon black plants (furnace process);

(Q) Primary lead smelters;

(R) Fuel conversion plants;

(S) Sintering plants;

(T) Secondary metal production plants;

(U) Chemical process plants;

(V) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;

(W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(X) Taconite ore processing plants;

(Y) Glass fiber processing plants; and

(Z) Charcoal production plants.

(ii) Regardless of the stationary source size specified in (b)(i) of this subsection, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or

(iii) Any physical change that would occur at a stationary source not otherwise qualifying under (b)(i) or (ii) of this subsection, as a major stationary source if the change would constitute a major stationary source by itself.

(iv) A major stationary source that is major for volatile organic compounds or NOx shall be considered major for ozone.

(v) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(A) Coal cleaning plants (with thermal dryers);

(B) Kraft pulp mills;

(C) Portland cement plants;

(D) Primary zinc smelters;

(E) Iron and steel mills;

(F) Primary aluminum ore reduction plants;

(G) Primary copper smelters;

(H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(I) Hydrofluoric, sulfuric, or nitric acid plants;

(J) Petroleum refineries;

(K) Lime plants;

(L) Phosphate rock processing plants;

(M) Coke oven batteries;

(N) Sulfur recovery plants;

- (O) Carbon black plants (furnace process);
- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(W) Taconite ore processing plants;

(X) Glass fiber processing plants;

(Y) Charcoal production plants;

(Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(vi) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended.

(68) "Masking" means the mixing of a chemically nonre-active control agent with a malodorous gaseous effluent to change the perceived odor.

(69) "Materials Handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

(70) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source(s) or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(71) "National Ambient Air Quality Standards (NAAQS)" means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

(72) "National Emission Standards For Hazardous Air Pollutants (NESHAP)" means the federal (~~regulations set forth~~) rules in 40 CFR Part 61.

(73) "National Emission Standards For Hazardous Air Pollutants For Source Categories" means the federal rules in 40 CFR Part 63.

~~(Natural Conditions means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.)~~

(74) "Net Emissions Increase" is defined depending on the attainment status of the area in which the new stationary source or modification is located, or planned to be located, as follows:

(a) Nonattainment areas. "Net Emissions Increase," as it applies in nonattainment areas means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and

(B) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(A) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(B) The permitting agency has not relied on it in issuing any permit or order of approval for the stationary source under this section or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(v) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins;

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(D) The permitting agency has not relied on it in issuing any permit or order of approval under this section or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

(vi) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(b) Attainment or unclassified areas. "Net Emissions Increase," as it applies in attainment or unclassified areas means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(B) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if ecology or EPA has not relied on it in issuing a PSD permit for the stationary source, which permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM-10 emissions can be used to evaluate the net emissions increase for PM-10.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(vii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(75) "New Source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

(76) "New Source Performance Standards (NSPS)" means the federal ((regulations)) rules set forth in 40 CFR Part 60.

(77) "Nonattainment Area" means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a national

ambient air quality standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(78) "Nonroad Engine" means

(a) Except as discussed in (b) of this subsection, a non-road engine is any internal combustion engine:

(A) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers; or

(B) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(C) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Incidents of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(A) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

(B) The engine is regulated by a New Source Performance Standard promulgated under section 111 of the Federal Clean Air Act; or

(C) The engine otherwise included in a (a)(3) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is a single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that ((remains in)) operates at a single location approximately three months (or more) each year ((on a permanent basis (i.e., at least two years) and that operates at the single location approximately three (or more) each year)). This paragraph does not apply to an engine after the engine is removed from the location.

(79) "Notice of Construction Application" means a written application to permit construction, installation or establishment of a new stationary source, modification or alteration of an existing stationary source, or replacement or substantial alteration of control technology at an existing stationary source. ((Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.))

(80) "Nuisance" means an emission that unreasonably interferes with the use and enjoyment of property.

(81) "Olympic Air Pollution Control Authority" (OAPCA) is the former name of Olympic Region Clean Air Agency (ORCAA). Reference to "OAPCA" in this regulation shall mean ORCAA.

(82) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(83) "Open Burning" means the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(84) "Open Fire" means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

(85) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.211, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

(86) "Order of Approval" or "Approval Order" means a regulatory order issued by Ecology or the Authority to approve the Notice of Construction Application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source ~~((after review of all information received including public comment as required under Article 5 and Article 7)).~~

(87) "Owner" means and includes the person who owns, leases, supervises or operates the equipment or control apparatus.

(88) "Ozone Depleting Substance" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

(89) "Particulate Matter" or "Particulates" means any ~~((liquid, other than water, or any))~~ airborne finely divided solid ~~((which is so finely divided as to be capable of becoming windblown or being suspended in air, or other gas or vapor))~~ or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(90) "Particulate Matter Emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, chapter I of the Code of Federal Regulations or by a test method specified in the SIP.

(91) "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(92) "Permit" means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

(93) "Permitting Agency" means ecology or the local air pollution control authority with jurisdiction over the source.

(94) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(95) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(96) "PM₁₀ Emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10

micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the ~~((Washington State Implementation Plan (SIP)))~~ SIP.

~~((Potential Controlled Emissions means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment operating. Operating control equipment can be considered only if the affect such controls have on emissions is federally enforceable.))~~

(97) "Potential To Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

~~((Potential Uncontrolled Emissions means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment NOT operating.))~~

(98) "Prevention of Significant Deterioration (PSD)" means the program ~~((set forth))~~ in WAC 173-400-141. Ecology is responsible for the PSD program for stationary sources in ORCAA's jurisdiction. Contact Ecology at (360) 407-6800 for more information. ~~((Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.))~~

(99) "Process" means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

(100) "Projected Width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((Reasonable Alternatives means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.))~~

~~((Reasonably Attributable means attributable by visual observation or any other technique the state deems appropriate.))~~

(101) "Reasonably Available Control Technology (RACT)" means the lowest emission limit that a particular stationary source or stationary source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or stationary source category taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by ~~((quality))~~ additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT

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requirements for any stationary source or stationary source category shall be adopted only after notice and opportunity for comment are afforded.

(102) "Recreational Fire" means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

(103) "Refuse" means waste as defined in Section 1.07 of this Regulation.

(104) "Regulation 1" means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic ((~~Air Pollution Control Authority~~) Region Clean Air Agency).

(105) "Regulatory Order" means an order issued by Ecology or ((~~the~~) an Authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted there under, or, for sources regulated by a local air authority, the regulations of that authority ((~~approves a notice of construction application, limits emissions and/or establishes other air pollution control requirements~~)).

(106) "Representative" or "Agent" means any person authorized by the Control Officer of the Authority to represent him in an official and specific manner.

(107) "Residential" means a two or single family unit.

((~~Rubbish means waste as defined in Section 1.07 of the Regulation.~~))

((~~Salvage Operation means any operation conducted in whole or in part for the salvaging or reclaiming of any product.~~))

(108) "Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains located at the new or modified stationary source; and,

(b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(109) "Significant" is defined depending on the attainment status of the area:

(a) Nonattainment areas. "Significant," as it applies in nonattainment areas means, in reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

<u>Carbon monoxide:</u>	<u>100 tons per year (tpy)</u>
<u>Nitrogen oxides:</u>	<u>40 tpy</u>
<u>Sulfur dioxide:</u>	<u>40 tpy</u>
<u>Volatile organic compounds:</u>	<u>40 tpy</u>

Pollutant and Emissions Rate

<u>Lead:</u>	<u>0.6 tpy</u>
<u>PM-10:</u>	<u>15 tpy</u>

(b) Attainment or unclassified areas. "Significant," as it applies in attainment or unclassified areas means:

(i) In reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

<u>Carbon monoxide:</u>	<u>100 tons per year (tpy)</u>
<u>Nitrogen oxides:</u>	<u>40 tpy</u>
<u>Sulfur dioxide:</u>	<u>40 tpy</u>
<u>Particulate matter (PM):</u>	<u>25 tpy of PM emissions</u> <u>15 tpy of PM-10 emissions</u>
<u>Volatile organic compounds:</u>	<u>40 tpy</u>
<u>Fluorides:</u>	<u>3 tpy</u>
<u>Lead:</u>	<u>0.6 tpy</u>
<u>Sulfuric acid mist:</u>	<u>7 tpy</u>
<u>Hydrogen sulfide (H₂S):</u>	<u>10 tpy</u>
<u>Total reduced sulfur (including H₂S):</u>	<u>10 tpy</u>
<u>Reduced sulfur compounds (including H₂S):</u>	<u>10 tpy</u>
<u>Municipal waste combustor organics: (measured as total tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans)</u>	<u>3.2 grams per year (0.112 oz. per year or 49 grains per year)</u>
<u>Municipal waste combustor metals: (measured as particulate matter)</u>	<u>14 megagrams per year (15 tpy)</u>
<u>Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)</u>	<u>36 megagrams per year (40 tpy)</u>
<u>Municipal solid waste landfill emissions: (measured as nonmethane organic compounds)</u>	<u>45 megagrams per year (50 tpy)</u>
<u>Ozone-depleting substances (in effect on July 1, 2000):</u>	<u>100 tpy</u>

(ii) In reference to a net emissions increase or the stationary source's potential to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(i) of this subsection does not list, any emissions rate. However, for purposes of the applicability of this section, the hazardous air pollutants listed under section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(iii) Regardless of the definition in (b)(i) of this subsection, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty-four-hour average).

(110) "Silvicultural Burning" means burning on any land the Department of Natural Resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to Chapter 76.04 RCW.

(111) "Source" means all of the emissions unit(s) ~~(and all of the pollutant emitting activities which belong to the same industrial grouping,)~~ including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. ~~(Pollutant emitting a)~~ Activities shall be considered ancillary to the production of a single product or functionally related group of products if they ~~((as part of the same industrial grouping if they))~~ belong to the same Major Group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended ~~((by the 1977 Supplement))~~.

(112) "Source Category" means all sources of the same type or classification.

(113) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(114) "Stack Height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(115) "Standard Conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

(116) "Standard Cubic Foot of Gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

(117) "State Act" means the Washington Clean Air Act, Chapter 70.94 RCW, as amended.

(118) "State Implementation Plan (SIP)" or ~~the~~ ~~((means the))~~ "Washington SIP" in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

(119) "Stationary Source" means any ~~((source as defined in this section which is fixed in location temporarily or permanently))~~ building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216(11) of the ~~((CAA))~~ Federal Clean Air Act.

(120) "Sulfuric Acid Plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(121) "Synthetic Minor" means any stationary source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

(122) "Temporary" means a period of time not to exceed one (1) year.

(123) "Total Reduced Sulfur" (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an

approved equivalent method and expressed as hydrogen sulfide.

(124) "Total Suspended Particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B ~~((as in effect on July 1, 1988))~~.

(125) "Toxic Air Pollutant~~((S))~~ (TAP)" or "Toxic Air Contaminant" means any class A or Class B toxic air pollutant listed in WAC 173-460-150 and~~((or))~~ WAC 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(126) "True Vapor Pressure" means the equilibrium partial pressure exerted by the stored organic compound at:

(a) The annual average temperature of the organic compound as stored; or

(b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.

(127) "Unclassifiable Area" means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR part 81.

(128) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(129) "Urban Growth Area" means an area defined by RCW 36.70A.030.

(130) "Vent" means any opening through which gaseous emissions are exhausted into the ambient air.

~~((Visibility Impairment means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.))~~

(131) "Volatile Organic Compound (VOC)" means any carbon compound that participates in atmospheric photochemical reactions~~((s))~~.

(A) Exceptions. The following compounds are not a VOC: acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane, methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); ~~((1,1,2-trichloro))~~ 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HCFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotriazole (PCBTf); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro 1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC

43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-254ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂(CF₂OC₂H₅); methyl acetate and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;
- (iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and
- (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(B) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where ~~((such a))~~ the method also measures compounds with negligible photochemical reactivity, these negligibly ~~((-))~~ reactive compounds may be excluded as VOC if the amount of ~~((such))~~ the compounds is accurately quantified, and ~~((such))~~ the exclusion is approved by ecology, the authority, or EPA ~~((the Authority))~~.

(C) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Authority, the amount of negligibly reactive compounds in the source's emissions.

~~((WASTE means unproductive, worthless, useless or rejected material.))~~

(132) "Waste-wood Burner" means equipment or facility used solely for the combustion-disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burner, a silo-type burner, or an air-curtain burner.

(133) "Wigwam or Tepee Burner" - see Waste-wood Burner.

Reviser's note: The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

ARTICLE 3 GENERAL PROVISIONS

SECTION 3.01 CONTROL OFFICER - POWERS AND DUTIES

(a) The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution in accordance with the policies of the Board of Directors.

(b) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431, whenever the Control Officer has reason to believe that any provision of state law or any regulation relating to the control or prevention of air pollution has been violated, the Control Officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of state law or the regulation alleged to be violated and the facts alleged to constitute a violation thereof and may include an order that necessary corrective action be taken within a specified time. In lieu of an order, the Control Officer may require that the alleged violator or violators appear before the Board for a hearing, at a time and place specified in the notice, given at least twenty (20) days prior to such hearing, and answer the charges.

(c) The Control Officer and/or a qualified designated agent may make any investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment thereto of controlling or reducing the amount or kind of air contaminant.

(d) The Control Officer may obtain from any person, subject to the jurisdiction of the Authority, such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are, or may be, discharged by such source and type or nature of control equipment in use.

(e) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or a duly authorized representative shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse entry or access to the Control Officer, or a duly authorized representative, who request entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection by the Control Officer, or a duly authorized representative.

(f) If during the course of an inspection, the Control Officer or a duly authorized representative desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, the Control Officer or a designated agent shall notify the owner or operator of the time and place of obtaining a sample so the owner or operator has the opportunity to take a similar sample at the same time and place; and the

Control Officer or a duly authorized representative shall give a receipt to the owner or operator for the sample obtained.

(g) The Control Officer may engage, at the Authority's expense and with Board approval, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from any source.

(h) The Control Officer is empowered to sign official complaints or issue citations or initiate court suits or use other means to enforce the provisions of the regulation.

(i) In order to demonstrate compliance with emission standards, the Control officer shall have the Authority to require a source to be tested, either by the Authority personnel or by the owner, using source test procedures approved by the Authority. The owner shall be given reasonable advance notice of the requirement of the test.

(j) In order for Authority personnel to perform a source test, the Control Officer shall have the authority to require the owner of the source to provide an appropriate platform and sampling ports. The owner shall have the opportunity to observe the sampling and, if there is adequate space to conduct the tests safely and efficiently, to obtain sample at the same time.

SECTION 3.03 CONFIDENTIAL INFORMATION

Whenever any records or other information, other than ambient air quality data or emissions data, furnished to or obtained by the Authority, pursuant to any sections in Chapter 70.94 RCW, relate to processes or production unique to the owner or operator or are likely to affect adversely the competitive position of such owner or operator if released to the public or to the competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority.

Nothing herein shall be construed to prevent the use of records or information by the Authority in compiling or publishing analysis or summaries relating to the general condition of the outdoor atmosphere: Provided, that such analysis or summaries do not reveal any information otherwise confidential under the provisions of this section: Provided further, that emission data furnished to or obtained by the Authority shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the Authority.

SECTION 3.05 INTERFERENCE OR OBSTRUCTION

No person shall willfully interfere with or obstruct the Control Officer or any Authority employee in performing any lawful duty.

SECTION 3.07 FALSE OR MISLEADING STATEMENTS

No person shall willfully make a false or misleading statement to the Board or its representative as to any matter within the jurisdiction of the Board.

SECTION 3.09 UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

No person shall reproduce or alter, or cause to be reproduced or altered, any order, registration certificate or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of the Regulation or any other law.

SECTION 3.11 DISPLAY OF ORDERS~~((g))~~ AND CERTIFICATES ~~((AND OTHER NOTICES))~~: REMOVAL OR MUTILATION PROHIBITED

(a) Any order or registration certificate required to be obtained by this Regulation shall be available on the premises designated on the order or certificate.

(b) In the event that the Authority requires ~~((a notice))~~ order or registration certificate to be displayed, it shall be posted.

(c) No person shall mutilate, obstruct or remove any order or registration certificate ~~((notice))~~ unless authorized to do so by the Board or the Control Officer.

SECTION 3.15 APPOINTMENT OF HEARING OFFICER

(a) In all instances where the Board is permitted or required to hold hearings under the provisions of Chapter 70.94 RCW, such hearings shall be held before the Board; or the Board may appoint a hearing officer, who shall be the Executive Director of the Authority or his/her designee to hold such hearings.

(b) A duly appointed hearing officer shall have all the powers, rights and duties of the Board relating to the hearings.

SECTION 3.17 APPEALS FROM BOARD ORDERS

(a) Any order issued by the Authority shall become final unless such order is appealed to the Hearings Board as provided in chapter 43.21B RCW. ((Any order issued or fee assessed by the Board or the Control Officer, shall become final, provided, that no later than thirty (30) days after the order or decision of the Pollution Control Authority or Control Officer was communicated to the party an appeal is taken to the Pollution Control Hearings Board of the State of Washington, pursuant to RCW 43.21B, 70.94.211 and WAC 371.08, as now or hereafter amended.)) The sole basis for appeal of a fee assessed by the Control Officer or Board shall be that the assessment contains an arithmetic or clerical error.

(b) Any order issued by the Authority may be appealed to the Pollution Control Hearings Board if the appeal is filed with the Hearings Board and served on the Authority within thirty days after receipt of the order in accordance with chapter 371-08 WAC. This is the exclusive means of appeal of such an order.

(c) The Authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(d) At any time during the pendency of such an appeal of such an order to the Pollution Control Hearings Board, the

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appellant or other affected parties may apply to the Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC for a stay of the order or for the removal thereof.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 3.19 ((STATUS OF ORDERS ON APPEALS)) VOLUNTARY COMPLIANCE

~~((a) Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein unless, after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.))~~

~~((b))~~ Nothing in this Regulation shall prevent the ~~((Control Officer or Board))~~ Authority from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

SECTION 3.21 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or operator of equipment, or their agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or operator of the equipment, or their agent, at the address listed on their application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or operator of the equipment, or their agent, or if the owner or operator is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made on the Authority, as follows:

(1) Either by mailing the notice in a prepaid envelope direct to the Authority at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Authority office with an employee of the Authority.

SECTION 3.23 VARIANCES

Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the Control Officer or the Board for a variance to exceed a specific maximum emission standard of this Regulation for a limited period of time, except for any federally enforceable standard, provided that a variance to state standard is also approved by the Department of Ecology. The application shall be accompanied by such information and data as the Control Officer or Board may require. The Board may grant such variance but only after approval by the Department of Ecology and public hearing or due notice and in accordance with the provisions set forth in RCW 70.94-181, as now or hereafter amended. Any hearing held pursu-

ant to this section shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100, as now or hereafter amended. The Authority shall not commence processing a variance request, until it has received a filing fee as determined by Table 7.13a, Plan Examination and Inspection Fee, Section 7.13.

SECTION 3.25 SEVERABILITY

If any phrase, clause, subsection or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection or section so held unconstitutional or invalid; and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid.

SECTION 3.26 VIOLATIONS - NOTICE

At least 30 days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431, the Board or Control Officer shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of Chapter 70.94 RCW or the orders, rules, or regulations adopted pursuant thereto, alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Board for a hearing. Every notice of violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action.

(a) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation and be subject to the same penalty.

(b) In case of a continuing violation, whether or not knowingly committed, each day's continuance shall be a separate and distinct violation.

SECTION 3.27 REGULATORY ACTIONS AND PENALTIES

The Control Officer may take any of the following regulatory actions to enforce the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, which are incorporated by reference.

(a) Civil Penalties

(1) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed \$10,000.00 per day for each violation.

(2) Any person who fails to take action as specified by an Order issued pursuant to Chapter 70.94 RCW or Regulation 1 of the ~~((Olympic Air Pollution Control Authority))~~ Olympic Region Clean Air Agency ~~((OAPCA))~~ (ORCAA) shall be liable for a civil penalty of not more than \$10,000.00 for each day of continued noncompliance.

(3) Within 30 days after receipt of Notice of Civil Penalty, the person incurring the penalty may apply in writing to

the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

- (i) The name, mailing address, and telephone number of the appealing party;
- (ii) A copy of the Notice of Civil Penalty appealed from;
- (iii) A short and plain statement showing the grounds upon which the appealing party considers such Order to be unjust or unlawful;
- (iv) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;
- (v) The relief sought, including the specific nature and extent; and
- (vi) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(4) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Authority within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition of the application for relief from penalty.

(5) A civil penalty shall become due and payable on the later of:

- (i) 30 days after receipt of the notice imposing the penalty;
- (ii) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or
- (iii) 30 days after the receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(6) If the amount of the civil penalty is not paid to the Authority within 30 days after it becomes due and payable, the Authority may use any available methods, including Superior Court, to recover the penalty. In all actions brought in the Superior Court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in ordinary civil action.

(7) To secure the penalty incurred under this section, this Authority shall have a lien on any vessel used or operated in violation of Regulation 1 which shall be enforced as provided in RCW 60.36.050.

(b) Criminal Penalties

(1) Any person who knowingly violates any of the provisions of Chapter 70.94 RCW or any rules or regulations in force pursuant thereto, shall be guilty of a crime and upon conviction thereof, shall be punished by fine of not more than \$10,000.00, or by imprisonment in the county jail for not more than 1 year, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of

death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than \$10,000.00, or by imprisonment for not more than 1 year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with terms of an applicable permit or emission limit, and who knows at the time that they have thereby placed another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not less than \$50,000, or by imprisonment for not more than 5 years, or both.

(c) Additional Enforcement

(1) Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of Chapter 70.94 RCW, or any order, rule or regulation issued by the Board or Control Officer or a duly authorized agent, the Board, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(2) As an additional means of enforcement, the Board or Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of Chapter 70.94 RCW or of any order, rule, or regulation adopted pursuant thereto, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter or the orders, rules, or regulations issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from Superior Court in the county wherein the violation is alleged to be occurring or to have occurred.

SECTION 3.29 COMPLIANCE SCHEDULES

(a) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of Regulation 1 or RCW 70.94 or WAC 173 or any applicable federal regulation the Authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, which shall constitute a compliance schedule.

(b) The source, including any person who owns or is in control of any plant, building, structure, establishment, process or equipment, which is in violation of an emission standard or other provision of Regulation 1 or RCW 70.94 or WAC 173, may submit a proposed Compliance Schedule to the Board for approval. The proposed Compliance Schedule must meet the requirements of this section, and shall be accompanied by such information and data as the Control Officer or the Board may require.

(c) Public Noticing. Compliance Schedules must meet the requirements for public involvement in accordance with RCW 70.94 as now or hereafter amended. Any hearing held pursuant to this section shall be conducted in accordance with the Rules of Evidence as set forth in RCW 34.04.100, as now or hereafter amended.

(d) Federal Action. A source shall be considered to be in compliance with this section if all the provisions of its individual compliance schedule, including those stated by regulatory order, are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(e) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act. In addition, failure at any phase to make progress towards compliance pursuant to any Compliance Schedule accepted by the Board shall be deemed an unreasonable delay and in violation of the terms of said Compliance Schedule and the Board or Control Officer may require that the responsible person appear before the Board to explain the delay and show cause why abatement action should not be started, enforcement action taken, and/or the Compliance Schedule revoked.

(f) Fee for Compliance Schedule. The Authority shall not commence processing a compliance schedule request until it has received a filing fee as determined by Section 7.13.

AMENDATORY SECTION

ARTICLE 5 REGISTRATION

((SECTION 5.00 DEFINITIONS

For purposes of Article 5, the following definitions apply:))

((ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection:

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period:

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit:))

((AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant.")

((AIR CONTAMINANT GENERATING EQUIPMENT means, for purposes of calculating Article 5 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:

~~(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.~~

~~(b) Storage tanks and other equipment located at dry cleaning facilities.~~

~~(c) Combustion units with less than 10 million BTUs per hour heat input.~~

~~(d) Process equipment with less than 5,000 ACFM flow rate.~~

~~(e) Paint spray booths and related paint spraying equipment.~~

~~(f) Mobile sources.~~

~~(g) Any other equipment or process determined appropriate for this exemption by the Authority.))~~

~~((EMISSIONS means a release of air contaminants into the ambient air.))~~

~~((EMISSIONS UNIT means any part of a source which emits or would have the potential to emit any pollutant subject to regulation.))~~

~~((FACILITY means the same as "source.")~~

~~((POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.))~~

~~((SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.))~~

~~((STACK means, for purposes of calculating fees pursuant to Article 5, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:~~

~~(a) Emission points associated with gasoline or fuel dispensing stations.~~

~~(b) Emission points associated with dry cleaning facilities.~~

~~(c) Pipes or ducts equal to or less than six (6) inches in diameter.~~

~~(d) Any other emission point determined appropriate for this exemption by the Authority.))~~

~~((TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173 460 150 and 173 460 160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173 460 150 and 173 460 160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.))~~

~~((TRUE VAPOR PRESSURE means the equilibrium partial pressure exerted by the stored organic compound at:~~

~~(a) The annual average temperature of the organic compound as stored; or~~

~~(b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.))~~

SECTION 5.01 REGISTRATION REQUIRED

(a) All ~~((air contaminant))~~ stationary sources within the jurisdiction of the Authority, except for any stationary source required to obtain an air operating permit under Chapter 173-401 WAC, shall be registered with the Authority ~~((the sources listed in 5.01(b) below, as now constituted or as hereafter amended, and except sources with or applying for an air operating permit pursuant to RCW 70.94.161, shall be registered with the Authority)).~~ Notwithstanding the exemptions provided in section 5.01(b) ~~((any other subsection of this section)),~~ the following stationary sources shall be registered with the Authority~~((:))~~:

(1) Any stationary source subject to a standard under New Source Performance Standards, 40 CFR Part 60, except; New Residential Wood Heaters (Subpart AAA); Kraft Pulp Mills (Subpart BB); and Primary Aluminum Reduction Plants (Subpart S); ~~((Any category of stationary sources to which a federal standard of performance applies; or))~~

(2) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants, 40 CFR 61.02, except for asbestos demolition and renovation projects subject to 40 CFR 61.145; ~~((Any source subject to a national emission standard for hazardous air pollutants.))~~

(3) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.2;

(4) Any stationary source that includes equipment or control equipment subject to an Approval Order issued by the Authority.

~~((Except as provided in subsection(a) of this article, §))~~ The following stationary sources ~~((and equipment types))~~ are exempt from registration requirements under Article 5. All stationary sources exempt from registration under Article 5 are still required to comply with ~~((the))~~ other applicable air pollution requirements ~~((requirements of ((this regulation))).~~

~~((1) Air conditioning or ventilating systems not designed to remove contaminants generated by or released from equipment.~~

~~(2) Asphalt laying equipment including asphalt roofing operations (not including manufacturing or storage).~~

~~(3) Atmosphere generators used in connection with metal heat treating processes.~~

~~(4) Blast cleaning equipment that uses a suspension of abrasive in liquid water.~~

~~(5) Fire fighting and similar safety equipment and equipment used to train fire fighters.~~

~~(6) Foundry sand mold forming equipment, unheated.~~

~~(7) Fuel burning equipment (not including incinerators) that:~~

~~(i) is used solely for a private dwelling serving five families or less; or~~

~~(ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or~~

~~(iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste derived fuels; or~~

~~(iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or~~

~~(v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.~~

~~(8) Fumigation vaults not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC).~~

~~(9) Gas stations or bulk plants with less than 100,000 gallons of throughput per year.~~

~~(10) Insecticide, pesticide, or fertilizer spray equipment.~~

~~(11) Internal combustion engines less than or equal to 500 hp (mechanical) and used only for stand-by emergency power generation.~~

~~(12) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.~~

~~(13) Printers using less than 2,000 pounds per year of VOCs.~~

~~(14) Residential composting facilities.~~

~~(15) Restaurants and other retail food preparing establishments.~~

~~(16) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.~~

~~(17) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.~~

~~(18) Steam cleaning equipment used exclusively for that purpose.~~

~~(19) Storage tanks, reservoirs or containers:~~

~~(i) of a capacity of 10,000 gallons or less used for the storage of volatile organic compounds, not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC); or~~

~~(ii) of a capacity of 10,000 gallons or less used for storage of gasoline; or~~

~~(iii) of a capacity of 40,000 gallons or less used for the storage of organic compounds, not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC) with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm); or~~

~~(iv) of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas.~~

~~(20) Surface coating sources using less than 20 gallons per year of VOC-containing materials.~~

~~(21) Vacuum cleaning systems used exclusively for office or residential housekeeping.~~

~~(22) Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.~~

~~(23) Vents used exclusively for:~~

~~(i) Sanitary or storm drainage systems; or~~

~~(ii) Safety valves.~~

(24) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

(25) Welding, brazing or soldering equipment.

(26) Sources which, due to the amount and nature of air contaminants produced, and potential to contribute to air pollution or odors, are determined through review by the Control Officer not to warrant registration; provided that for new sources, such determination shall be based upon review of a Notice of Construction.))

(1) **Maintenance/construction:**

- a. Cleaning and sweeping of streets and paved surfaces;
- b. Concrete application, and installation;
- c. Dredging wet spoils handling and placement;
- d. Paving application and maintenance, excluding asphalt plants;
- e. Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);
- f. Plumbing installation and plumbing protective coating application associated with plant maintenance activities;
- g. Roofing application;
- h. Insulation application and maintenance, excluding products for resale;
- i. Janitorial services and consumer use of janitorial products.
- j. Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage).
- k. Blast cleaning equipment that uses a suspension of abrasive in liquid water.
- l. Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

(2) **Storage tanks:**

- a. Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;
- b. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;
- c. Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;
- d. Process and white water storage tanks;
- e. Storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);
- f. Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);
- g. Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for the storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);

h. Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;

- i. Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.
- j. Storage tanks used exclusively for storage of diesel fuel;
- k. Loading and unloading equipment used exclusively for the storage tanks exempted under this section.

(3) **Combustion:**

- a. Fuel burning equipment (not including incinerators) that:
 - (i) is used solely for a private dwelling serving five families or less; or
 - (ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or
 - (iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or
 - (iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or
 - (v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.
- b. All stationary gas turbines with a rated heat input < 10 million Btu per hour.
- c. Stationary internal combustion engines having rated capacity:
 - (i) < 50 horsepower output; or,
 - (ii) < 500 horsepower and used only for standby emergency power generation.
- d. All nonroad engines subject to 40 CFR Part 89.

(4) **Material handling:**

- a. Storage and handling of water based lubricants for metal working where organic content of the lubricant is <10%;
- b. Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(5) **Water treatment:**

- a. Septic sewer systems, not including active wastewater treatment facilities;
- b. NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;
- c. De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;
- d. Process water filtration system and demineralizer vents;
- e. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;
- f. Demineralizer tanks;
- g. Alum tanks;
- h. Clean water condensate tanks.

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i. Oil/water separators, except those at petroleum refineries;

j. Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

k. Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, provided that they do not use anaerobic digesters, chlorine disinfection or sewage sludge incinerators.

(6) Environmental chambers and laboratory equipment:

a. Environmental chambers and humidity chambers not using **toxic air pollutant** gases, as regulated under chapter 173-460 WAC;

b. Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

c. Laboratory fume hoods;

d. Laboratory calibration and maintenance equipment.

(7) Monitoring/quality assurance/testing:

a. Equipment and instrumentation used for quality control/assurance or inspection purpose;

b. Hydraulic and hydrostatic testing equipment;

c. Sample gathering, preparation and management;

d. Vents from continuous **emission** monitors and other analyzers.

(8) Miscellaneous:

a. Single-family residences and duplexes;

b. Plastic pipe welding;

c. Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

d. Insecticide, pesticide, or fertilizer spray equipment.

e. Comfort air conditioning;

f. Flares used to indicate danger to the public;

g. Natural and forced air vents and **stacks** for bathroom/toilet activities;

h. Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;

i. Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

j. Tobacco smoking rooms and areas;

k. Noncommercial smokehouses;

l. Blacksmith forges for single forges;

m. Vehicle maintenance activities, not including vehicle surface coating;

n. Vehicle or equipment washing;

o. Wax application;

p. Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

q. Ozone generators and ozonation equipment;

r. Ultraviolet curing processes, to the extent that **toxic air pollutant** gases as defined in chapter 173-460 WAC are not emitted;

s. Electrical circuit breakers, transformers, or switching equipment installation or operation;

t. Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

u. Fire fighting and similar safety equipment and equipment used to train fire fighters.

v. Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

w. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

x. Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C, and not containing toxic air pollutants (as defined in Chapter 173-460 WAC);

y. Surface coating, aqueous solution or suspension containing < 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

z. Cleaning and stripping activities and equipment using solutions having <1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

aa. Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

bb. Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.

cc. Residential composting facilities.

dd. Restaurants and other retail food preparing establishments.

ee. Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

ff. Steam cleaning equipment used exclusively for that purpose.

gg. Vacuum cleaning systems used exclusively for office or residential housekeeping.

hh. Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.

ii. Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves.

jj. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

kk. Welding, brazing or soldering equipment.

ll. Coffee roaster with a design capacity less than 10 pounds per batch.

mm. Bark and soil screening operations.

nn. Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 150 tons per hour.

oo. Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 25 tons per hour.

pp. Any portable stationary source approved by the Authority for operation at temporary locations.

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Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 5.02 REGISTRATION PROGRAM

(a) ~~((For purposes of this regulation,))~~ Program purpose. As authorized by RCW 70.94.151, the Authority's registration program is a program to develop and maintain a current and accurate record of stationary sources. ~~((shall be defined as all direct activities associated with the Authority's continuing program for identifying, delineating, itemizing, verifying, and maintaining a current and accurate record of all air contaminant sources, their emissions, and their status of compliance with Regulation 1 within the jurisdiction of the Authority))~~ Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify stationary source compliance with applicable air pollution requirements.

(b) Program components. The components of ~~((such))~~ the Authority's registration program shall include:

(1) Initial ~~((registration))~~ notification and annual or other periodic reports from ~~((source))~~ owners of stationary sources providing the information described in section ~~((s))~~ 5.03 ~~((and 5.05))~~.

(2) On-site inspections necessary to verify compliance with ~~((Regulation 1))~~ applicable air pollution control requirements and/or to supplement information provided by owners of stationary sources pursuant to the requirements of section ~~((s))~~ 5.03 ~~((and 5.05))~~.

(3) Maintenance of computers and software used to compile and retrieve information provided by owners of stationary sources relating to air contaminant emissions and compliance with air pollution control requirements.

(4) Compilation of ~~((E))~~ emission inventory reports and computation of emission reduction credits ~~((computed))~~ from information provided by owners of stationary sources pursuant to the requirements of section 5.03.

(5) Staff review, including engineering analysis for accuracy and currentness, of information provided by owners of stationary sources pursuant to the requirements of section 5.03.

(6) Clerical and other office support provided by the Authority in direct support of the registration program.

(7) Administrative support provided in directly carrying out the registration program.

(8) Assessment and collection of annual registration fees from all stationary sources requiring registration in accordance with section 5.05.

SECTION 5.03 ~~((GENERAL))~~ REQUIREMENTS FOR STATIONARY SOURCES SUBJECT TO REGISTRATION

(a) The owner or operator ~~((Owners or operators))~~ of any stationary ~~((air contaminant))~~ source ~~((s))~~ subject to registration under section 5.01 shall register the stationary source by submitting an initial notification to the Authority of its existence within 30-days from:

(1) Commencement of operation of any new or re-commissioned stationary source including those subject to prior

approval by the Authority through a Notice of Construction under Article 7; or,

(2) Change in ownership of an existing registered stationary source.

(b) Initial notification shall include the following information:

(1) Owner name, address and phone number;

(2) Source location;

(3) Name, address and phone number of on-site contact person;

(4) Identification and brief description in terms of type, location and size or capacity, of each stationary source subject to registration;

(5) Date each stationary source was constructed, installed or established;

(6) Date each stationary source commenced operation;

(7) If subject to pre-construction review and approval by the Authority, the date of the approval and Notice of Construction application #.

(c) Owners or operators of any stationary source subject to registration shall, upon request by the Authority, make annual and/or periodic reports to the Authority regarding emission sources, types and amounts of raw materials and fuels used, types, amounts and concentrations of air contaminants emitted, data on ~~((air contaminant generating equipment))~~ emissions units and control devices, data on emission points, and any other information directly related to the registration program as requested by the Authority.

(d) ~~((b))~~ Annual ~~((registration))~~ and periodic ~~((reporting for a source))~~ reports as required by the Authority pursuant to subsection (c) of this section shall be made by the owner or lessee of the stationary source, or an agent, on forms provided by the Authority or in an Authority approved format. The owner of the stationary source shall be responsible for completion and submittal of the annual ~~((registration forms and/or periodic reports))~~ or periodic report within thirty (30) days of receipt of the request and forms provided by the Authority. The owner of the stationary source shall be responsible for the completeness and correctness of the information submitted.

(e) The owner or operator shall notify the Authority of any changes in the following administrative information within 30 days from the change taking place:

(1) Owner name, address and phone number;

(2) Name, address and phone number of on-site contact person;

(3) Process or equipment changes resulting in an increase in emissions, provided that changes requiring prior approval by the Authority through a Notice of Construction (NOC) application shall also comply with the requirements of Article 7; and,

(4) Any planned shut down or decommissioning of an emission unit.

~~((e))~~ A separate registration shall be required for each source of air contaminant: PROVIDED, that an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process: PROVIDED FURTHER, that an owner need not make a separate registration for identical units of equipment or control apparatus

installed, altered or operated in an identical manner on the same premise:))

(f)((d)) Each ((registration)) notification or report required under this section shall be signed by the owner or operator of the stationary source, or by ((lessee or)) the agent appointed by the owner ((for such owner or lessee)).

((e) The confidentiality provisions of section 3.03 shall be applicable in administering the registration program:))

(g)((f)) According to the schedule set forth ((in section 5.03 (f)(1))) below, owners or operators of ((air contaminant)) stationary sources subject to registration pursuant to section 5.01 above shall develop ((and)), implement and update when necessary an Operations and Maintenance plan to assure continuous compliance with applicable air regulations and standards including Regulation 1. Operation and Maintenance plans shall include, but not be limited to, the measures listed in sub-section 5.03 (f)(2). A copy of the Operation and Maintenance plan shall be retained at the facility where the stationary source is located and shall be made available to all ((employees)) operators of the stationary source and the Authority upon request.

(1) Operation and Maintenance plans required ((pursuant to)) by this subsection shall be written, and (5.03(f)) shall be completed or updated, and fully implemented by the following due dates ((specified in i through iii below:)):

((i) By no later than July 1, 1994 for sources currently registered with the Authority:))

(i) ((ii)) No later than 120 days from initial registration with the Authority for existing stationary sources not yet registered with the Authority.

(ii) ((iii)) No later than 90 days from commencement of operation for newly constructed or established stationary sources requiring registration.

(2) Operation and Maintenance plans required pursuant to section ((5.03(f)) 5.03(g)) shall include, but not be limited to, the following types of measures:

(i) Periodic inspection of ((air contaminant generating equipment)) emissions units and associated control devices to evaluate air contaminant control effectiveness and compliance with applicable emissions limits;

(ii) Measures for monitoring and recording of all ((air contaminant generating equipment)) emissions unit and control device performance when required by regulation or an approval order;

(iii) Procedures for facilitating prompt repair of any defective equipment or control device associated with air contaminant emissions;

(iv) A system for logging all actions required by the plan;

(v) Standard procedures for responding to air quality related complaints received by the facility where the stationary source is located; and,

(vi) General policy and measures for minimizing dust emissions and odors.

((3) The Authority shall develop standard provisions and guidelines for operation and maintenance plans and make them available to sources for purposes of complying with section 5.03(f) provisions:))

(h) Owners or operators of ((air contaminant)) stationary sources subject to ((section 5.01 above)) registration shall be

classified according to section 5.04 and shall pay annual registration fees pursuant to sections 5.05.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 5.04 CLASSIFICATION OF SOURCES REQUIRED TO REGISTER WITH AUTHORITY

All ((air contaminant)) sources requiring registration pursuant to section 5.01 shall be classified in one of the registration classes listed in Table 5.04b. A source will be placed in the most appropriate class as determined by the Authority. For purposes of classification, the pollutants listed in Table 5.04a will be considered.

TABLE 5.04a: POLLUTANTS

<p>((Total Particulates (TSP))) <u>Particulate Matter</u> Sulfur Oxides (SOx) Nitrogen Oxides (NOx) Volatile Organic Compounds (VOC) Carbon Monoxide (CO) Toxic Air Pollutants</p>

TABLE 5.04b: REGISTRATION CLASSES

<p>(a) CLASS RC1 - Any source <u>requiring registration</u> with a potential to emit 100 tons per year or more of any pollutant listed in Table 5.04a.</p> <p>(b) CLASS RC2 - Any source <u>requiring registration</u>, except those sources classifiable under RC1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons or more per year of any combination of toxic air pollutants.</p> <p>(c) CLASS RC3 - Any source <u>requiring registration</u>, except those sources classifiable under RC1 or RC2, with a potential to emit 30 tons per year or more of any pollutant listed in Table 5.04a.</p> <p>(d) CLASS RC4 - Any source <u>requiring registration</u>, except those sources classifiable under RC6, RC8, RC10, RC11, RC12, or RC13, with a potential to emit at least 10 tons per year, but not more than 30 tons per year, of any pollutant listed in Table 5.04a.</p> <p>(e) CLASS RC5 - Any source <u>requiring registration</u>, except those sources classifiable under RC7, RC8, RC9, RC10, RC11, RC12, or RC13, with a potential to emit less than 10 tons per year of any pollutant listed in Table 5.04a.</p> <p>(f) CLASS RC6 - Any <u>stationary source</u>, except those sources classifiable as RC1, RC2, RC3, RC7, RC8, RC10, RC11, RC12, or RC13, with a potential to emit at least 5 tons per year, but not more than 10 tons per year, of any combination of toxic air pollutants.</p>

PROPOSED

TABLE 5.04b: REGISTRATION CLASSES

- (g) **CLASS RC7** - Any source requiring registration, except those sources classifiable as RC1, RC2, RC3, RC4, RC8, RC10, RC11, RC12, or RC13, that uses or projects to use an average of less than 100 gallons per month (annual average) of materials containing volatile organic compounds, or with a maximum potential to emit less than 5 tons per year of any combination of toxic air pollutants.
- (h) **CLASS RC8** - All incinerators not classified as RC1, or RC2.
- (i) **CLASS RC9** - Any ~~((air-contaminant))~~ source~~((s))~~ requiring registration, not classifiable in any other RC classification, which has an actual or potential odor problem associated with its operation.
- (j) **CLASS RC10** - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2 whose gasoline throughput was greater than 7.2 million gallons for the previous calendar year.
- (k) **CLASS RC11 (minor gasoline terminals and bulk plants)** - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2, whose gasoline throughput was equal to or less than 7.2 million gallons for the previous calendar year.
- (l) **CLASS RC12 (gasoline stations, Stage II)** - Any gasoline dispensing facility requiring Stage II vapor recovery.
- (m) **CLASS RC13 (gasoline stations, general)** - Any gasoline dispensing facility, except those classifiable under RC12 ~~((with total gasoline throughput of greater than 100 thousand gallons during the previous calendar year))~~.
- (n) **CLASS RC14** - vacant classification
- (o) **CLASS RC15** - Any ~~((air-contaminant))~~ source~~((s))~~ requiring registration which ~~((are))~~ is unique and because of special circumstances cannot be adequately classified elsewhere.

SECTION 5.05 ANNUAL REGISTRATION FEES

(a) The Authority shall charge Initial and Annual registration fees pursuant to RCW 70.94.151. Annual registration fees shall be assessed according to the annual fee schedules set forth in section 5.05(b) below. Initial registration fees shall be assessed upon initial registration of a source subject to registration and shall equal the annual registration fee based on projected emissions and prorated for the remaining months in the fiscal year. Initial and Annual registration fees shall provide revenue to fund the Authority's ongoing Registration Program.

(b) All sources requiring ~~((annual))~~ registration shall be assessed an annual registration fee consisting of the sum of a "~~((facility-fee))~~ source fee," "generating equipment fee," "stack fee," "class fee," "emissions fee," and "source specific monitoring fee" according to items (1) through (9) of this subsection and amounts as specified in Table 5.05a. Sources assessed annual operating permit fees under Article 6 of Regulation 1 shall not be assessed annual fees under this section.

(1) ~~((Facility))~~ Source Fee - All sources requiring registration shall pay an annual "~~((facility))~~ source fee" of an amount as indicated in Table 5.05a; and

(2) A Generating Equipment Fee of an amount as indicated in Table 5.05a for each ~~((item of air-contaminant))~~ fee eligible generating equipment located at the source; and

(3) A Stack Fee of an amount as indicated in Table 5.05a for each fee eligible stack located at the source; and

(4) An Emissions Fee of an amount as indicated in Table 5.05a per ton of each air contaminant listed in Table 5.05b emitted by the source for air contaminants emitted in excess of 10 tons, evaluated on a pollutant by pollutant basis, during the previous calendar year, or as contained in the file or permit; and

(5) A Class Fee of an amount as specified in Table 5.05a; and

(6) A Source Specific Monitoring Fee of an amount as specified in Table 5.05a if ambient monitoring is a requirement for the source;

(7) The Authority shall assess the emissions fee based on actual emissions from the source for the last calendar year when available;

(8) The annual registration fees required by this section shall be based on process rates, equipment specifications, and emissions data from the previous calendar year on file with the Authority. For purposes of assessing annual registration fees, the Authority shall consider updates and revisions to any source's file, received prior to August 1 of the current year. If process rates, equipment specifications, and emissions data from the previous calendar year is not on file with the Authority, the Authority may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates.

(9) For purposes of assessing annual registration fees, definitions for ~~((air-contaminant-generating-equipment))~~ "fee eligible generating equipment" and "fee eligible stack" ~~((stacks))~~ shall be consistent with the definitions in section ~~((5.00))~~ 1.07, and ~~((air-contaminant))~~ fee eligible generating equipment and fee eligible stacks which are identical in size, capacity, function, and emissions may be counted as one unit as approved by the Authority.

(c) The Authority shall assess annual registration fees after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. The Authority shall assess annual registration fees based on the most recent information on file with the Authority including any updates to the source's file received prior to August 1 of that year.

(d) Upon assessment by the Authority, annual registration fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, sources classified as RC1 or RC2 shall be given the option to pay their annual fee in quarterly installments. RC1 and RC2 sources may choose to pay their annual fees in quarterly installments by indicating so on the first invoice received and remitting payment of the first installment to the Authority along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee and shall be due within 30 days of each quarter following initial assessment by the Authority.

(e) Any source which does not pay their annual registration fee or annual registration fee installment within thirty (30) days of the due date, shall be assessed a late penalty in the amount of 25% of their annual registration fee. This late penalty shall be in addition to the annual registration fee.

(f) Annual registration fees may be appealed according to the procedure specified in section 3.17

TABLE 5.05a: ANNUAL REGISTRATION FEES

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT
((Facility)) Source Fee	Fee assessed to all sources requiring registration or an operating permit.	\$107.00
Generating Equip. Fee	Fee assessed per each ((item of air-contaminant)) fee eligible generating equipment located at the source.	\$45.00
Stack Fee	Fee assessed per each <u>fee eligible</u> stack located at the source.	\$27.00
Emissions Fee	Fee assessed per ton of ((TSP)) <u>particulate matter</u> , SO ₂ , NO _x , VOC, and toxic air contaminants emissions which exceeded 10 tons per year for the previous calendar year based on actual emissions.	\$11.00
Class Fees:		
RC1	Major sources (≥100 tpy)	\$1345
RC2	Major toxic sources	\$1138
RC3	Criteria pollutants ≥ 30 tpy	\$580
RC4	Criteria pollutants ≥ 10 tpy	\$124
RC5	Criteria pollutant < 10 tpy	\$31
RC6	Toxic air contaminants < 10 tpy	\$124
RC7	< 100 gal/mo VOC containing materials	\$62
RC8	Incinerators < 30 tpy emissions	\$217
RC9	Potential odor sources.	\$62
RC10	Maj. gasoline terminals & bulk plants	\$155
RC11	Min. gasoline terminals & bulk plants	\$104
RC12	Gas stations requiring Stage II	\$11
RC13	Gas stations ≥ 100 thousand gal/yr	\$ 0
RC14	VACANT CLASSIFICATION	
RC15	Other sources requiring registration	\$104
SOURCE SPECIFIC AMBIENT AIR MONITORING FEES	Fees charged a source for ((OAPCA)) <u>ORCAA</u> to establish and operate a special purpose source specific monitoring station will be determined on a case by case basis when such monitoring is required.	variable

TABLE 5.05b: POLLUTANTS CONSIDERED FOR FEES

((Total Particulates (TSP))) <u>Particulate Matter</u>
Sulfur Oxides (SO _x)
Nitrogen Oxides (NO _x)
Volatile Organic Compounds (VOC)
Toxic Air Pollutants

(g) On an annual basis, ~~((starting with calendar year 1994,))~~ the Authority shall conduct a workload analysis to

determine the adequacy ~~((and fairness of the annual registration fee schedule))~~ of annual registration fees in funding the Authority's Registration Program. The workload analysis shall be based on the Authority's historical record of time and resource expenditures associated with the registration program. The workload analysis shall be made available if a request is made to the Authority. Any proposed revisions to the annual registration fee schedule shall be presented to the Board for adoption after public noticing pursuant to Regulation 1 public noticing requirements and opportunity for a public hearing.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 5.06 RESERVED SECTION

SECTION 5.07 RESERVED SECTION

AMENDATORY SECTION

ARTICLE 6

OPERATING PERMIT PROGRAM

~~((SECTION 6.00 DEFINITIONS~~

~~For purposes of Article 6, the following definitions shall apply:~~

~~ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection.~~

~~(a) In general, actual emissions as of a particular date shall equal the rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emission~~((s))~~ unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.~~

~~(b) The Authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.~~

~~EMISSIONS means a release of air contaminants into the ambient air.~~

~~EMISSIONS UNIT means any part of a source which emits or has the potential to emit any pollutant subject to regulation.~~

~~FACILITY means the same as "source."~~

~~POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.~~

~~SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or~~

PROPOSED

more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

STACK means, for purposes of calculating Article 6 fees, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

- (a) Emission points associated with gasoline or fuel dispensing stations.
- (b) Emission points associated with dry cleaning facilities.
- (c) Pipes or ducts equal to or less than twelve (12) inches in diameter.
- (d) Any other emission point determined appropriate for this exemption by the Authority.

TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.)

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 6.01 OPERATING PERMIT PROGRAM

(a) Purpose. The purpose of this article is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code (WAC).

(b) Commitment to administer the program. Olympic ((Air Pollution Control Authority)) Region Clean Air Agency (Authority), ((upon)) provided full or partial delegation by the U.S. Environmental Protection Agency (EPA) and the Washington Department of Ecology (DOE), shall administer an air operating permit program for the Authority's jurisdiction in accordance with ((title V of the Federal Clean Air Act (FCAA) and RCW 70.94.161)) Title V of the federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code (WAC).

(c) Applicability. The provisions of this article apply to all sources subject to the requirements of Chapter 173-401 WAC.

((b) Operating Permit Regulation. The Authority's air operating permit program and regulations which govern the issuance of air operating permits shall conform with the comprehensive Washington state air operating permit program

which is consistent with the requirements of title V of the Federal Clean Air Act (FCAA) and RCW 70.94.161.)

(d) Compliance. It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of Chapter 173-401 WAC without complying with the provisions of Chapter 173-401 WAC and any permit issued under its authority.

SECTION 6.02 CLASSIFICATION OF SOURCES

(a) All air contaminant sources requiring an operating permit pursuant to title V of the Federal Clean Air Act (FCAA), RCW 70.94.161, or Regulation 1 shall be classified in one of the operating permit program source classification categories (OP#) listed in Table 6.1. A source will be placed in the most appropriate classification category as determined by the Authority.

(b) For purposes of source classification, the pollutants listed in Table 6.2 will be considered. Air contaminant emissions from a source shall be categorized in the most appropriate pollutant category as determined by the Authority.

(c) Air contaminant emissions ((accounted)) counted as toxic air pollutants shall not be double-counted under any other air pollutant for purposes of classification.

TABLE 6.1: OPERATING PERMIT PROGRAM SOURCE CLASSIFICATIONS

- (a) **CLASS OP1** - Any source with a potential to emit 100 tons per year or more of any pollutant listed in Table 6.2.
- (b) **CLASS OP2** - Any source, except those sources classifiable under OP1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons or more per year of any combination of toxic air pollutants.
- (c) **CLASS OP3** - Any air contaminant source requiring a general operating permit pursuant to title V, section 504(d) of the Federal Clean Air Act (FCAA).
- (d) **CLASS OP4** - Any other source or area source, except those sources classifiable under OP1, OP2, or OP3 requiring an Operating Permit pursuant to title V of the Federal Clean Air Act (FCAA), RCW 70.94.161, or Regulation 1.

TABLE 6.2: REGULATED POLLUTANTS

- ((Total Particulates (TSP))) Particulate Matter
- Sulfur Oxides (SOx)
- Nitrogen Oxides (NOx)
- Volatile Organic Compounds (VOC)
- Carbon Monoxide (CO)
- Toxic Air Pollutants

SECTION 6.03 OPERATING PERMIT FEES

(a) Fee Applicability. Any source or area source in the Authority's jurisdiction subject to the requirement to obtain an Operating Permit pursuant to 40 CFR 70 or RCW 70.94.161 ((major)) Title V sources, except those Title V sources for which air emissions are regulated by the Wash-

PROPOSED

ington State Department of Ecology (~~Industrial Section~~), shall pay annual fees to the Authority according to the provisions in this section.

(b) Operating Permit Program Account. The Authority shall maintain a dedicated account for the Air Operating Permit program. The account shall be funded exclusively by fee revenue from annual fees collected from (~~major~~) Title V sources within the jurisdiction of the Authority. All fee revenue collected under this section (~~and all fee revenue from major sources collected under Section 7.13~~) shall be deposited in the Air Operating Permit account.

(c) Operating Permit Program Funding. The sum of fees assessed by the Authority under this section (~~and fee revenue from major sources assessed under Section 7.13~~) shall be sufficient to cover all direct and indirect costs (~~to~~) of developing and administering the Authority's Operating Permit Program including Ecology's cost for development and oversight of the Authority's Operating Permit Program, as provided in RCW 70.94.162.

(d) Ecology Development and Oversight Fees. The Authority shall assess an annual Ecology Development and Oversight Fee to all (~~major~~) Title V sources within the jurisdiction of the Authority. The total amount of Ecology Development and Oversight Fees assessed annually by the Authority shall equal Ecology's annual cost of development and oversight of the Authority's Operating Permit Program, as provided in RCW 70.94.162.

~~((e) Notice of Construction Fees. The Authority shall assess Notice of Construction Fees to all major sources according to Section 7.13 of Regulation 1.)~~

(e)(~~(f)~~) Annual Fees, Existing (~~Major~~) Title V Sources. The Authority shall assess an Annual Fee to all existing (~~major~~) Title V sources. The total amount of Annual Fees assessed by the Authority to existing (~~major~~) Title V sources shall equal the projected net annual cost to administer the Authority's Operating Permit Program during the current fiscal year.

(f)(~~(g)~~) Net Annual Cost Projections. Projected net annual cost to administer the Authority's Operating Permit Program shall be determined annually and shall equal the projected annual cost to administer the program minus any balance of funds in the Operating Permit Program account at the end of the previous fiscal year. Projected annual costs shall include all direct and indirect costs to administer the Authority's Operating Permit Program and shall be based on a workload analysis conducted by staff. Net annual cost projections including the workload analysis shall be included in the Authority's annual budget and approved by resolution of the Authority's Board of Directors in a public hearing.

(g)(~~(h)~~) Workload Analysis. Only fee eligible activities as specified below, as provided in RCW 70.94.162, shall be considered in the workload analysis conducted annually by staff. Fee eligible activities shall include:

(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or permit renewal;

(2) Source inspections, testing, and other data gathering activities necessary for development of a permit, permit revision or renewal;

(3) Acting on an application for a permit, permit revision or renewal, including the cost of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet, preparing a proposed permit, and preparing a final permit;

(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(5) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;

(8) Administrative enforcement activities and penalty assessment, excluding the cost of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;

(10) The share attributable to permitted sources of the ambient air quality monitoring and associated recording and reporting activities;

(11) Training for permit administration and enforcement;

(12) Fee determination, assessment and collection, including the cost of necessary administrative dispute resolution and enforcement;

(13) Required fiscal audits, periodic performance audits and reporting activities;

(14) Tracking of time, revenues and expenditures and accounting activities;

(15) Administering the permit program including costs of clerical support, supervision and management;

(16) Provision of assistance to small business under jurisdiction of the Authority as required under Section 507 of the Federal Clean Air Act; and,

(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(h)(~~(i)~~) Allocation of Fees. The Annual Fee for a Title V source shall be calculated using the following three part fee allocation equation:

TABLE 63: OPERATING PERMIT FEE FORMULAS

Annual Fee = Facility Fee + Equipment Fee + Emissions Fee
WHERE:
Facility Fee = (Annual Net Cost ÷ 3) ÷ n
Equipment Fee = [(Annual Net Cost ÷ 3) ÷ U _{total}] × U _{source}
Emissions Fee = [(Annual Net Cost ÷ 3) ÷ E _{total}] × E _{source}
Annual Net Cost = Projected net annual cost as approved by the Authority's Board of Directors.

PROPOSED

TABLE 6.3: OPERATING PERMIT FEE FORMULAS

<p>n = Total number of (Operating Permit Program) <u>Title V</u> sources in the Authority's jurisdiction. <u>Note, each area source category requiring a Title V permit shall be counted as one source for purposes of determining "n". However, the facility fee for an area source category shall be divided equally among all individual area sources within the area source category.</u></p> <p>U_{total} = Total number of emission units located at (Operating Permit Program) <u>Title V</u> sources in the Authority's jurisdiction.</p> <p>U_{source} = Number of emission units at the specific <u>Title V</u> source. <u>For area source categories requiring a Title V permit, "U_{source}" is the number of individual area sources within the area source category that have been identified within the Authority's jurisdiction. However, the emission unit fee for an area source category shall be divided equally among all individual area sources within the area source category.</u></p> <p>E_{total} = Total actual annual emissions of the air pollutants listed in Table 6.2, <u>except CO</u>, from (Operating Permit Program) <u>Title V</u> sources based on the Authority's most recent emissions inventory.</p> <p>E_{source} = Total actual annual emissions of the air pollutants listed in Table 6.2, Section 6.02, <u>except CO</u>, from the specific <u>Title V</u> source for the most recent calendar year. <u>For area source categories requiring a Title V permit, "E_{source}" is the total actual annual emissions from the area source category. However the Emissions Fee for an area source category shall be divided equally among all individual area sources within the area source category.</u></p>

(i)(~~(j)~~) Initial Fees. New (~~major~~) Title V sources shall be assessed an Initial Fee after commencement of operation to cover the Authority's cost of administering the program for the new Title V source for the remainder of the current fiscal year. The Initial Fee for a new Title V source shall equal the Annual Fee based on section (~~6.03(i)~~) 6.03(h), which would otherwise be assessed if the Title V source commenced operation on or prior to the beginning of the current fiscal year, prorated by multiplying by the number of months remaining in the current fiscal year divided by 12.

(j)(~~(k)~~) Fee Assessment and Payment Schedule. The Authority shall assess Annual Fees after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. Upon receipt of a fee invoice from ORCAA, Annual Fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, option shall be given to pay Annual Fees in quarterly installments. Owners or operators may choose to pay their Annual Fees in quarterly installments by indicating so on the fee invoice received and remitting payment of the first quarterly installment back to the Authority. These installments shall be due October 1, January 1, and April 1, following initial payment. Quarterly

installments shall be equal to twenty-five percent (25%) of the total fee.

(k)(~~(l)~~) Late Payment. Any Title V source which does not pay the Annual Fee or installment within thirty (30) days of the due date shall be assessed a late penalty equal to twenty-five percent (25%) of the fee amount due. Any penalty shall be in addition to the fee amount due.

(l)(~~(m)~~) Appeal of Annual Fees. Annual Fees may be appealed according to the procedure specified in section 3.17 of Regulation 1. The basis for such appeals shall be limited to arithmetic or clerical errors.

(m)(~~(n)~~) Exemption (~~(fee)~~) from Article 5 Fees. Title V (~~(S)~~)sources assessed annual fees under this section shall not be subject to annual Registration Program Fees under Article 5 of Regulation 1.

(n)(~~(o)~~) Transfer of Ownership. Transfer of ownership of a Title V source shall not affect (~~that source's~~) any obligation to pay fees required by this section. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a Title V source.

(o)(~~(p)~~) Accountability. The sum of the fees assessed by the Authority to all (~~major~~) Title V sources within the Authority's jurisdiction shall not exceed the cost of developing and administering the program. The Authority shall keep record of all direct and indirect costs to develop and administer the Operating Permit Program as specified in 40 CFR part 70. This information shall be used by the Authority in determining the net annual cost projections required by 6.03 (~~(g)~~)(~~(f)~~) above. Provided, however, the information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 6.06 RESTRICTING THE POTENTIAL TO EMIT

A service based fee, additional to annual registration or operating permit fees, shall be assessed to those sources applying to the Authority for approval of enforceable conditions that restrict the source's potential to emit, making the source a minor source and not subject to an operating permit. Fees for restricting a source's potential to emit shall be assessed according to Article 7, Section 7.13. The Authority shall assess the fee based on only those emissions units affected by the enforceable condition as proposed by the applicant.

AMENDATORY SECTION

ARTICLE 7

((NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL)) New Source Review (NSR)

SECTION 7.01 NOTICE OF CONSTRUCTION REQUIRED

PROPOSED

(a) ~~((No person shall construct, install, establish, or modify an air contaminant source, without first filing with the Authority a "Notice of Construction and Application for Approval," on forms prepared and provided by the Authority, and without having received approval by the Authority. All sources subject to Registration in Article 5, Section 5.01 of the Regulation are subject to this Article. For the purposes of this Article, addition to, enlargement, or replacement of an air contaminant source, or any alteration thereto, shall be construed as construction, installation or establishment of a new air contaminant source.))~~ **Approval of a Notice of Construction application required.** It shall be unlawful for any person to cause or allow the following actions unless a "Notice of Construction application" has been filed with and approved by the Authority, except for those actions involving stationary sources excluded under subsections 7.01 (c) and (d) of this section:

(1) Construction, installation, or establishment of any stationary source; or,

(2) Modification to any existing stationary source.

(b) ~~((A Notice of Construction and Application for Approval shall not be required to begin an alteration of equipment or control apparatus if delaying the alteration may endanger life or the supplying of essential services. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced, and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.))~~ **Projects not eligible for exemptions.** Any exemption provided in subsections 7.01 (c) or (d) of this section shall not apply to:

(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Part AAA, (New Residential Wood Heaters). Ecology is responsible for issuing notices of construction to projects subject to Subpart BB (Kraft Pulp Mills) and Subpart S (Primary Aluminum Reduction Plants).

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for asbestos demolition and renovation projects subject to 40 CFR 61.145.

(3) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories, except for dry cleaners subject to Subpart M (Perchloroethylene Air Emission Standards for Dry Cleaning Facilities).

(4) Any project that qualifies as a new major stationary source, or a major modification.

(5) Any modification to a stationary source that requires an increase either in a plant-wide cap or in a unit specific emission limit.

~~((d) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of their authority.))~~

(c) **Exemption provided Notice of Intent to Operate.** A Notice of Construction application and prior approval by the Authority is not required prior to construction, installa-

tion, establishment or modification of the following types of stationary sources, provided that a complete "Notice of Intent to Operate" has been filed with the Authority in accordance with section 7.02:

(1) **Temporary Portable Stationary Sources.** Temporary portable stationary source that have been previously approved by Ecology or a local air pollution control authority in the State of Washington through a Notice of Construction application.

(2) **Stationary Sources based on Potential to Emit.** Any stationary source that:

(i) Will not result in emission of any toxic air pollutants listed in WAC 173-460-150 (Class A Toxic Air Pollutants); and

(ii) Will have a combined potential to emit from all emission units less than:

A) 0.5 tons per year of any criteria pollutant; and,

B) 1.0 tons per year of total criteria pollutants; and,

C) 100 pounds per year of any toxic air pollutant listed in WAC 173-460-160 (Class B Toxic Air Pollutants).

(3) **Dry Cleaners.** Certified perchloroethylene dry cleaning machines equipped with a refrigerated condenser and secondary control system. A certified dry cleaning machine is one that is listed on the California Air Resources Board Approved List of Secondary Control Systems for Dry Cleaning Equipment or the New York State Department of Environmental Conservation's list of Certified Fourth Generation Perchloroethylene Dry Cleaning Machines. This exemption does not relieve the owner or operator from compliance with ORCAA Regulation 1, RCW 70.94, or any other emissions control requirements including the Emission Standard for Perchloroethylene Dry Cleaners in WAC 173-400-075(7).

(4) **Gasoline Dispensing—New Facility.** New gasoline dispensing facilities, provided that:

(i) Facilities required to install Stage I vapor recovery per Article 15, Section 15.07 of this Regulation are equipped with a California Air Resources Board-approved Stage I Enhanced Vapor Recovery system; and

(ii) Facilities required to install Stage II vapor recovery per WAC 173-491-040(5) are equipped with a California Air Resources Board-approved Stage II system.

This exemption does not relieve the owner or operator from compliance with ORCAA Regulation 1, RCW 70.94, or any other emissions control requirements including the Emission Standards and Controls for Sources Emitting Gasoline Vapors in chapter 173-491 WAC or requirements of ORCAA Regulation 1 Article 15.

(5) **Gasoline Dispensing—Modification.** Modification to an existing gasoline dispensing facility, provided that:

(i) Those facilities that are required to install Stage I vapor recovery per Article 15, Section 15.07 of this Regulation are equipped with a California Air Resources Board-approved Stage 1 or Stage 1 Enhanced Vapor Recovery system, as required at initial construction; and,

(ii) Those facilities that are required to install Stage II vapor recovery per WAC 173-491-040(5) are equipped with a California Air Resources Board-approved Stage II system.

This exemption does not relieve the owner or operator from compliance with ORCAA Regulation 1, RCW 70.94, or any other emissions control requirements including the Emission Standards and Controls for Sources Emitting Gasoline Vapors in chapter 173-491 WAC or requirements of ORCAA Regulation 1 Article 15.

(d) **Categorical Exemptions.** A Notice of Construction application and prior approval by the Authority is not required prior to construction, installation, establishment or modification of stationary sources in the following stationary source categories, provided that sufficient records are kept to document the exemption:

(1) **Maintenance/construction:**

- a. Cleaning and sweeping of streets and paved surfaces;
- b. Concrete application, and installation;
- c. Dredging wet spoils handling and placement;
- d. Paving application and maintenance, excluding asphalt plants;
- e. Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);
- f. Plumbing installation and plumbing protective coating application associated with plant maintenance activities;
- g. Roofing application;
- h. Insulation application and maintenance, excluding products for resale;
- i. Janitorial services and consumer use of janitorial products.
- j. Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage).
- k. Blast cleaning equipment that uses a suspension of abrasive in liquid water.
- l. Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

(2) **Storage tanks:**

- a. Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;
- b. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;
- c. Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;
- d. Process and white water storage tanks;
- e. Storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);
- f. Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);
- g. Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for the storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC),

with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);

h. Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;

i. Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

j. Storage tanks used exclusively for storage of diesel fuel;

k. Loading and unloading equipment used exclusively for the storage tanks exempted under this section.

(3) **Combustion:**

a. Fuel burning equipment (not including incinerators) that:

(i) is used solely for a private dwelling serving five families or less; or

(ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or

(iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or

(iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or

(v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.

b. All stationary gas turbines with a rated heat input < 10 million Btu per hour.

c. Stationary internal combustion engines having rated capacity:

(i) < 50 horsepower output; or,

(ii) < 500 horsepower and used only for standby emergency power generation.

d. All nonroad engines subject to 40 CFR Part 89.

(4) **Material handling:**

a. Storage and handling of water based lubricants for metal working where organic content of the lubricant is <10%;

b. Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(5) **Water treatment:**

a. Septic sewer systems, not including active wastewater treatment facilities;

b. NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

c. De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

d. Process water filtration system and demineralizer vents;

e. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

f. Demineralizer tanks;

- g. Alum tanks;
- h. Clean water condensate tanks.
- i. Oil/water separators, except those at petroleum refineries;

j. Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

k. Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, provided that they do not use anaerobic digesters, chlorine disinfection or sewage sludge incinerators.

(6) Environmental chambers and laboratory equipment:

a. Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

b. Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

c. Installation or modification of a single laboratory fume hood;

d. Laboratory calibration and maintenance equipment.

(7) Monitoring/quality assurance/testing:

a. Equipment and instrumentation used for quality control/assurance or inspection purpose;

b. Hydraulic and hydrostatic testing equipment;

c. Sample gathering, preparation and management;

d. Vents from continuous emission monitors and other analyzers.

(8) Miscellaneous:

a. Single-family residences and duplexes;

b. Plastic pipe welding;

c. Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

d. Insecticide, pesticide, or fertilizer spray equipment.

e. Comfort air conditioning;

f. Flares used to indicate danger to the public;

g. Natural and forced air vents and stacks for bathroom/toilet activities;

h. Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;

i. Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

j. Tobacco smoking rooms and areas;

k. Noncommercial smokehouses;

l. Blacksmith forges for single forges;

m. Vehicle maintenance activities, not including vehicle surface coating;

n. Vehicle or equipment washing;

o. Wax application;

p. Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

q. Ozone generators and ozonation equipment;

r. Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

s. Electrical circuit breakers, transformers, or switching equipment installation or operation;

t. Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

u. Fire fighting and similar safety equipment and equipment used to train fire fighters.

v. Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

w. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

x. Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C, and not containing toxic air pollutants (as defined in Chapter 173-460 WAC);

y. Surface coating, aqueous solution or suspension containing < 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

z. Cleaning and stripping activities and equipment using solutions having < 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

aa. Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

bb. Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.

cc. Residential composting facilities.

dd. Restaurants and other retail food preparing establishments.

ee. Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

ff. Steam cleaning equipment used exclusively for that purpose.

gg. Vacuum cleaning systems used exclusively for office or residential housekeeping.

hh. Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.

ii. Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves.

jj. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

kk. Welding, brazing or soldering equipment.

ll. Coffee roaster with a design capacity less than 10 pounds per batch.

mm. Bark and soil screening operations.

nn. Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers less than or equal to 150 tons per hour.

oo. Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers less than or equal to 25 tons per hour.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.02 NOTICE OF INTENT TO OPERATE

(a) ~~((For portable air contaminant sources which locate temporarily at particular sites and move within the OAPCA region a Notice of Intent to Operate must be filed with the Authority. The)) **Notice of Intent to Operate (NOI).** For those sources required to submit a notice of intent to operate, a complete Notice of Intent to Operate (NOI) application shall ((must)) be filed at least ((30)) 15 days prior to ((starting the operation)) starting operation of the source. ((, and must supply sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards. The permission to operate shall be for a limited period of time and the Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards. The Authority shall not commence processing a Notice of Intent to Operate until it has received fees as shown in Table 7.02a.))~~

(b) **NOI Application.** NOI applications shall be made on standard forms of the Authority and shall include:

(1) All information requested in the applicable standard forms;

(2) If submitting a NOI for a stationary source qualifying for the exemption based on potential to emit under 7.01 (c)(2), documentation verifying the stationary source's potential to emit;

(3) Any additional information requested by the Authority to verify that operation of the stationary source will be in compliance with applicable air pollution control requirements; and,

(4) Applicable fee according to Table 7.02a.

(c) **Conditions of operation.** The Authority may establish enforceable conditions of operation, through issuance of a regulatory Order, as are reasonably necessary to assure compliance with applicable air pollution control requirements.

(d) **Temporary portable sources.** Temporary portable sources shall also meet the requirements of section 7.12.

TABLE 7.02a: ((PORTABLE AIR CONTAMINANT SOURCE)) NOI Application Processing FEES

((PORTABLE AIR CONTAMINANT)) SOURCE CATEGORY	FEE AMOUNT
Asphalt Plant - Temporary Portable	\$500
Soil Thermal Desorbition Unit - Temporary Portable	\$1,000
Rock Crusher - Temporary Portable	(((\$300)) \$100
((Chipper)) Nonroad engine	(((\$100)) \$500
Gas Station - New	\$200
Gas Station - Modification	\$100

TABLE 7.02a: ((PORTABLE AIR CONTAMINANT SOURCE)) NOI Application Processing FEES

((PORTABLE AIR CONTAMINANT)) SOURCE CATEGORY	FEE AMOUNT
Dry Cleaner	\$200
Stationary source qualifying under section 7.01 (c)(2)	\$200
Other	(((\$100)) \$100

~~((b)) For new portable air contaminant sources or portable air contaminant sources which come from outside the OAPCA region, a Notice of Construction and Application for Approval must be filed pursuant to Section 7.01.))~~

SECTION 7.03 ((ADDITIONAL INFORMATION WHEN REQUIRED)) APPLICATION PROCESSING

~~((a)) The Control Officer or the Board may require, as a condition precedent to the construction, installation or establishment of a new air contaminant source or sources, the submission of plans, drawings, data, specifications and such other information as is deemed necessary in order to determine whether the equipment or control apparatus is designed and will be installed to operate without causing a violation of any law or regulation of the Authority.))~~

(a) **Application certification.** All Notice of Construction applications shall be signed by the applicant or owner, who may be required to submit evidence of their authority.

(b) **Completeness determination.** Within thirty days after receiving a notice of construction application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Complete applications shall include:

(1) Any standard Notice of Construction form of the Authority that is applicable to the proposed stationary source or modification;

(2) An **Environmental Checklist** consistent with requirements in WAC 197-11-315 of the State Environmental Policy Act (SEPA), or any one of the following:

(i) A Determination of Non-significance (DNS) in accordance with WAC 197-11-340;

(ii) A Mitigated Determination of Non-significance (MDNS) in accordance with WAC 197-11-350; or,

(iii) Written statement by the applicant claiming that the proposed stationary source or modification is categorically exempt from SEPA.

(3) When applicable, all information required for review under WAC 173-400-117 and WAC 173-400-141;

(4) Notice of Construction processing fees in accordance with section 7.13 (b) and (c); and,

(5) Any additional information requested by the Authority that is necessary to make the determinations required under section 7.06.

(c) **Timeframe for Public Involvement:**

(1) For NOC applications subject to public notice pursuant to section 7.04(b), the Authority will issue a Preliminary Determination within 60 days from receipt of a complete

PROPOSED

application followed by issuing public notice in accordance with section 7.04(c).

(2) For all other NOC applications, the Authority will post a public interest fact sheet in accordance with subsection 7.04(a) within 30 days from receipt of an application.

(d) **Final determination schedule.** Within sixty days of receipt of a complete notice of construction application, the Authority shall either issue a Final Determination or, if required, initiate public notice according to subsection 7.04(b). Final Determination on an application subject to public notice shall be made as promptly as possible after close of the public comment period.

(e) **Approval.** A final determination to approve a "Notice of Construction" application and an "Order of Approval", setting forth the conditions of approval, shall be issued, and served in accordance with section 3.21, provided the following conditions are met:

(1) A complete application in accordance with subsection 7.03(b) was received by the Authority;

(2) The application verifies to the Authority that the applicable new source review requirements in section 7.06 have been met;

(3) Application processing fees in accordance with subsection 7.13 have been paid;

(4) The application includes an environmental checklist and other documents that verify compliance with the State Environmental Policy Act;

(5) Applicable public involvement requirements in section 7.04 have been met; and,

(6) The NOC has been signed by the Executive Director of the Authority or an authorized representative.

(f) **Denial.** If the Authority determines that a proposed project subject to approval of a "Notice of Construction" application does not meet the applicable approval requirements in section 7.06, then a final determination to deny approval and an Order to Deny Construction shall be issued and served in accordance with section 3.21. Any Order to Deny Construction shall:

(1) Be in writing;

(2) Set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed project; and,

(3) Shall be signed by the Executive Director of the Authority or an authorized representative.

(g) **Scope of review of modifications.** New source review of a modification to an existing stationary source shall be limited to the emission unit proposed to be modified, and the air contaminants whose emissions would increase as a result of the action; provided, however, that review of a major modification must also comply with applicable major new source review requirements under subsection 7.06(a) and/or 7.06(b), as applicable.

(h) **Integration with Title V permitting requirements.** A person seeking approval to construct or modify a stationary source subject to Chapter 173-401 WAC may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review

shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a notice of construction application for a major modification in a nonattainment area or a notice of construction application for a major stationary source in a nonattainment area must also comply with public involvement requirements of subsection 7.04 and WAC 173-400-171.

(i) **P.E. review and sign-off.** Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer, or staff under the direct supervision of a professional engineer, in the employ of the Authority.

(j) **Appeals.**

(1) Any order issued pursuant to this Article may be appealed to the Pollution Control Hearings Board of the State of Washington, pursuant to section 3.17 of this Regulation.

(2) Any order issued or the failure to issue such an order, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.

(k) **Major NSR obligations of the Authority.** If the new stationary source is a major stationary source, or the change is a major modification, the Authority shall:

(1) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(2) Send a copy of the final approval order to EPA.

(l) ~~((b))~~ **Deviations from approved plans.** After approval to construct, install, ~~((or))~~ establish, modify or alter a ~~((new air contaminant))~~ stationary source or air pollution control ~~((facility))~~ device is granted, deviations from the approved plans, drawings, data and specifications that may result in changes to air pollutant emission rates, control efficiencies or impacts are not permissible without prior approval through a Notice of Construction ~~((without first securing written approval for the changes from the Control Officer or an authorized representative))~~.

SECTION 7.04 ~~((PUBLIC NOTICE, COMMENTS AND HEARINGS))~~ PUBLIC INVOLVEMENT

The public shall be afforded an opportunity to express interest in permit applications and other proposed actions by the Authority.

(a) **Announcement of permit applications and proposed actions.**

(1) A public interest factsheet shall be published on the Authority's internet homepage announcing the receipt of permit applications and other proposed actions that do not automatically require public noticing pursuant to subsection 7.04(b)(1)-(14). Factsheets shall be published on the Authority's internet homepage for a minimum of fifteen (15) days. In the event that publication on the Authority's internet homepage is not possible, the factsheet will be published in a newspaper of general circulation in the area of the proposed action. When published in a newspaper, factsheets will be published for a minimum of one (1) day.

PROPOSED

(2) The general public shall be afforded a minimum of fifteen (15) days from initial publishing of a factsheet to express an interest in a particular permit application or proposed decision by responding to the Authority in writing via letter, fax, or e-mail.

(3) Public interest factsheets shall include:

(i) The name of the applicant;

(ii) Location of the proposed project;

(iii) A brief project description;

(iv) Agency contact information

(v) Procedures for submitting comments and the date by which public comments are due;

(vi) A statement that public notice will be given pursuant to subsection 7.04(b) if requested by any person, government agency, group, or the applicant.

(4) Any permit application or proposed action for which the general public requests a public notice shall be given notice in accordance with section 7.04(b).

(5) The Authority shall consider comments submitted in accordance with section 7.04 (a)(2) provided they are received prior to close of the comment period specified in the public interest fact sheet.

(b)((a)) **Applicability of public notice requirements.** The Authority shall provide public notice initiated though legal advertisement in a local newspaper of daily circulation prior to approval or denial of any Notice of Construction and Application for Approval if:

(1) The proposed ((installation or modification)) project would cause a significant net increase ((the potential to emit)) in emissions of any air contaminant listed in the following Table ((7.03a)); ((or))

TABLE ((7.03a)) 7.04 (b)(1): SIGNIFICANT EMISSIONS INCREASE

Air Contaminant	Potential Tons/Year
Carbon Monoxide (CO)	100.0
Volatile Organic Compounds (VOC)	40.0
Sulfur dioxide	40.0
Nitrogen Oxides (NO _x)	40.0
Particulate Matter (PM)	25.0
Fine Particulate Matter (PM ₁₀)	15.0
Lead	0.6
Fluorides	3.0
Sulfuric Acid Mist	7.0
Hydrogen sulfide (H ₂ S)	10.0
Total Reduced Sulfur (including H ₂ S)	10.0
<u>Total Toxic Air Pollutants (total TAPs)</u>	<u>25.0</u>
<i>(TAPs as listed in Chapter 173-460 WAC)</i>	
<u>Any single Toxic Air Pollutant (TAP)</u>	<u>10.0</u>
Municipal waste combustor organics <i>(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)</i>	0.000035

TABLE ((7.03a)) 7.04 (b)(1): SIGNIFICANT EMISSIONS INCREASE

Municipal waste combustor metals <i>(measured as PM)</i>	15
Municipal waste combustor acid gases <i>(measured as SO₂ and hydrogen chloride)</i>	40.0

(2) The applicant requests a limit on the potential to emit; ((or))

(3) The applicant requests to bank emission reduction credits; ((or))

(4) The proposed ((installation or modification)) project involves refuse burning equipment; ((or))

(5) The ((Control Officer)) Executive Director determines that there may be substantial public interest in the proposal((-);

(6) The applicant requests a change in any condition of an approval order that results in an increase in emissions or a substantial change to any monitoring, recordkeeping or reporting requirement of an approval order;

(7) The preliminary determination is to approve or disapprove a PSD permit application, except an administrative amendment to an existing permit;

(8) The proposed action involves extending the deadline to begin construction in a PSD permit;

(9) The proposed action is to extend the deadline to begin construction of a major stationary source in a nonattainment area;

(10) A modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (in effect on June 1, 2003) was used as part of review under Section 7.06;

(11) The action involves an order to determine RACT;

(12) The action involves establishing a compliance schedule or variance;

(13) The order is to demonstrate the credible height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, or purposes of establishing an emission limitation;

(14) The action includes an order to authorize a bubble; or,

(15) A public notice and comment period is requested by any person, interested governmental agency, group, or the applicant in accordance with requirements for under section 7.04 (a)(2).

(c)((b)) **Public notice requirements.** Public notice initiated though legal advertisement in a local newspaper of daily circulation shall be made only after all information required by the Authority has been submitted and after a Preliminary Determination has been made. The cost of providing public notice shall be borne by the applicant according to provisions in section 7.13. Public notice shall include the following:

(1) ((Availability for public inspection in at least one location near the proposed project of the nonproprietary information submitted by the applicant and any written Preliminary Determination by the Authority)) Availability of the NOC application and any written Preliminary Determination of the Authority in at least one location near the proposed

project site and on the Authority's internet homepage, excluding any confidential information as provided in section 3.03. The Authority's written Preliminary Determination shall include the conclusions, determinations and pertinent supporting information from the Authority's analysis of the effect of the proposed project on air quality.

(2) Publication of a legal notice in a newspaper of general circulation in the area of the proposed project which provides:

- (i) A brief description of the project;
- (ii) Location of the project and location of documents made available for public inspection;
- (iii) The deadline for submitting written comments;
- (iv) A statement that any person, interested governmental agency, group, or the applicant may request a public hearing; and,

(v) A statement that a public hearing may be held if the Authority determines within a 30-day period that significant public interest exists; and,

(vi) The date of the close of the public comment period in the event of a public hearing; and,

(vii) For projects subject to Special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), public notice shall either explain the permitting agency's decision or state that an explanation of the decision appears in the Fact Sheet for the proposed PSD permit.

(3) Notice to the U.S. Environmental Protection Agency Region 10 Regional Administrator.

~~(d)((e) Consideration of public comments.))~~ Unless a public hearing is held, the public comment period shall be the thirty-day period following the date the public notice is first published. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify. ~~((No final decision on any Notice of Construction and Application for Approval for which a public notice is required pursuant to Section 7.04(a) shall be made until the public comment period has ended and any comments received have been considered.))~~

~~(e)((d))~~ **Provisions for public hearings.** The applicant, any interested governmental entity, any group, or any person may request a public hearing within the comment period specified in the public notice. Any such request shall indicate, in writing, the interest of the entity filing it and why a hearing is warranted. The Authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Authority deems reasonable. The Authority shall provide at least 30 days prior notice of any hearing.

(f) **Consideration of public comments.** No final decision on any Notice of Construction application shall be made until all public comment periods have ended and any comments received in accordance with requirements for public comments under section 7.04 have been considered.

(g) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section

(e.g., SEPA). This subsection does not apply to an application for a "major modification" or an application for a "major stationary source."

(h) **Public information.** In accordance with Section 3.03, all information, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205, shall be available for public inspection at the agency. This includes copies of notices of construction applications, orders, and modifications.

SECTION 7.05 ((ISSUANCE OF APPROVAL ORDER))

~~((Following the timeline in Section 7.21 application processing schedule in section 7.03, the Authority shall issue either:~~

~~an Approval Order for the proposed project; or,
an Order to Deny Approval (if the construction, installation or establishment of a new air contaminant source will not be in accordance with the applicable federal, state, and local requirements that are in effect at the time of filing the Notice of Construction and Application for Approval).~~

~~(b) Failure to comply with any term or condition of an Approval Order constitutes a violation of this section and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.~~

~~(b) No approval will be issued unless, upon request of the Control Officer or Board, equipment or control apparatus having a stack three (3) feet or more in diameter is provided with:~~

- ~~(1) Sampling ports of a size, number and location as the Authority may require; and~~
- ~~(2) Safe access to each port; and~~
- ~~(3) Such other sampling and testing facilities as the Control Officer or Board may require.~~

~~(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source or sources will not comply with all laws or regulations of the Authority, the Board or Control Officer shall issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources; and~~

- ~~(1) The Order shall be in writing;~~
- ~~(2) The Order shall set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed construction, installation or establishment;~~
- ~~(3) The Order shall be signed by the Control Officer or an authorized representative.~~

~~(d) Any Order issued pursuant to this section shall become final unless, no later than twenty (20) days after the date the Order is served pursuant to Section 3.21 of the Regulation, the owner or applicant petitions for a reconsideration of the Order, stating reasons for the reconsideration.~~

~~(1) The Board or Control Officer shall consider the petition and shall within thirty (30) days give written notice of approval or disapproval of the petition, setting forth the reasons for disapproval.~~

~~(2) If the petition of the owner or applicant is disapproved, the owner or applicant may appeal to the Pollution~~

PROPOSED

Control Hearings Board of the State of Washington, pursuant to Section 3.17 of this Regulation:

(e) Any Order issued or the failure to issue such an order or approval, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.)

SECTION 7.06 REQUIREMENTS FOR APPROVAL

(a) **Attainment or Unclassified area requirements.** The following requirements apply to any new stationary source or modification proposed in an attainment or unclassified area:

(1) The proposed new stationary source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new stationary source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new stationary source or modification.

(3) Allowable emissions from the proposed new stationary source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new stationary source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutants for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed project is subject to WAC 173-400-141, Ecology has issued a final PSD permit.

(5) If the proposed new stationary source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the stationary source meets all applicable requirements of that program.

(b) **Nonattainment area requirements.** The following requirements apply to any new stationary source or modification proposed in a nonattainment area:

(1) The proposed new stationary source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollut-

ants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new stationary source or modification will employ BACT for all air contaminants, except that if the new stationary source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new stationary source or modification is major.

(3) The proposed new stationary source or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with section 7.06 (a)(3) for all air contaminants for which the area has not been designated nonattainment.

(4) If the proposed new stationary source is a major stationary source or the proposed modification is a major modification, the Authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new stationary source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new stationary source or modification of that air contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified stationary source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(i) The proposed new level of allowable emissions of the source or emissions unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits required by the Federal Clean Air Act, including the SIP, cannot be credited.

(ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new stationary source or modification is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in

accordance with the guidelines contained in 40 CFR 51 Appendix S (in effect on July 1, 2000).

(iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified stationary source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new stationary source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules in the SIP.

(7) If the proposed new stationary source or modification is subject to WAC 173-400-141, Ecology has issued a final PSD permit for all air contaminants subject to permitting under WAC 173-400-141.

(8) If the proposed new stationary source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

If the proposed new stationary source is a major stationary source within the meaning of WAC 173-400-113(1), or the proposed modification is a major modification within the meaning of WAC 173-400-113(1), the project meets the Special protection requirements for federal Class I areas in WAC 173-400-117.

SECTION 7.07 NOTICE OF COMPLETION - ORDER OF VIOLATION

(a) The owner or applicant shall notify the ~~((Board or Control Officer))~~ Authority of the completion of construction, installation, ~~((or))~~ establishment or modification of a stationary source approved through a Notice of Construction application and, in the case of a new stationary source, the date upon which operation will commence. The ~~((Board or Control Officer))~~ Authority may ~~((shall, within thirty (30) days of receipt of notice of completion,))~~ inspect the new or modified stationary source ~~((construction, installation or establishment and the Board or Control Officer))~~ and may issue an Order of Violation if it is found that ~~((the construction, installation or establishment))~~ it is not in accord with the approved Notice of Construction application or Order of Approval ~~((plans, specifications or other information submitted to the Authority and will be in violation of a law or regulation of the Authority in existence at the date the order was issued)).~~

(b) Upon receipt of an Order of Violation, the owner may appeal ~~((said))~~ the order in accordance with the provisions and procedures in sections 3.17 and 3.19 of this Regulation.

(c) The issuance of approval as provided by ~~((this Article and section 7.05))~~ 7.03(e) shall not relieve the owner of the obligation to comply with the laws or regulations as adopted

by this Authority or prevent the Board or Control Officer from issuing ~~((such orders))~~ violation notices as provided by section 3.01, subsection (b) of Article 3 of this Regulation.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

~~((SECTION 7.09 CONDITIONAL APPROVAL))~~

~~((The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information, that the installation, construction or establishment, when completed, will satisfy the emissions standards adopted by the Board.))~~

SECTION 7.11 TIME LIMIT ON APPROVAL OF CONSTRUCTION

~~((a) Any person undertaking the construction, installation, or establishment of a new air contaminant source not completed within one (1) year following issuance of any "Approval of Construction" given pursuant to this Article 7 of Regulation 1, shall be required to again comply with the requirements of Section 7.01 through 7.09 of this Regulation before proceeding with such construction, installation, or establishment.))~~

~~((b) Upon application, an extension not to extend beyond a period of one (1) additional year shall be granted by the Board or Control Officer, provided that all regulations and conditions in force at the time of the issuance of the original "Approval of Construction" have not changed.))~~

~~((e) All "Approval of Construction" previously granted herein shall expire one (1) year from the effective date of this resolution.))~~

Approval to construct or modify a stationary source becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.

SECTION 7.12 TEMPORARY PORTABLE SOURCES

(a) Notice of Intent to Operate. The owner or operator of the following sources shall notify the Authority of the intent to relocate and operate within the jurisdiction of the Authority at least 15 days prior to starting operation by submitting a complete Notice of Intent to Operate (NOI) in accordance with section 7.02:

(1) Relocation of temporary portable stationary sources that have a valid Order of Approval from Ecology or an air pollution control authority in the State of Washington; and,

(2) Nonroad engines, provided that the regulation of nonroad engines under this section are subject to the limitations as set forth in 40 CFR Appendix A to Subpart A of 89 - State Regulation of Nonroad Internal Combustion Engines.

(b) Requirements for Operation. Sources subject to section 7.12(a) shall meet the following requirements:

(1) The operation shall not cause a violation of ambient air quality standards.

(2) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards.

(3) The temporary portable source shall operate in compliance with all applicable air pollution rules and regulations.

(4) A temporary portable source that is considered a major stationary source within the meaning of section 1.07(67) of ORCAA Regulation 1 shall also comply with the requirements in WAC 173-400-141 and section 7.06(b) as applicable.

(5) Any operating condition in an Order previously issued to a temporary portable source shall remain in effect upon relocating the source within ORCAA's jurisdiction unless specifically superceded by condition in a subsequent Order.

(6) Operation of nonroad engines shall not exceed 90 operating days in any calendar year anywhere within ORCAA's jurisdiction unless a regulatory Order, has been issued by the Authority. The Authority may set specific conditions for operating during that time period as are reasonably necessary to assure compliance with applicable air pollution control requirements. For purposes of this section, an operating day shall be considered any time equipment operates within a calendar day.

SECTION 7.13 NOTICE OF CONSTRUCTION (~~FILING~~) PROCESSING FEES

(a) The fee for processing a Notice of Construction (~~and Application for Approval~~) (NOC) application shall include a Filing Fee according to section 7.13(b), Plan Examination and Inspection Fees according to section 7.13(c), and any applicable Additional NOC Processing Fees according to section 7.13(d).

(b) Filing Fees. The Authority shall not commence processing (~~of a NOC~~) a NOC application until it has received a filing fee of \$100.00.

(c) Plan Examination and Inspection Fees. A Plan Examination and Inspection Fee shall be paid for each piece of equipment or process proposed, which emits air pollutants and requires filing a NOC, and for certain fee eligible reviews and determinations as identified in Table 7.13a. The applicant may choose to determine applicable Plan Examination and Inspection Fees based on this section and include payment along with the NOC application, or may elect to have the Authority determine applicable Plan Examination and Inspection Fees during the NOC completeness review, in which case, the applicant would be billed. In either case, the NOC application is incomplete until the Authority has received payment of applicable Plan Examination and Inspection Fees. Plan Examination and Inspection Fees shall be determined as follows:

(1) One Plan Examination and Inspection Fee shall be paid for each regulatory determination or review item identified in Table 7.13a which applies to the NOC;

(2) One Plan Examination and Inspection Fee shall be paid for each piece of equipment or process which emits air pollutants and requires filing a NOC except for equipment or processes which can be considered as identical equipment or processes;

(3) Equipment or processes may be considered identical provided that they have the same physical specifications and only one examination and/or inspection is required by the Authority;

(4) Identical equipment or processes may be accounted for collectively as a single piece of equipment or process subject to a single Plan Examination and Inspection Fee;

(5) The Plan Examination and Inspection Fee for a piece of equipment shall be based on the fee amount in Table 7.13a which most closely matches the equipment or process type; and,

(6) Any fee based on actual cost to the Authority shall be determined according to 7.13(e).

(d) Additional Fees. An Additional NOC Processing Fee shall be paid by the applicant for any work identified in Table 7.3 which has been completed by the Authority for purposes of finalizing review and approval of a NOC. The Authority shall not issue the Final Determination or Order of Approval for any NOC until applicable additional NOC Processing Fees have been paid. The Authority shall determine which additional NOC Processing Fees apply and shall bill an applicant after issuing a Preliminary Determination, but prior to issuing a Final Determination or Approval Order. Additional NOC Processing Fees shall be determined based on the fee schedule contained in Table 7.13b. Any fee based on actual cost to the Authority shall be determined according to 7.13(e).

(e) Fee amounts in Table 7.13a and Table 7.13b which are based on the Authority's actual cost to complete a review or task shall be determined using the actual direct hours expended completing the specific review or task and the corresponding direct hourly salary rate of each Authority staff person directly involved. The following provisions shall apply:

(1) Actual hours used in determining the amount of a fee shall be recorded on a daily basis by each Authority staff person directly involved in completing the specific task;

(2) Time accrued for purposes of determining the amount of a fee for this section shall be accounted for to the nearest 15 minutes;

(3) Current employee salary rates shall be used when calculating actual cost-based fees; and,

(4) The bill issued for any fee based on the Authority's actual cost shall indicate the total hours expended and the hourly cost rates which were used to determine the fee.

(f) Payment of all NOC processing fees assessed by the Authority shall be due no later than thirty (30) days from receiving written notification of the fee assessment. Failure to pay in full any assessed NOC fee within thirty (30) days from the date payment is due shall incur a late payment penalty in the amount of 25% of the total amount due.

TABLE 7.13a: PLAN EXAMINATION AND INSPECTION FEES

DESCRIPTION	FEE
Fuel Burning Equipment (new installation) (fee based on Million Btu/hr heat input at design capacity):	
less than 10	\$350
10 or more but less than 20	\$500
20 or more but less than 50	\$700
50 or more but less than 100	\$1,500
100 or more	\$2,500
fuel change or new fuel 1/2 x new installation fee	
Emissions from control equipment or from uncontrolled process equipment (fee based on Actual cubic feet per minute at design capacity):	
less than 10,000	\$300
10,000 or more but less than 20,000	\$400
20,000 or more but less than 50,000	\$550
50,000 or more but less than 100,000	\$850
100,000 or more but less than 250,000	\$1,700
250,000 or more	\$2,500
Incineration (fee based on rate in pounds per hour at design capacity):	
less than 100	\$300
100 or more but less than 500	\$550
500 or more but less than 1000	\$1,650
Refuse Combustion (fee based on combustion rate in tons per day at design capacity):	
less than 12	\$2,500
12 or more	Actual Cost
Storage tanks, reservoirs, or containers other than retail gasoline or diesel fuel dispensing facilities (fee based on gallons total capacity):	
6,000 or more but less than 40,000	\$350
40,000 or more but less than 100,000	\$800
100,000 or more but less than 500,000	\$1,250
500,000 or more	\$1,400
Spray Painting Operation (per booth)	\$300
Dry Cleaner (per machine)	\$200
New Gasoline Station	\$300
Gasoline Station Upgrade or Modification	\$200
((Coffee Roaster \$1,000))	
Asphalt Plant (initial)	\$1,000
Soil Thermal Desorbtion Unit (initial)	\$2,500
Odor Source	\$500
Soil and Groundwater remediation	\$500

TABLE 7.13a: PLAN EXAMINATION AND INSPECTION FEES

DESCRIPTION	FEE
Air Toxics Screening Review (Chapter 173-460 WAC) (provided by source)	\$200
NOC Application Assistance (emmission calculations, air toxics screening, etc.)	\$300
SEPA Threshold Determination	\$300
Approval Order Modification	\$100
Other (whichever is greater)	\$200 or Actual Cost

TABLE 7.13b: FEE ELIGIBLE ITEMS

FEE ELIGIBLE ITEM	DESCRIPTION	FEE AMOUNT
Additional NOC Processing Fees for Major Sources	Additional NOC processing fees shall equal the actual cost of processing the NOC for a Major Source less the NOC fees already paid.	Actual Cost
Environmental Impact Statements	Preparing an Environmental Impact Statement (EIS) in order to comply with the State Environmental Policy Act.	Actual Cost
NOC Assistance	Assistance in completing a NOC application including, but not limited to, assistance in calculating emissions, filling out standard forms, determining applicable requirements, completing a BACT analysis, performing an air toxics screening analysis pursuant to Chapter 173-460 WAC, and selecting monitoring equipment.	Actual Cost
Emission Reduction Credits	Review and approval of emission reduction credits pursuant to Chapter 173-400-131 WAC.	Actual Cost
Voluntary Emissions Limits (Synthetic Minors)	Review and approval of voluntary limits on emissions requests pursuant to section 7.21.	Actual Cost
Alternative Opacity Limits	Review and approval of alternative opacity limit requests pursuant to RCW 70.94.331 (2)(c).	Actual Cost
Public Noticing	Work Associated with issuing public notice pursuant to Chapter 173-400-171 WAC and Section 7.01(e) of OAPCA Regulation 1. Associated work includes issuing a press release if warranted, copying and posting the written Preliminary Determination for public viewing, and reviewing and responding to comments.	\$350
Publishing	Cost of publishing any legal public notice required pursuant to Chapter 173-400-171 WAC.	Actual cost of publishing
Public Hearings	Work associated with conducting a public hearing including, but not limited to, preparation of summary materials, copying, issuing hearing notice, conducting the hearing, and responding to comments.	\$400

PROPOSED

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.14 CONDITIONS IN APPROVAL ORDERS ENFORCEABLE

Failure to comply with any term or condition of an Approval Order constitutes a violation of this section and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.

SECTION 7.15 WORK DONE WITHOUT APPROVAL

(a) Where work, for which a Notice of Construction is required, is commenced or performed prior to making application and receiving approval, the Control Officer or an authorized agent may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 7.13 shall be assessed in an amount equal to 3 times the fees required of Section 7.13. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

(b) Where work for which a Notice of Intent to Operate is required is commenced prior to making application and receiving approval, the Control Officer or an authorized agent, may conduct an investigation as part of the Notice of Intent review. In such a case, an investigation fee, in addition to fees of section 7.02, shall be assessed in an amount equal to 3 times the Portable Air Contaminant Source fees of section 7.02. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

~~((SECTION 7.17 REQUIREMENTS FOR NEW SOURCES IN NONATTAINMENT AREAS~~

~~(b) The Authority shall issue the order of approval to establish a new source or modification in a nonattainment area if it determines that the proposed project satisfies each of the following requirements:~~

~~(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.~~

~~(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.~~

~~(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with Section 7.18 (a)(3) for all air~~

~~contaminants for which the area has not been designated non-attainment.~~

~~(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, the Authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.~~

~~(5) If the proposed new source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that air contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:~~

~~(i) The proposed new level of allowable emissions of the source or emissions unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits required by the Federal Clean Air Act, including the SIP, cannot be credited.~~

~~(ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S (in effect on July 1, 2000).~~

~~(iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.~~

~~(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compli-~~

PROPOSED

ance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules in the SIP.

(7) If the proposed project is subject to WAC 173 400-141, Ecology has issued a final PSD permit for all air contaminants subject to permitting under WAC 173 400-141.

(8) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173 460 WAC, the source meets all applicable requirements of that chapter.

(9) If the proposed new source is a major stationary source within the meaning of WAC 173 400-113(1), or the proposed modification is a major modification within the meaning of WAC 173 400-113(1), the project meets the Special protection requirements for federal Class I areas in WAC 173 400-117.

SECTION 7.18 REQUIREMENTS FOR NEW SOURCES IN ATTAINMENT OR UNCLASSIFIABLE AREAS

(a) The Authority shall issue an order of approval to establish a new source or modification in an attainment or unclassifiable area if it determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutants for which the area has been designated nonattainment:

Pollutant	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO	-	-	0.5 mg/m3	-	2 mg/m3
SO2	1.0 mg/m3	5 mg/m3	-	25 mg/m3	30 mg/m3
PM10	1.0 mg/m3	5 mg/m3	-	-	-
NO2	1.0 mg/m3	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed project is subject to WAC 173 400-141, Ecology has issued a final PSD permit.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173 460 WAC, the source meets all applicable requirements of that program.)

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.19 REQUIREMENTS FOR REPLACEMENT OR SUBSTANTIAL ALTERATION OF EMISSION CONTROL TECHNOLOGY AT AN EXISTING STATIONARY SOURCE

(a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source ((or emission unit)) shall file a notice of construction application with the Authority. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

(b) For projects not otherwise reviewable under Article 7, the Authority may:

(1) Require that the owner or operator employ RACT ((for) on the affected ((emission unit)) stationary source;

(2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(3) Prescribe other requirements as authorized by chapter 70.94 RCW.

(c) Within thirty days of receipt of a notice of construction application under this section the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete notice of construction application under this section the Authority shall either issue an order of approval or a proposed RACT determination for the proposed project.

(d) Construction shall not "commence," on a project subject to review under this section until the Authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if the Authority takes no action within thirty days of receipt of a complete notice of construction application.

(e) Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

SECTION 7.20 CHANGE OF CONDITIONS

(a) The owner or operator may request, at any time, a change in conditions of an approval order issued by the

Authority and the Authority may approve the request provided the Authority finds that:

- (1) ~~((i))~~ The change in conditions will not cause the source to exceed an emissions standard;
- (2) ~~((ii))~~ No ambient air quality standard or PSD increment will be exceeded as a result of the change;
- (3) ~~((iii))~~ The change will not adversely impact the ability of the Authority to determine compliance with an emissions standard;
- (4) ~~((iv))~~ The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER; and
- (5) ~~((v))~~ The revised order meets the requirements of Article 7, as applicable.

(6) If the order was issued under WAC 173-400-141, the revised order will meet any applicable requirements of that section.

(b) Actions taken under this subsection are subject to the public involvement provisions of Section 7.04.

(c) Requests shall be made on forms provided by the Authority and shall follow the procedures and timelines for a Notice of Construction application as specified in Article 7. The fee schedule found in Section 7.13 shall also apply to these requests.

~~((SECTION 7.21 APPLICATION PROCESSING~~

~~(a) Within thirty days after receiving a notice of construction application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.~~

~~(b) Within sixty days of receipt of a complete notice of construction application, the Authority shall either issue a final decision on the application per Section 7.05 or initiate public notice per Section 7.04 on a proposed decision, followed as promptly as possible by a final decision.~~

~~(c) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a notice of construction application for a major modification (as defined in Section 7.17) in a nonattainment area or a notice of construction application for a major stationary source (as defined in Section 7.17) in a nonattainment area must also comply with WAC 173-400-171.~~

~~(d) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.~~

~~(e) If the new source is a major stationary source (as defined in Section 7.17) or the change is a major modification (as defined in Section 7.17), the Authority shall:~~

- ~~(i) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and~~
~~(ii) Send a copy of the final approval order to EPA.)~~

SECTION 7.21 VOLUNTARY LIMITS ON EMISSIONS

(a) Upon request by the owner or operator of a source, the Authority shall issue a regulatory order that limits the source's potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and the authority.

(b) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.

(c) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(d) Any order issued under this section shall be subject to the notice and comment procedures under section 7.04.

(e) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington state implementation plan. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

WSR 03-13-022 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed June 9, 2003, 10:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-096.

Title of Rule: WAC 458-20-251 Sewerage collection business.

Purpose: The rule describes the application of the business and occupation, public utility, retail sales, and use taxes to sewerage collection businesses and related activities.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.16.020, 82.16.050, 82.04.4291, and 82.04.432 as they apply to sewerage collection businesses.

Summary: A recent court decision - *City of Spokane v. Department of Revenue*, 145 Wn.2d 445, 38 P.3d 1010 (2002) - overturned the department's prior definition of "sew-

erage collection" as provided in the rule. The rule is being amended to reflect the Washington Supreme Court's decision. In addition, the department proposes to revise the language of the rule and provide information regarding drainage utility charges. The result will be a more easily understood rule that accurately reflects current law.

Reasons Supporting Proposal: To correct a misstatement of law in the current rule and to add additional information to assist department personnel and individuals to understand how the B&O, retail sales, and use taxes apply to the business activity of sewerage collection.

Name of Agency Personnel Responsible for Drafting: Gilbert Brewer, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6133; **Implementation:** Alan Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and **Enforcement:** Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

Rule is necessary because of state court decision, *City of Spokane v. Department of Revenue*, 145 Wn.2d 445, 38 P.3d 1010 (2002).

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule describes a sewerage collection business and distinguishes that activity from other, related sewer utility activities. It describes and illustrates the difference between lateral sewers and intercepting sewers, which is required to allocate a sewerage collection business's costs to determine the amount of revenue derived from sewerage collection activities subject to the public utility tax. It explains why drainage utility charges are subject to the service and other B&O tax and not the public utility tax. It also describes how the public utility tax is calculated for a sewerage collection business. The proposed rule addresses the tax treatment of related sewer utility services and describes the tax result when a governmental sewerage collection business pays a separate governmental entity for sewage interception, treatment, or disposal. Finally, it discusses the application of retail sales and use taxes to sewerage collection businesses and explains the tax treatment of sales of sludge by a sewerage collection business.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-251 as explained above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule does not impose any requirements or burdens upon small business that are not already required by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretative rule as defined in RCW 34.05.328.

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 23, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

Submit Written Comments to: Gilbert Brewer, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-

7467, fax (360) 664-0693, e-mail gilb@dor.wa.gov, by July 23, 2003.

Date of Intended Adoption: July 30, 2003.

June 9, 2003

Alan R. Lynn
Rules Manager
Legislation and
Policy Division

AMENDATORY SECTION (Amending Order 86-16, filed 9/3/86)

WAC 458-20-251 Sewerage collection ((business)) and other related activities. ~~((1) Introduction. Under the provisions of chapter 471, Laws of 1985, the "sewerage collection business" was reclassified for tax purposes from the service classification of business and occupation tax to the public service business sewer collection classification of public utility tax. To implement this change in law the department of revenue amended and adopted WAC 458-20-179, on November 1, 1985, which subjected gross receipts from all sewerage services to the higher rated public utility tax classification, as of the effective date of chapter 471, Laws of 1985, July 1, 1985.~~

~~(2) The department has determined that, within the intent of the law, only the portion of gross receipts from customer billings attributable to the "collection" portion of services rendered should be taxed under the public utility tax classification. Thus, this section now supersedes and effectively repeals the specific provisions of WAC 458-20-179 pertaining to sewerage collection businesses. The provisions of this new section have retroactive effect from July 1, 1985 forward.~~

~~(3) Definitions. For purposes of this section the following terms will apply.~~

~~(a) "Sewerage collection business" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, but does not include such transfer, treatment, or disposal of sewage.~~

~~(i) This term does not include the activity of receiving, collecting, or disposing of toxic or hazardous waste materials regardless of the system employed for collection of such substances.~~

~~(b) "Sewage" means the waste matter carried off by sewer drains and pipes.~~

~~(e) "Gross receipts" of the sewerage collection business means only that portion of income from customer billings which is allocable to the collection of sewage by a sewerage collection business as defined herein.~~

~~(i) "Gross receipts," as defined here, is the public utility tax measure. It does not include any charges of any kind attributable to sewerage services other than collection.~~

~~(ii) The term does not include late charges or penalties which may be imposed for nontimely payment by customers.~~

~~(d) "Person" has the meaning given in RCW 82.04.030 or any later, superseding section.~~

~~(4) Persons engaged in the sewerage collection business may also be engaged in related business activities involving~~

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the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities. If so, such persons are engaged in both public utility taxable activities (sewerage collection) and business and occupation taxable activities (other sewer services). See RCW 82.16.060 and 82.04.310.

(5) Public utility tax. Persons engaged in the sewerage collection business, as defined herein, are subject to the public utility tax under the classification, sewer collection, measured by "gross receipts" of the collection business as explicitly defined herein, at the currently prescribed rate. (See RCW 82.16.020.(1)(a).)

(6) In order to determine the "gross receipts" of the collection business there are two alternative methods:

(a) If customer billings are itemized to show the actual charge for sewerage "collection," that amount is the "gross receipts" tax measure. Provided, That such amount shall not be less than the actual cost of providing the collection service.

(b) If collection services are provided jointly with other, related sewer services provided by the sewerage collection business or any other person, and the actual charge for sewerage "collection" is not itemized on customer billings, a simple cost of doing business formula must be used to derive the "gross receipts," public utility tax measure.

(i) The totality of all business costs incurred in rendering all sewer services, including collection, is to be divided into the costs of providing sewerage collection services. The resulting percentage is to be multiplied by gross income from customer billings (all sewerage related charges). The result is the "gross receipts" public utility tax measure from engaging in the sewerage collection business.

(ii) The formula looks like this:

$$\frac{\text{Sewerage collection costs (Annualized)}}{\text{Total sewer service costs (Annualized)}} = \frac{\text{Public Utility Tax Measure}}{\% \times \text{gross billing}}$$

(iii) All costs of operation of the sewer services business must be included in the denominator, including but not limited to capitalized equipment, labor, direct and indirect overhead, and administration.

(iv) The standard cost accounting records of the sewerage collection business will be used for this purpose.

(v) For the purpose of annualizing its costs, the sewerage collection business may use the previous calendar year costs or its budget allocations for the current tax year. In either case, however, it must make an end of year adjustment to its reporting based upon actual costs incurred during the current year.

(7) Business and occupation tax. Persons engaged in providing other sewer services, in addition to or separate from the "sewerage collection business" as defined herein, are subject to the business and occupation tax under the classification, service and other business activities. The measure of this tax is the gross income derived from such other services. It does not include any amount reported for public utility tax under the sewer collection classification.

(8) The service business and occupation tax on sewer services is not intended to have a pyramiding effect. RCW

82.04.432 thus provides a deduction from the tax measure for amounts paid by municipal sewerage utilities and other public corporations to any other municipal corporation or governmental agency for sewerage interception, treatment, or disposal. This deduction results in each one of several sewer service providers being taxable only on the amounts actually received and retained by them as their respective share of gross customer billings for the totality of all services.

(9) Under the law, depending upon the arrangement for providing the totality of all sewer services, it may be that a person will report tax under both the public utility tax (on collection services income) and business and occupation tax (on other related services income), as appropriate, upon respective portions of that person's retained share of income from customer billings.

(10) The "sewerage collection business" and many other sewer services are "enterprise activities" as defined in WAC 458-20-189, when funded over fifty percent by user fees. Thus, the amounts derived from these business activities are not exempt of tax even though they may be provided and charged for by governmental entities. (See RCW 82.04.419.)

(11) Persons engaged in providing sewer services other than sewerage collection, such as the transfer, storage, treatment, and/or disposal of sewage, may be entitled to certain express deductions or exemptions from business and occupation tax for specific reasons unrelated to the nature of their sewer service activities. (See RCW 82.04.419 and 82.04.4291.) These deductions and exemptions are not available for "sewerage collection businesses" upon their income subject to public utility tax.

(12) Retail sales tax. Persons engaged in the "sewerage collection business" and/or engaged in providing other related sewer services are themselves the consumers of all tangible personal property purchased for their own use in conducting such activities, other than items held for resale in the ordinary course of business. Retail sales tax must be paid to materials suppliers and providers of all such tangible consumables. (See RCW 82.04.050.)

(13) Use tax. The use tax is due upon all tangible personal property used as consumers by "sewerage collection businesses" and sewer service providers, upon which the retail sales tax has not been paid. (See RCW 82.12.020.)

(14) Retroactivity—procedures for refund. Because of the provisions of WAC 458-20-179 relating to sewer services, which were effective from July 1, 1985 and have been retroactively repealed, some persons providing sewer services after that date may have overreported their tax liability. Any such persons who reported and paid public utility tax measured by gross customer billings income or measured by income allocable to the transfer, treatment, and/or disposal of sewage are entitled to a refund or credit. Such refunds or credits will be in the amount of the difference between the public utility tax rate (.03852) and the service business tax rate (.015) on the income reported. The refund or credit may be obtained by timely providing amended copies of past reporting documents to the Taxpayer Accounts Administration Section of the Department of Revenue, Olympia, Washington. (See RCW 82.32.170.) Similarly, persons who have discontinued reporting tax liability on income from any sewer services, on or after July 1, 1985, will have additional

tax liability to report.) (1) **Introduction.** RCW 82.16.020 levies a public utility tax upon persons engaging in the business of sewerage collection. This rule provides guidance on the assessment of the public utility tax upon sewerage collection businesses, including the distinction between sewerage collection and other related business activities. It also describes how to determine the taxable gross receipts of a sewerage collection business that also engages in other related business activities. Additionally, the rule addresses a sewerage collection business's business and occupation (B&O), retail sales, and use tax reporting responsibilities. Municipalities and other governmental entities engaging in sewerage collection business activities should also refer to WAC 458-20-189 for guidance on the taxation of public service businesses and enterprise activities.

(2) **What is a sewerage collection business?** A sewerage collection business is the activity of accepting sewage to be deposited into and carried off by a system of lateral sewers, drains, and pipes to a common point, or points, for transfer to treatment or disposal, but does not include the actual transfer, treatment, or disposal of sewage. A sewerage collection business includes only that portion of a sewer system where "collection" occurs. Sewerage collection ends when the sewage exits the lateral sewers in a sewer system. Collection does not include the further transfer of sewage through a system of intercepting sewers or the final treatment or disposal of sewage.

(a) **What is the difference between sewage and sewerage?** Sewage is the waste matter carried off by sewer drains

and pipes. Sewerage refers to the physical facilities (e.g., pipes, lift stations, and treatment and disposal facilities) through which sewage flows.

(b) **What is the difference between lateral and intercepting sewers?**

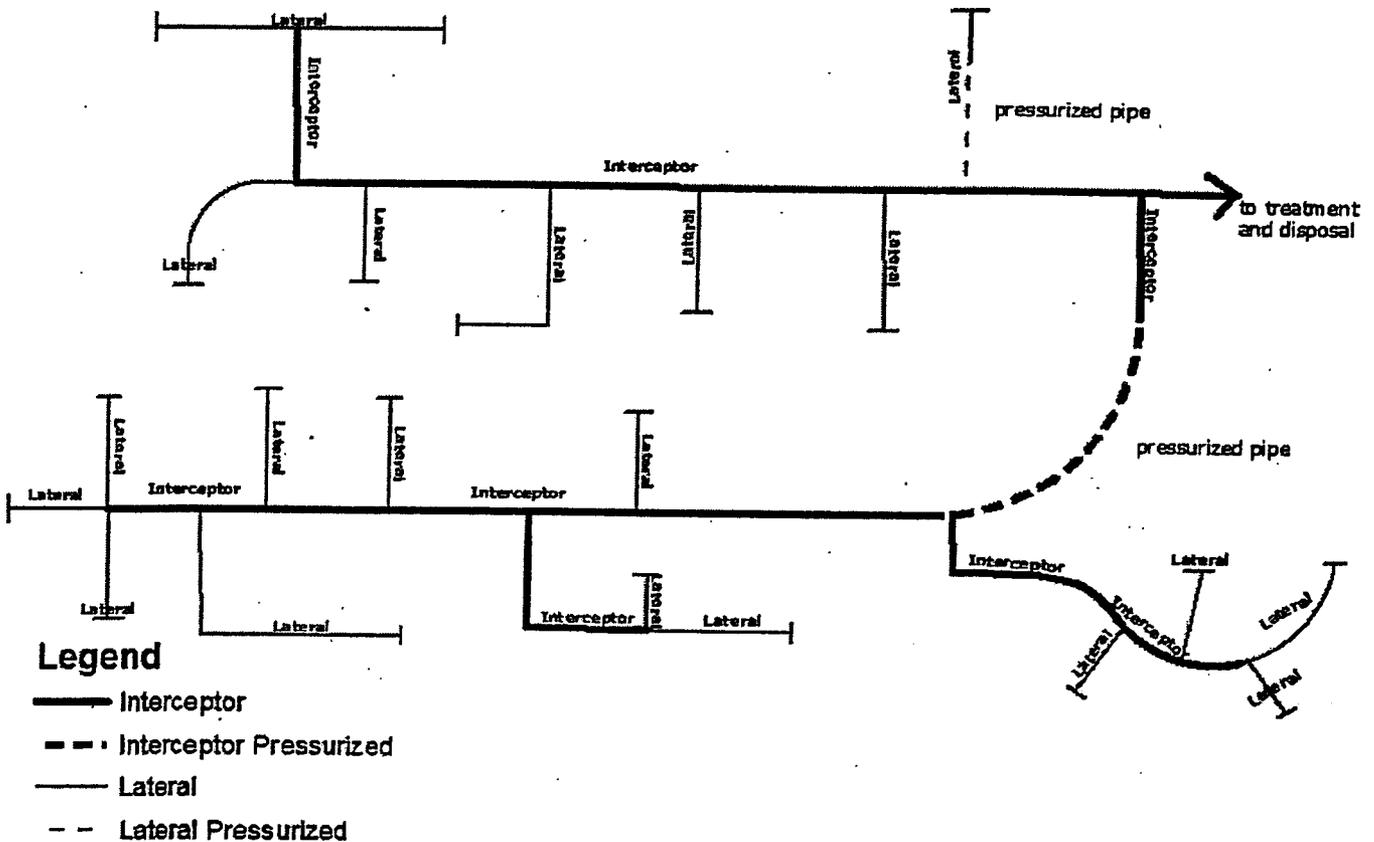
(i) A lateral sewer is a branch sewer running laterally down a street, alley, or easement that collects sewage directly from abutting properties and delivers it into an intercepting sewer.

(A) The sewage from abutting properties is collected through sewer pipes running from the abutting properties to the lateral sewer in the street, alley, or easement. If a sewerage collection business is responsible for maintaining any portion of such a sewer pipe, that portion is considered to be part of the lateral sewer.

(B) A lateral sewer may include force mains or lift stations if such equipment is installed as part of a lateral sewer line.

(ii) An intercepting sewer is a main sewer that receives flow from laterals and delivers the sewage to another main sewer or to a point for treatment or disposal.

The following diagram illustrates how sewer pipes in a sewerage system are categorized as lateral or intercepting sewers. The diagram does not attempt to represent any publicly maintained portions of sewer pipes that run from abutting properties to the lateral sewer in the street, alley, or easement.



PROPOSED

(c) How are drainage utility charges accounted for?

Certain real estate development projects (due to paving and other factors) may adversely affect rainwater runoff within areas served by a stormwater sewer system. Often, the stormwater system is administered by the same entity that operates a sewerage collection business. In this circumstance, some sewerage utilities impose a drainage utility charge on the development to reflect the impact on the utility's stormwater sewer system caused by the increased runoff. Other sewerage utilities charge all sewerage customers an additional drainage utility charge to reflect stormwater runoff. Although the same entity may be providing both stormwater and sanitary sewer collection services to the customer and many of the same facilities may be used, a drainage utility charge is not related to the collection of sewage for treatment and disposal. Therefore, a sewerage collection business does not include this activity. Utility drainage charges are, however, subject to B&O taxation under the service and other activities classification, as discussed in subsection (4) below.

(3) How is the public utility tax determined? Persons engaged in the sewerage collection business are subject to the public utility tax under the sewer collection classification measured by the gross receipts of the collection business. (See RCW 82.16.020.) Gross receipts of the sewerage collection business include only that portion of income from customer billings that is allocable to the collection of sewage by a sewerage collection business. Gross receipts do not include any charges of any kind attributable to sewerage services other than collection.

There are two methods to determine the gross receipts of the collection business.

(a) Itemization of customer billings. If customer billings are itemized to show the actual charge for sewage collection, income realized from those billings is the gross receipts tax measure. If the itemized charges for sewage collection are less than the actual cost of providing the collection service, however, the sewerage collection business must use the cost-of-doing-business formula in subsection (3)(b) below.

(b) Cost-of-doing-business formula. If collection services are provided jointly with other related sewer services provided by the sewerage collection business or any other person, and the actual charge for sewerage collection is not itemized separately on customer billings or is less than the actual cost of providing the collection service, a simple cost-of-doing-business formula is used to derive the gross receipts public utility tax measure.

(i) Formula. The costs of providing sewerage collection services are divided by all business costs incurred in rendering all sewer services, including sewerage collection. The resulting percentage is multiplied by gross income from customer billings (all sewerage related charges). The result is the gross receipts public utility tax measure from engaging in the sewerage collection business. The standard cost accounting records of the sewerage collection business must be used for this purpose.

The formula is:

$$\frac{\text{Sewerage collection costs (Annualized)}}{\text{Total sewer service costs (Annualized)}} = \frac{\% \times \text{gross billing}}{\text{income}} = \frac{\text{Public Utility Tax Measure}}$$

In determining sewerage collection costs for a sewerage collection business that also engages in related business activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, only lateral sewers are considered collection sewers. Intercepting sewers are not collection sewers and may not be allocated to collection activities. All costs of operation of the sewer services business must be included in the denominator, including, but not limited to, direct operating costs and direct and indirect overhead costs. When circumstances warrant, the department may allow certain equipment—such as force mains or pump stations—to be converted into an equivalent length of pipe for purposes of allocating costs accurately.

(ii) Annual year-end adjustment. For the purpose of annualizing its costs, the sewerage collection business may use the previous calendar year costs or its budget allocations for the current tax year. In either case, however, it must make an end-of-year adjustment to its reporting based upon actual costs incurred during the current year.

(c) Late charges/penalties excluded. Revenue from late charges or other penalties for untimely payment by sewerage collection customers must be excluded when calculating gross receipts under subsection (3)(a) and (b) above. Receipts from these sources are subject to B&O taxation under the service and other activities classification as provided in subsection (4) below. (See WAC 458-20-179, Public utility tax, for further explanation of the taxation of late charge penalties.)

(d) Preutility service activities excluded. Services provided to a customer prior to receipt of sewerage collection services are subject to B&O taxation under the service and other activities classification as provided in subsection (4) below. For example, many sewerage collection businesses assess connection charges to a new customer before providing sewerage collection services to that customer. Such a connection charge may be variable (calculated as a charge per linear foot of road frontage for example) or a flat fee. A sewerage collection business may assess other charges for specific services provided to new customers, such as installing or inspecting the installation of service connections. In each case, the revenue from such fees is taxable under the service and other activities classification as long as the service for which the fee is assessed is performed before the sewerage collection business provides collection services to that customer. (See WAC 458-20-179, Public utility tax, for further explanation of the taxation of preutility service activities.)

(e) Treatment or disposal costs deduction. RCW 82.16.050(11) provides that in computing the public utility tax, a sewerage collection business may deduct from its reported gross income amounts paid by the business to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage. The deduction provided by RCW 82.16.050(11) may be taken on the combined excise tax return only when the receipts related to treatment or disposal

are included in the gross amounts reported under the sewer collection classification.

(4) How are related business activities taxed? Persons engaged in the sewerage collection business may also be engaged in related business activities involving the interception, transfer, storage, treatment, and/or disposal of sewage. These activities are generally subject to the service and other activities B&O tax. The measure of tax is the gross income or gross proceeds derived from those other services. The measure of tax does not include any amount subject to the sewerage collection public utility tax classification. The amount of gross income or gross proceeds subject to the service and other activities B&O tax must be determined consistent with the method used to determine the gross receipts subject to the sewerage collection public utility tax (see subsection (3) above).

(5) What if a governmental sewerage collection business pays a separate governmental entity for sewage interception, treatment or disposal? RCW 82.04.432 provides a deduction from the B&O tax measure for amounts paid by municipal sewerage utilities and other public corporations to any other municipal corporation or governmental agency for sewage interception, treatment, or disposal. Thus, in such cases the service and other activities B&O tax on sewer services does not have a pyramiding effect. In addition, RCW 82.04.4291 provides a B&O tax deduction for amounts derived by a political subdivision of the state of Washington from another political subdivision of the state of Washington as compensation for services subject to the service and other activities B&O tax. Income received from the state of Washington or its agencies and departments, however, is not deductible under RCW 82.04.4291. Thus, the local government entity that receives compensation from another local government entity for providing sewage interception, treatment, or disposal for that other government entity may also deduct the income from its own measure of service and other activities B&O tax, provided this amount has been included in the gross amount reported on the combined excise tax return. In such a case, neither entity pays tax on the amounts represented by the payments made for sewage interception, treatment, or disposal.

For example, Washington Municipality A operates a sewerage collection business. Rather than invest in its own treatment facilities, it contracts with Washington Municipality B to provide sewage transfer, treatment, and disposal services to Municipality A. When determining its tax liability, Municipality A must break down its sewage service charges (as provided in subsection (3) above) into a sewerage collection portion and that portion representing other sewage services (interception, transfer, treatment, and disposal). Municipality A pays public utility tax on its gross receipts from the sewerage collection business. Municipality A also pays service and other activities B&O tax on income derived from that portion of sewage transfer that it undertakes to move the waste to Municipality B for further transfer, treatment, and disposal by Municipality B. However, Municipality A may deduct from its gross income subject to service and other activities B&O tax the amount of any payments made to Municipality B for sewage transfer, treatment, or disposal

services provided by Municipality B. In addition, pursuant to RCW 82.04.4291, Municipality B may deduct from its gross income subject to service and other activities B&O tax the amount of the payments received from Municipality A.

(6) Local improvement district assessments. Local improvement district (LID) and utility local improvement district (ULID) assessments, including interest and penalties on assessments, are not considered part of taxable income for either public utility tax or B&O tax purposes because they are exercises of the jurisdiction's taxing authority. These assessments may be composed of a share of the costs of capital facilities, installation labor, connection fees, and other expenses. A deduction may be taken for these amounts if they are included in the LID or ULID assessments.

(7) Property purchased and used by a sewerage collection business. Persons engaged in the sewerage collection business and/or engaged in providing other related sewer services are themselves the consumers of all tangible personal property purchased for their own use in conducting those activities. Retail sales tax (commonly referred to as "deferred sales tax") or use tax must be remitted directly to the department upon all tangible personal property used by a sewerage collection business or sewer service provider as a consumer, if the retail sales tax has not been collected by the seller. (See RCW 82.12.020.)

(8) Sale of sludge. With proper treatment, it is possible for the sludge remaining after the initial treatment of raw sewage to be used as fertilizer. If a sewerage collection business sells sludge, manufacturing B&O tax is due on the value of the products and retailing or wholesaling B&O tax is due on the gross proceeds of the sale. A multiple activities tax credit (MATC) applies as provided in RCW 82.04.440 and WAC 458-20-19301. If the sludge is sold to a consumer, retail sales tax is due on the proceeds of that sale, unless otherwise exempt by law.

If the necessary requirements are met, the business may claim a manufacturing machinery and equipment (M&E) exemption for machinery and equipment used directly in manufacturing the sludge (rendering it suitable for use as a fertilizer). This exemption is not available for machinery or equipment used merely to treat sewage for disposal.

For more information on the M&E exemption, see RCW 82.08.02565, 82.12.02565, and WAC 458-20-13601.

WSR 03-13-024

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 9, 2003, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-049.

Title of Rule: Will amend WAC 308-124E-013(4) Administration of funds held in trust.

Purpose: Would require that real estate licensees obtain receipts for earnest money, deliver all receipts to brokers, and disclose to consumers the risks in depositing earnest money with third party holders.

Statutory Authority for Adoption: RCW 18.85.040(1).
Statute Being Implemented: RCW 18.85.310.

Summary: In recent years, the real estate industry has allowed for buyers and sellers to negotiate an earnest money which could be delivered by any designated person to a third party other than the broker. These earnest moneys have sometimes not been delivered, receipts have not been obtained, and the third party holders (such as escrow and title companies) have not responded to demands for refund or forfeiture in the way a real estate brokers is required to respond.

Reasons Supporting Proposal: To provide for better safeguards in the delivery and receipting for earnest money in real estate transactions.

Name of Agency Personnel Responsible for Drafting: Jana L. Jones, Department of Licensing, Black Lake Complex, P.O. Box 2445, Olympia, WA, (360) 664-6524; Implementation and Enforcement: Department of Licensing, Real Estate Program, Black Lake Complex, P.O. Box 2445, Olympia, WA.

Name of Proponent: Washington State Real Estate Commission and Department of Licensing, governmental.

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

Proposal Changes the Following Existing Rules: Amends WAC 308-124E-013(4).

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. Department of Licensing exempt.

Hearing Location: WestCoast Wenatchee Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 662-4411, on September 23, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jana Jones by September 22, 2003, TDD (360) 753-1966 or (360) 664-6524.

Submit Written Comments to: Contact Jana L. Jones, Assistant Administrator, Real Estate, P.O. Box 2445, Olympia, WA 98507, fax (360) 568-0998, by September 22, 2003.

Date of Intended Adoption: September 23, 2003.

June 9, 2003

Alan E. Rathbun
Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 00-08-035, filed 3/29/00, effective 7/1/00)

WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as housing trust fund account for deposit of trust funds which are ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than ten thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the trans-

action, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker shall deliver the deposit to the party designated to hold the funds (~~(, unless the parties to the transaction instruct otherwise in writing)~~). The delivery shall be made within one banking day after all parties to the transaction have signed the agreement, unless parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

WSR 03-12-030
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 10, 2003, 2:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-087.

Title of Rule: Commercial fishing rules.

Purpose: Amend emerging commercial fishery coastal spot shrimp rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Delete trawl provisions, delete vessel ownership requirement, add vessel restriction and reporting requirement.

Reasons Supporting Proposal: There is no trawl fishery, vessel ownership does not limit participation, vessel length restriction prevents overcapitalization, refining reporting increases management ability.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Phil Anderson, 1111 Washington Street, Olympia, 902-2720; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The coastal pot shrimp fishery has been an emerging commercial fishery since 1999. Beginning in 2003, the trawl fishery was converted to a pot fishery, and the trawl provisions in the original rules are outdated and unnecessary. The original rules envisioned fishers qualifying a vessel, and permitting was restricted to those fishers and their vessels. Since a fisher may designate another's vessel to participate in Washington commercial fisheries, vessel ownership is unnecessary, and will be changed in these rule proposals. In order to ensure nontransferability, permitting is restricted to a natural person. The industry has a concern over shifting to larger vessels and overcapitalization of the industry with attendant overharvest of the resource, so a vessel restriction of ten feet larger than the qualifying vessel is established. Because retroactivity would unduly burden persons who may

have already changed vessels, a fisher who has already designated a vessel greater than ten feet above the length of the qualifying vessel is frozen at the length of the vessel designated as of March 31, 2003. The fishery has a subarea quota, and a reporting requirement of north or south of 47°04.00'N. is needed to account for the subarea quota.

Proposal Changes the Following Existing Rules: Deletion of trawl fishery and vessel ownership provisions and addition of vessel length restrictions and reporting requirements.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Will require buyers of ocean spot shrimp to enter a sub area designer on the fish ticket.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs of compliance were anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No revenue or sales losses are expected.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

There are no anticipated costs for compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no anticipated costs so no steps have been taken.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Meetings with the affected industry have occurred to develop the rule proposals contained herein. Small businesses will be involved under the auspices of the Fish and Wildlife Commission public review process for rule making.

8. A List of Industries That Will Be Required to Comply with the Rule: Fishers and buyers of ocean spot shrimp.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

PROPOSED

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 10, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 98-257, filed 12/22/98, effective 1/22/99)

WAC 220-88B-010 Emerging commercial fishery—Coastal—Purpose. The purpose of this chapter is to establish the coastal spot shrimp pot ~~((and coastal spot shrimp trawl fisheries))~~ fishery as an emerging commercial ~~((fisheries, specify the qualification for obtaining experimental fishery permits to participate in these fisheries, limit the transferability of fishery permits))~~ fishery, and to set time, place, and manner for participation in ~~((these fisheries))~~ this fishery.

AMENDATORY SECTION (Amending Order 98-257, filed 12/22/98, effective 1/22/99)

WAC 220-88B-020 Designation of the coastal spot shrimp pot fishery ~~((and coastal shrimp trawl))~~ as an emerging commercial ~~((fisheries))~~ fishery. (1) The director designates the coastal spot shrimp pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from Washington territorial waters west of the Bonilla-Tatoosh line or from waters of the Exclusive Economic Zone unless the ~~((owner of the vessel))~~ fisher has a valid emerging commercial fishery license and a valid coastal spot shrimp pot experimental fishery permit.

(2) The ~~((director designates the coastal spot shrimp trawl fishery as an emerging commercial fishery for which a vessel is required. It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from Washington territorial waters west of the Bonilla-Tatoosh line or from waters of the Exclusive Economic Zone unless the owner of the vessel has a valid emerging commercial fishery license and a valid coastal spot shrimp trawl experimental fishery permit.~~

(3) ~~After January 1, 1999, the~~ following licenses may not be used to fish for, possess, or deliver spot shrimp taken in Washington territorial waters west of the Bonilla-Tatoosh line or waters of the Exclusive Economic Zone: Shellfish pot fishery license, nonlimited entry delivery license, salmon troll delivery license, salmon delivery license, crab pot fishery license, Dungeness crab—coastal fishery license.

AMENDATORY SECTION (Amending Order 01-287, filed 12/27/01, effective 1/27/02)

WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction. (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated ~~((in))~~ on the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to ~~((the))~~ a natural person who:

(a) Held such a permit the previous year; and

(b) ~~((Beginning January 1, 2001,))~~ Can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's designated vessel or vessels during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) ~~((Effective January 1, 2003, all coastal spot shrimp experimental trawl fishery permits shall be converted to coastal spot shrimp experimental pot fishery permits.~~

(5) Coastal spot shrimp experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit ~~((shall))~~ will not be ~~((revoked))~~ renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

~~((6))~~ (5) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed ~~((the number of permits issued in 1999))~~ fifteen. Selection of persons to receive replacement permits shall be by gear or gear replacement type, and replacement permits will be offered in descending order first to persons who made the largest total of Washington coastal spot shrimp landings in each gear type during the original qualifying period, and then in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

~~((7))~~ (6) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

~~((8))~~ (7) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is 250,000 pounds round weight provided that not more than 100,000 pounds may be taken south of 47°04.00' N. latitude.

~~((9))~~ The allowable catch shall be equally divided between trawl and pot gear permits in 2002, except that the allowable catch may be reallocated between gear types if the

allowable catch of a gear type is unlikely to be taken during that year.) (8) Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.

(9) Vessel restriction: A coastal spot shrimp experimental fishery permit will not be issued to a person who designates a vessel greater than ten feet longer than the vessel designated as of March 31, 2003, provided that if the vessel designated as of March 31, 2003, is ten or more feet greater than the vessel used by the person to initially qualify for a coastal spot shrimp experimental fishery permit, the person may not designate a vessel greater in length than the vessel designated as of March 31, 2003.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88B-050	Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction—pot gear restriction—Species restriction.
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AMENDATORY SECTION (Amending Order 03-28, filed 2/18/03, effective 3/21/03)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishers, firms, or individuals, except purchases or receipts made by individuals or consumers at retail, is required to be a licensed wholesale fish dealer or fish buyer, and must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(3) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(4) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial fisher shall complete the appropriate fish receiving ticket if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(c) Private sector cultured aquatic products.

(d) Processed fish or shellfish.

(5) Fishers, fisher-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishers, fisher-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(6) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(7) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following

PROPOSED

day to the Department of Fish and Wildlife, LaConner, Washington; telephone 360-466-4345 ext. 243.

(8) It is unlawful for any person receiving or purchasing geoducks from fishers, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(9) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 360-796-4601, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(a) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, shall record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(11) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to

the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 360-796-4601, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(12) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

(13) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report a summary of all salmon offered for retail sale on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

(14) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea

urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (fax) transmission to 360-586-8408 or by telephone to 360-796-4601, extension 500. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

(15) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.

(16) It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude.

WSR 03-13-032
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 10, 2003, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-036.

Title of Rule: Sale of shellfish, other than oysters, from state tidelands.

Purpose: To amend rule that prohibits commercial sale of shellfish, other than oysters, from state tidelands.

Statutory Authority for Adoption: RCW 77.60.030 and 77.60.050.

Statute Being Implemented: RCW 77.12.047 and 77.60.050.

Summary: Current law prohibits sale of shellfish, other than oysters, from state tidelands except from aquaculture farms. This is contrary to RCW language that encourages such sales by policy and authority.

Reasons Supporting Proposal: Shellfish surpluses exist on state tidelands over and above current needs for recreational fisheries and treaty sharing requirements. There is a demand from the shellfish grower industry to access and sell these shellfish as provided for in the RCW.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2826; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule change would allow sales of shellfish, other than oysters, from state tidelands as provided for in RCW. The effect would be compliance with policy and intent of RCW language as well as economic enhancement to the shellfish grower industry and additional support to oyster reserve lands.

Proposal Changes the Following Existing Rules: Amends WAC 220-52-020 to allow sales of shellfish, other than oysters, from state tidelands.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: None required.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No, revenue may actually be increased.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

No compliance costs are anticipated.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs incurred by small businesses as a result of this rule.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The rule will be discussed under the auspices of the public rule-making process of the Fish and Wildlife Commission.

8. A List of Industries That Will Be Required to Comply with the Rule: None are required to comply - participants in shellfish sales are strictly voluntary.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 21, 2003, TDD (360) 902-2207 or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 30, 2003.

Date of Intended Adoption: August 1, 2003.

June 10, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-264, filed 12/29/00, effective 1/29/01)

WAC 220-52-020 Clams—Commercial harvest. It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from state-owned tidelands under contract with or permit from the department.

WSR 03-13-064

WITHDRAWAL OF PROPOSED RULES

COMMISSION ON JUDICIAL CONDUCT

[Filed June 13, 2003, 10:29 a.m.]

The proposed amendments to the Commission on Judicial Conduct Procedural Rules 11, 20, 23 and the Table of Contents filed on February 13, 2003 (WSR 03-05-046) are withdrawn. The proposed amendments were directed back to the rules committee for further review.

If you have any questions, please contact Barrie Althoff at 753-4585.

Barrie Althoff

Executive Director

WSR 03-13-072

WITHDRAWAL OF PROPOSED RULES

HORSE RACING COMMISSION

[Filed June 13, 2003, 12:31 p.m.]

The Washington Horse Racing Commission would like to withdraw our CR-102 proposing amendments to the following sections of chapter 260-48 WAC, Mutuels: WAC 260-48-890 Trifecta, 260-48-900 Twin trifecta, and 260-48-910 Superfecta.

If you have any questions you may contact Robert J. Lopez at (360) 459-6462 or via e-mail at rlopez@whrc.state.wa.us.

Robert J. Lopez

Administrative Services Manager

WSR 03-13-077

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 02-05—Filed June 13, 2003, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-07-097.

Title of Rule: Chapter 173-434 WAC, Solid waste incinerator facilities.

Purpose: The purpose of the proposed rule change is to incorporate new federal language, change existing definitions, and provide alternative means of compliance.

Statutory Authority for Adoption: RCW 70.94.331 Powers and duties of the department and 70.94.510 Policy to cooperate with the federal government.

Statute Being Implemented: Not applicable.

Summary: The amendment would make 40 C.F.R. 60, subpart Eb, an alternative means of compliance. Redundant sections would be removed. Editorial changes would be included. Creosote treated wood would be removed from the definition of "solid waste."

Reasons Supporting Proposal: The amendments would provide facilities the option of an alternative regulatory scheme based on EPA's most stringent incinerator rule, which is also more protective of the environment than chapter 173-434 WAC. Properly regulated incineration of creosote treated wood has net environmental benefits.

Name of Agency Personnel Responsible for Drafting and Implementation: Steve Cross, Lacey, Washington, (360) 407-6875; and Enforcement: Mary Burg, Lacey, Washington, (360) 407-6880.

Name of Proponent: City of Tacoma, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Purpose: The purpose of the proposed rule change is to incorporate new federal language, change existing definitions, and provide alternative means of compliance.

Summary: Creosote treated wood would be removed from the definition of "solid waste." The amendment would make 40 C.F.R. 60, subpart Eb, an alternative means of compliance. Redundant sections would be removed. Editorial changes would be included.

The rule would provide the Tacoma Steam Plant an environmentally preferable regulatory scheme that would allow it to apply to reinstate its operational status. The rule would allow facilities such as Kimberly-Clark, Everett, to incinerate railroad ties under regulations other than chapter 173-434 WAC. The rule would allow cement plants, such as Ash Grove, Seattle, to engage in certain historic practices while being permitted under regulations other than chapter 173-434 WAC.

Proposal Changes the Following Existing Rules: Summary: The amendments to WAC 173-434-110 would make 40 C.F.R. 60, subpart Eb, an alternative means of compliance to WAC 173-434-090, 173-434-130, 173-434-160, 173-434-170, 173-434-190, and 173-434-200. Redundant sections would be removed, namely WAC 173-434-050, 173-434-070, 173-434-100, and 173-434-120. Editorial changes

would be included in all sections. Creosote treated wood would be removed from the definition of "solid waste" in WAC 173-434-030. Tires and certain raw materials at cement plants would be removed from the definition of "solid waste" in WAC 173-434-030.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The businesses that might be affected by this proposed change are not small businesses.

RCW 34.05.328 applies to this rule adoption. Ecology plans on making the determination required in RCW 34.05.-328. A preliminary draft of the cost/benefit analysis is available on request.

Hearing Location: Tacoma-Pierce County Health Department, 3629 South D Street (near 37th Street and Pacific Avenue), Tacoma, WA, on July 22, 2003, at 7:00 p.m. (A state implementation plan hearing will be held immediately following the rule hearing.)

Assistance for Persons with Disabilities: Contact Bari Schreiner by July 21, 2003, at (360) 407-6998 or 711 (TTY) or 1-800-833-8973.

Submit Written Comments to: Steve Cross, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504, fax (360) 704-7534, e-mail rulescomments@ecy.wa.gov, received by July 29, 2003.

Date of Intended Adoption: August 15, 2003.

June 12, 2003

Linda Hoffman
Deputy Director

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-020 Applicability. The provisions of this chapter shall apply statewide to all ~~((solid waste or solid waste derived fuel))~~ incinerator facilities that:

(1) Are constructed after January 1, 1985, which are designed to burn twelve or more tons per day of solid waste; or

(2) ~~((Was))~~ Were constructed prior to January 1, 1985, but begin~~((s))~~ to burn twelve or more tons per day of solid waste after January 1, 1985.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-030 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter, shall have the following meanings.

(1) "Incinerator facility" means all of the emissions unit(s), including quantifiable fugitive emissions, which are located in one or more contiguous or adjacent properties, and are under the control of the same person(s), whose activities are principal or ancillary to the incineration of solid waste. Ancillary activities include, but are not limited to, solid waste receiving, segregating and processing, solid waste derived fuel receiving and handling, fuel storage and mixing, heat

recovery equipment, steam generating equipment, cooling towers, emissions control equipment, ash handling, ash storage, and combustion.

(2) "Residence time" means the minimum amount of time that a parcel of gas is subject to a given temperature.

(3) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, ~~((and))~~ ~~discarded commodities~~~~((--This includes all liquid, solid and semisolid))~~, septage from septic tanks, dangerous waste, refuse derived fuel, solid waste derived fuel, problem wastes, and all materials~~((;))~~ which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. ~~((Solid waste includes but is not limited to septage from septic tanks, dangerous waste, and problem wastes--))~~ This definition includes, but is not limited to, all materials that fit the definitions of municipal solid waste in 40 CFR 60, subparts Cb, Ea, Eb, AAAA, or BBBB, as well as all materials that fit the definitions of commercial and industrial solid waste in 40 CFR 60, subparts CCCC or DDDD, in effect on July 1, 2002. Notwithstanding the above, solid waste does not include:

(a) Creosote treated wood at facilities with an order of approval or Prevention of Significant Deterioration (PSD) permit issued after August 1, 2003, for burning such wood, provided that such wood has not been in or repeatedly splashed by marine or brackish water;

(b) At a Portland cement plant;

(i) Tires; and

(ii) Beneficial industrial by-products consumed as raw materials, such as bottom ash, slag, and gypsum board;

(c) Wood waste; or

(d) Sludge from waste water treatment plants.

(4) "Transmissometer" means a device that measures opacity and conforms to EPA Performance Specification Number 1 in Title 40 Code of Federal Regulations, Part 60, Appendix B ~~((as promulgated prior to July 1, 1988))~~ in effect on July 1, 2002.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-110 Standards of performance.

~~((Sources and emissions units to which this chapter is applicable, shall comply with any applicable provisions of WAC 173-400-115 "Standards of performance for new sources--"))~~

(1) Notwithstanding WAC 173-400-115, the following sections of 40 CFR part 60, subpart Eb, in effect on July 1, 2002, are hereby incorporated by reference with the exceptions in subsection 110(2):

(a) 40 CFR part 60, subpart Eb, subsections 60.52b (a)(3), (a)(5), (b)(2), (c)(1), and (c)(2);

(b) All the rest of 40 CFR part 60, subpart Eb.

(2) Exceptions.

(a) The 250 tons per day figures throughout 40 CFR part 60, subpart Eb shall be 12 tons per day;

(b) The terms "municipal solid waste," "municipal type solid waste," and "MSW" in subpart Eb shall include all materials that fit the definition of solid waste in this chapter;

(c) 40 CFR part 60, subpart Eb, subsections 60.50b (i), (j), and (p) shall not be incorporated by reference with respect to facilities constructed, reconstructed or modified after August 1, 2003;

(d) In 40 CFR part 60, subpart Eb, subsection 60.51b, the sentence of the definition of municipal waste combustor unit that excludes "cement kilns firing municipal solid waste (as specified in 60.50b(p))" shall be revised to read "municipal waste combustors do not include cement kilns firing less than 12 tons per day of solid waste (as defined in WAC 173-434-030)"; and

(e) The November 20, 1997, dates in subsection 60.52b(c) are changed to June 20, 2005.

(3) Except for WAC 173-434-130 (4)(c), WAC 173-434-090, 173-434-130, 173-434-160, 173-434-170, 173-434-190 and 173-434-200 shall not apply to:

(a) An incinerator facility regulated under this section; and

(b) An incinerator facility that elects to become subject to this section in an order of approval or other regulatory order from the permitting agency.

(4) The effective date of this section shall be January 1, 2004.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-130 Emission standards. In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; no incinerator facility shall cause or permit air contaminant emissions in excess of the limits listed below. Specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

(1) Particulate.

(a) For incinerator facilities that are capable of burning two hundred fifty or more tons of solid waste per day, emissions from each stack shall not exceed 0.046 grams of particulate per dry cubic meter at standards conditions (0.020 grains/dscf) corrected to seven percent oxygen for an hourly average.

(b) For incinerator facilities that have a maximum capability of burning less than two hundred fifty tons of solid waste per day, emissions from each stack shall not exceed 0.069 grams of particulate per dry cubic meter at standards conditions (0.030 grains/dscf) corrected to seven percent oxygen for an hourly average.

(2) Hydrogen chloride. The hydrogen chloride emissions from each stack shall not exceed fifty ppm on a volumetric dry basis corrected to seven percent oxygen for an hourly average, except if the owner or operator demonstrates that uncontrolled emissions of hydrogen chloride are reduced by at least eighty percent and a procedure acceptable to ecology or the authority for monitoring is developed.

(3) Sulfur dioxide. The sulfur dioxide emissions from each stack shall not exceed fifty ppm on a volumetric dry basis corrected to seven percent oxygen for an hourly average, except if the owner or operator demonstrates that the uncontrolled emissions of sulfur dioxide are reduced by at least eighty percent and a procedure acceptable to ecology or

the authority for monitoring is developed. (~~When more than fifty percent of the heat input is fossil fuel, ecology or the authority may establish a higher sulfur dioxide limit provided that limit meets BACT requirements.~~)

(4) Opacity.

(a) The opacity as measured visually from any incinerator stack shall not exceed an average of five percent opacity for more than six consecutive minutes in any sixty minute period.

(b) The opacity as measured by a transmissometer shall not exceed an average of ten percent opacity for more than six consecutive minutes in any sixty minute period.

(c) The opacity as measured visually shall not exceed an average of zero percent from any emissions unit except incinerator stacks for more than six consecutive minutes in any sixty minute period.

(5) Fugitive emissions. Each operator or owner shall take reasonable precautions to prevent fugitive emissions which includes the paving of all normally traveled roadways within the plant boundary and enclosing or hooding material transfer points.

(6) Source testing. To demonstrate compliance with this chapter, refer to WAC 173-400-105.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-160 Design and operation. (1) Combustion.

(a) Combustion zone temperature. Whenever solid waste is being burned, the temperature of the final combustion zone shall not be below 982°C (1800°F) for a fifteen minute average nor below 871°C (1600°F) for any reading.

~~((2))~~ (b) Combustion zone residence time. The minimum combustion chamber temperature must be maintained for at least one second (1.0 second) in a zone after the last over fire air has entered the combustion chamber. If over fire air is not used, the combustion chamber shall maintain the minimum combustion temperature or greater for at least one second with all combustion gases. Procedures for determining the residence time shall be a part of the new source review.

~~((3))~~ (c) Excess air. The combustion gases leaving the final combustion zone must contain at least three percent oxygen measured on a wet basis.

~~((4))~~ (d) Combustion air distribution and control. The air distribution shall be fully controllable where pressurized air is introduced and the air flow shall be monitored and recorded.

(2) Combustion air. To minimize odor, fugitive emissions and to maintain a negative pressure in the tipping area, the combustion air shall be withdrawn from the tipping area, or shall utilize an equivalent means of odor and fugitive emission control acceptable to ecology or the authority.

~~((5))~~ Combustion air distribution and control. The air distribution shall be fully controllable where pressurized air is introduced and the air flow shall be monitored and recorded.

~~(6))~~ (3) Particulate control device temperature. The inlet temperature of the primary particulate control device shall not exceed 177°C (350°F).

~~((7))~~ (4) Operation. At all times, the owner or operator shall, to the extent practicable, maintain and operate any incinerator facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. This may mean that if the emissions limits are being exceeded, no more waste should be fed into the incinerator until the problem is corrected. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ecology or the authority which may include, but is not limited to, monitoring and recording results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-170 Monitoring and reporting. The owners or operators of each incinerator facility shall conduct routine monitoring of emissions in accordance with a program that has been approved by ecology or the authority. The program must contain quality control and quality assurance procedures.

(1) Monitoring.

(a) The owners or operators shall install, operate, and maintain continuous monitors and recorders for the following:

- ~~((a))~~ (i) Opacity;
- ~~((b))~~ (ii) Combustion zone temperature;
- ~~((c))~~ (iii) Particulate control device temperature;
- ~~((d))~~ (iv) Hydrogen chloride and/or sulfur dioxide;
- ~~((e))~~ (v) Oxygen;
- ~~((f))~~ (vi) Carbon monoxide;
- ~~((g))~~ (vii) Combustion air distribution.

(b) The monitors for ~~((opacity,))~~ sulfur dioxide, carbon monoxide, and oxygen shall comply with EPA performance specifications and quality assurance and control criteria in Title 40, Code of Federal Regulations, Part 60, Appendix B ((as promulgated prior to)) and Appendix F respectively, in effect on July 1, ((1989)) 2002.

(c) The monitor for opacity shall comply with EPA performance specifications and quality assurance and control criteria in Title 40, Code of Federal Regulations, Part 60, Appendix B in effect on July 1, 2002, and EPA-340/1-86-010, Recommended Quality Assurance Procedure for Opacity Continuous Emission Monitoring Systems.

(2) Reporting. Results of the monitoring shall be reported within fifteen days of the end of each calendar month and shall include but may not be limited to data such as:

(a) The average daily maximum and the daily maximum concentration of each monitored pollutant and the daily amount of solid waste burned.

(b) The date, time, and magnitude of any periods during which the standards were exceeded, and what corrective action was or will be taken.

(c) Any period(s) of monitor down time.

(3) Testing. The owners or operators shall conduct emission tests for particulate, sulfur dioxide and hydrogen chloride on a regular basis. These tests may be used to determine acceptable operating parameters. Testing shall be at least annually for incinerator facilities capable of burning two hundred fifty tons or more of solid waste per day and biennially for other facilities.

(4) Other data. Each owner or operator shall furnish upon request by ecology or the authority, other data required to evaluate the incinerator's emissions or emissions control program.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-190 Changes in operation. (1) If a startup, shutdown, breakdown, or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

~~((1))~~ (a) For a planned condition, such as a startup or shutdown, the condition shall be reported to ecology or the authority not less than twenty-four hours in advance of its occurrence. For incinerator facilities that normally operate for less than twenty-four hours per day, this provision may be waived provided that daily startup and shutdown procedures are developed that are acceptable to ecology or the authority.

~~((2))~~ (b) For unplanned conditions, such as a breakdown or upset, the condition shall be reported to ecology or the authority as soon as possible, but no later than the end of the next business day.

(2) If, upon reviewing the available information, ecology or the authority determines that continued operation of any emissions unit is likely to cause a significant risk to the public, it may order an immediate shutdown of the emissions unit.

(3) Upon request ecology or the authority, the owner or operator of the source shall submit a full written report including known causes of any infraction, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Compliance with the requirement of WAC 173-434-100((:)) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-434 WAC nor from the resulting liabilities for failure to comply.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-200 Emission inventory. The owner or operator of any solid waste incinerator shall submit an inventory of emissions that complies with WAC 173-400-105. The inventory shall include but may not be limited to stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, hydrogen chloride, and other contaminants as requested by ecology or the authority or as required by federal emissions reporting requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-434-050	New source review (NSR).
WAC 173-434-070	Prevention of significant deterioration (PSD).
WAC 173-434-100	Requirement for BACT.
WAC 173-434-120	Emission standards for hazardous air pollutants.

**WSR 03-13-081
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE**

[Filed June 16, 2003, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-094.

Title of Rule: Adopt new chapter 132Q-02 WAC.

Purpose: New sections WAC 132Q-02-010 Definitions, 132Q-02-020 Purpose for adoption of student rules, 132Q-02-030 Jurisdiction, 132Q-02-040 Student misconduct, 132Q-02-050 Academic dishonesty, 132Q-02-060 Classroom conduct/learning environment, 132Q-02-070 Authority to suspend, 132Q-02-080 Conduct at college functions, 132Q-02-090 Other punishable acts, 132Q-02-100 Hazing, 132Q-02-110 Disciplinary actions, 132Q-02-120 Delegation of disciplinary authority, 132Q-02-130 Due process, 132Q-02-140 Initiation of disciplinary action, 132Q-02-150 Composition of college disciplinary committee, 132Q-02-160 Evidence admissible in proceedings, 132Q-02-170 Appeal of disciplinary actions, 132Q-02-180 Reporting, recording and maintenance of disciplinary records, 132Q-02-190 College disciplinary committee proceedings, 132Q-02-200 Brief disciplinary proceedings, 132Q-02-210 Conduct at disciplinary proceedings, 132Q-02-220 Decision of the college disciplinary committee, 132Q-02-230 Final decision regarding appeal of disciplinary committee action, 132Q-02-240 Readmission after suspension, 132Q-02-250 Emergency authority of campus president, 132Q-02-260 Purpose of immediate summary suspension rules, 132Q-02-270 Initiation of immediate summary suspension proceedings, 132Q-02-280 Notice of immediate summary suspension proceedings, 132Q-02-290 Procedures of immediate summary suspension proceedings, 132Q-02-300 Decision by vice president, 132Q-02-310 Notice of immediate summary suspension, 132Q-02-320 Failure to appear, 132Q-02-330 Appeal of immediate summary suspension, 132Q-02-340 Immediate summary suspension proceedings not duplicative, 132Q-02-350 Confidentiality of student records, 132Q-02-360 Education records, 132Q-02-370 Records requests and appeals, 132Q-02-380 Release of personally-identifiable records, 132Q-02-390 College records, 132Q-02-400 Records committee, 132Q-02-410 Eligibility for clinical programs, 132Q-02-420 Grounds for athletic inel-

igibility, 132Q-02-430 Right to brief adjudicative procedure—Athletics, 132Q-02-440 Brief adjudicative procedure—Athletics, and 132Q-02-450 Brief adjudicative decision—Athletics, to consolidate student rules into one chapter.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: None.

Summary: To update district rules regulating student conduct, suspension and dismissal procedures.

Reasons Supporting Proposal: To improve district efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Stafford Sherman, 501 North Riverpoint Boulevard, P.O. Box 6000, (509) 434-5060.

Name of Proponent: Community Colleges of Spokane, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes primarily are for housekeeping purposes and district efficiency. Rules repealed are now consolidated in student rights and responsibilities and general campus conduct chapters to create ease of reading and understanding. Various other changes include updating terminology and procedural changes.

Proposal does not change existing rules. The proposal changes do not affect any current rule in substantive manner. Changes are primarily for housekeeping purposes and clarification.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption. Rules are primarily for internal district operation and are not subject to violation by a nongovernment party.

Hearing Location: 2000 North Greene Street, Spokane, WA 99217, on August 19, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Connie Stafford Sherman by August 8, 2003.

Submit Written Comments to: Connie Stafford Sherman, 501 North Riverpoint Boulevard, P.O. Box 6000, Mailstop 1002, Spokane, WA 99217-6000, fax (509) 434-5025, by August 8, 2003.

Date of Intended Adoption: August 19, 2003.

June 12, 2003

Connie Stafford Sherman

Vice Chancellor

Systems Administration

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

**WSR 03-13-082
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE**

[Filed June 16, 2003, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-094.

Title of Rule: Adopt new chapter 132Q-07 WAC; repeal chapters 132Q-03, 132Q-04, 132Q-05 and 132Q-06 WAC; and amend, repeal and adopt new sections to chapters 132Q-94 and 132Q-108 WAC.

Purpose: Repealing 132Q-03-005 Grounds for ineligibility, 132Q-03-010 Right to brief adjudicative procedure, 132Q-03-020 Brief adjudicative procedure, 132Q-03-030 Decision, 132Q-04-010 Purpose for adoption of student rules, 132Q-04-020

Definitions, 132Q-04-030 Jurisdiction, 132Q-04-031 Prohibited conduct, 132Q-04-076 Hazing prohibited, 132Q-04-077 Penalties for hazing, 132Q-04-078 Sanctions for impermissible conduct not amounting to hazing, 132Q-04-097 Eligibility for clinical programs, 132Q-04-160 Purpose of disciplinary actions, 132Q-04-170 Initiation of prosecution, 132Q-04-180 Initial disciplinary proceedings, 132Q-04-190 Appeals, 132Q-04-200 Composition of college disciplinary committee, 132Q-04-210 Brief adjudicative proceeding, 132Q-04-220 Conduct of disciplinary proceedings, 132Q-04-230 Evidence admissible in proceedings, 132Q-04-240 Decision by the committee, 132Q-04-250 Final decision regarding appeal of disciplinary committee action, 132Q-04-260 Disciplinary action, 132Q-04-270 Readmission after dismissal, 132Q-04-280 Reporting, recording and maintenance of records, 132Q-05-010 Purpose of summary suspension rules, 132Q-05-020 Definitions, 132Q-05-030 Jurisdiction, 132Q-05-033 Authority to suspend, 132Q-05-036 Conduct at college functions, 132Q-05-040 Initiation of summary suspension proceedings, 132Q-05-050 Notice of summary proceedings, 132Q-05-060 Procedures of summary suspension proceeding, 132Q-05-070 Decision by vice-president, 132Q-05-080 Notice of suspension, 132Q-05-090 Suspension for failure to appear, 132Q-05-100 Appeal, 132Q-05-110 Summary suspension proceedings not duplicitous, 132Q-05-120 Reporting, recording and maintenance of records, 132Q-06-010 Confidentiality of student records, 132Q-06-015 Definition of a student, 132Q-06-016 Definition of personally identifiable information, 132Q-06-020 Education records—Student's right to inspect, 132Q-06-025 Requests and appeal procedures, 132Q-06-030 Release of personally-identifiable records, 132Q-06-035 College records and 132Q-06-040 Records committee, to consolidate student rules into one chapter.

Repealing WAC 132Q-04-100 Right of assembly, 132Q-04-105 Other punishable acts, 132Q-04-110 Commercial activities, 132Q-04-120 Outside speakers, 132Q-04-130 Trespass, 132Q-04-140 Distribution of materials and 132Q-04-150 Right to demand identification, to consolidate general campus conduct rules into one chapter.

New sections WAC 132Q-07-010 Authority to demand identification, 132Q-07-020 Right of assembly, 132Q-07-030 Outside speakers, 132Q-07-040 Distribution of materials, 132Q-07-050 Commercial activities and 132Q-07-060 Trespass, to consolidate general campus conduct rules into one chapter.

New sections WAC 132Q-20-005 Definitions; repealing WAC 132Q-20-020 Definitions; and amending WAC 132Q-20-010 Purpose and jurisdiction for adopting rules, 132Q-20-

040 Permits required for vehicles on campus, 132Q-20-050 Authorization for issuance of permits, 132Q-20-060 Valid permits, 132Q-20-070 Display of permits, 132Q-20-080 Transfer of permits, 132Q-20-090 Permit revocation, 132Q-20-110 Right to appeal permit revocation/refusal, 132Q-20-120 Responsibility of permit holder, 132Q-20-130 Designation of parking spaces, 132Q-20-140 Parking within designated spaces, 132Q-20-150 Parking hours, 132Q-20-170 Regulatory signs and directions, 132Q-20-180 Speed limit, 132Q-20-190 Pedestrians' right of way, 132Q-20-200 Special traffic and parking regulations and restrictions authorized, 132Q-20-210 Two-wheeled motor-bikes or bicycles, 132Q-20-220 Report of accidents, 132Q-20-230 Exceptions from traffic and parking restrictions, 132Q-20-240 Enforcement, 132Q-20-250 Issuance of traffic citations, 132Q-20-260 Fines and penalties for students, 132Q-20-265 Fines and penalties for all district employees, 132Q-20-270 Liability of CCS, 132Q-94-010 Declaration of purpose, 132Q-94-020 Rationale, 132Q-94-030 Students' responsibilities, 132Q-94-130 violations, 132Q-94-150 Prohibition of weapons and other dangerous instrumentalities, 132Q-108-010 Adoption of model rules of practice and procedure, 132Q-108-020 Appointment of presiding officers, 132Q-108-040 Application for adjudicative proceeding and 132Q-108-050 Brief adjudicative procedures, housekeeping changes.

New section WAC 132Q-94-160 Prohibition of open flames in college buildings, new rule to prevent candles and/or any other open flames in campus buildings.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: None.

Summary: To update district rules regulating student conduct, suspension and dismissal procedures, traffic and parking rules, general campus conduct and general safety and health rules.

Reasons Supporting Proposal: To improve district efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Stafford Sherman, 501 North Riverpoint Boulevard, P.O. Box 6000, (509) 434-5060.

Name of Proponent: Community Colleges of Spokane, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes primarily are for housekeeping purposes and district efficiency. Rules repealed are now consolidated in student rights and responsibilities and general campus conduct chapters to create ease of reading and understanding. Various other changes include updating terminology and procedural changes.

Proposal does not change existing rules. The proposal changes do not affect any current rules in substantive manner. Changes are primarily for housekeeping purposes and clarification.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption. Rules are primarily for internal district operation and are not subject to violation by a nongovernment party.

PROPOSED

Hearing Location: 2000 North Greene Street, Spokane, WA 99217, on August 19, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Connie Stafford Sherman by August 8, 2003.

Submit Written Comments to: Connie Stafford Sherman, 501 North Riverpoint Boulevard, P.O. Box 6000, Mail-stop 1002, Spokane, WA 99217-6000, fax (509) 434-5025, by August 8, 2003.

Date of Intended Adoption: August 19, 2003.

June 12, 2003
Connie Stafford Sherman
Vice Chancellor
Systems Administration

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

WSR 03-13-083
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 16, 2003, 12:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-071.

Title of Rule: Possession rules for yelloweye rockfish.

Purpose: To amend rule to prohibit possession of yelloweye rockfish.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Current law prohibits landing of yelloweye rockfish in catch areas 1-4 which is inadequate for proper enforcement of the conservation needs. This amendment will prohibit possession as well in these same catch areas.

Reasons Supporting Proposal: The yelloweye rockfish is overfished and has been afforded special conservation protection rules in the extended economic zone (3-200 miles) by the federal government and in state inside waters by the Fish and Wildlife Commission. The effect of prohibiting landings in the coastal ports prevents the enforcement of the conservation intent while upon the ocean waters.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2826; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule change would allow enforcement of yelloweye conservation intent while upon the waters, not depending upon finding fish aboard a vessel when landing at a Washington coastal port. The results will be to be more efficient at enforcing conservation needs while checking vessels at sea.

Proposal Changes the Following Existing Rules: Amends WAC 220-56-235 to prohibit the possession of yelloweye rockfish in Catch Record Card Areas 1 through 4.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Recreational rule, not a commercial business requirement.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulic rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 21, 2003, TDD (360) 902-2207 or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155 by July 30, 2003.

Date of Intended Adoption: August 1, 2003.

June 16, 2003
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

- (a) Lingcod - 2 fish minimum length 24 inches.
- (b) Rockfish - 10 fish of which no more than 1 may be a canary rockfish. Release all yelloweye rockfish.
- (c) Surfperch (excluding shiner perch) - 15 fish.
- (d) Wolfeel - 0 fish from Catch Record Card Area 4.
- (e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish except	1 fish
May 1 through September 30 in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish, and release canary and yelloweye rockfish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish

WSR 03-13-085
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 16, 2003, 2:29 p.m.]

Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish	1 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(h) It is unlawful to retain canary ((or yelloweye)) rockfish taken from Catch Record Card Areas 5 through 13.

(i) It is unlawful to ((~~land~~) retain yelloweye rockfish taken ((~~for personal use into any port in~~) from Catch Record Card Areas 1((-) through 13. ((~~It is unlawful to land canary rockfish taken for personal use into any port in Catch Record Card Areas 1-13 unless the adjacent waters are open to retention of canary rockfish, and a landing may not exceed the allowable catch from the adjacent waters.~~))

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-046.

Title of Rule: Redescribe Sea Cucumber District 1 boundary and to set daily hours of sea cucumber harvest operation.

Purpose: Redefine sea cucumber district boundary description to correct rule text error and to set daily hours of operation as an alternative to continuing emergency rule text.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Provides for a more precise and enforceable management boundary description in Sea Cucumber District 1 and reduces verbiage needs in emergency rule text by setting daily hours of harvest operation in permanent rule.

Reasons Supporting Proposal: The current boundary description in Sea Cucumber District 1 is vague and unenforceable, this will provide a clear enforceable boundary. Emergency rules that are promulgated to operate this fishery can be reduced in verbiage by capturing the daily harvest operating hours in permanent rule.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2826; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule change would provide an accurate enforceable boundary in Sea Cucumber District 1 and remove discrepancies associated with reporting and fishing activities in the vicinity of the boundary area. The daily hours of harvest operation have been used consistently in emergency rule promulgation - this would reduce the emergency rule verbiage and convert that language to the permanent rule language.

Proposal Changes the Following Existing Rules: Amends WAC 220-52-071 to provide a more accurate boundary description in Sea Cucumber District 1 and to set daily hours of harvest operations into permanent rule.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: None required.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

PROPOSED

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

There are no costs for compliance of these rules.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs anticipated with these rule changes.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The rules will be reviewed through the Fish and Wildlife Commission's public rule development process.

8. A List of Industries That Will Be Required to Comply with the Rule: The sea cucumber dive fishing industry.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulic rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 21, 2003, TDD (360) 902-2207 or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 30, 2003.

Date of Intended Adoption: August 1, 2003.

June 16, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 02-186, filed 8/9/02, effective 9/9/02)

WAC 220-52-071 Sea cucumbers. It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

(1) Sea cucumber districts:

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone

Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(ii) Haro Strait north of a line projected due west from the southernmost point of Cattle ((Pass)) Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(b) Sea Cucumber District 2 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29.

(c) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to shore on Bainbridge Island.

(ii) Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

(d) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(e) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

(2) Sea cucumber areas and seasons:

Sea cucumber areas and seasons will be set by emergency rule.

On days open to sea cucumber harvest, it is unlawful to take sea cucumbers from one-half hour before official sunset to 5:59 a.m. the next morning. Violation of this subsection is punishable under RCW 77.15.550. Violation of commercial fishing area or time—Penalty.

(3) Shellfish diver gear:

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width. Failure to display these numbers is punishable under RCW 77.15.540. Unlawful use of a commercial fishery license.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses. Violation of this subsection is punishable under RCW 77.15.520. Commercial fishing—Unlawful gear or methods—Penalty.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board. Violation of this subsection is punishable under RCW 77.15.550. Violation of commercial fishing area or time—Penalty.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

(4) Trawl gear:

It is unlawful to fish for or possess sea cucumbers taken with trawl gear. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

WSR 03-13-086
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 16, 2003, 2:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-03-125.

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use sturgeon limits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Reduce current annual limit from ten sturgeon to five sturgeon.

Reasons Supporting Proposal: Provide additional recreational fishing opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Phil Anderson, 1111 Washington Street, Olympia, 902-2720; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Most recreational sturgeon fishing occurs below Bonneville Dam. There are two areas managed separately, and the division is at Cathlamet. Approximately 7% of the sturgeon anglers catch more than five fish. By reducing the annual limit to five fish, it is anticipated to achieve two additional fishing days below Cathlamet and ten to fifteen additional fishing days above Cathlamet. This is additional recreational opportunity for the retention fishery.

Proposal Changes the Following Existing Rules: Change sturgeon annual limit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational anglers, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 16, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent with a salmon or gamefish opening unless otherwise provided, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore; and

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ~~((ten))~~ five sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

WSR 03-13-087
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 16, 2003, 4:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-013.

Title of Rule: Commercial shellfish purchase reporting rules.

Purpose: Amend duties of commercial purchasers.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Requires quick reporting by Dungeness crab purchasers.

Reasons Supporting Proposal: Conform Washington and federal nontoxic shot rules.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Puget Sound commercial crab fishing is a highly regulated industry, with strict sharing under *U.S. v. Washington*. The crab fishery is overcapitalized, and subarea quotas can be taken in a shorter time than can be accurately reported through receipt of shellfish receiving tickets from wholesale fish dealers. This rule will require quick reporting of Dungeness crab taken from Puget Sound, and will provide a much higher degree of certainty in crab management.

Proposal Changes the Following Existing Rules: Amend shellfish purchasing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Wholesale dealers purchasing nontreaty crab taken from Puget Sound will have to quick report the purchase of the crab.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Daily telephone call.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

One fax or one telephone call per day. Costs are de minimus.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The department has provided a toll-free telephone number.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The rules will be reviewed through the Fish and Wildlife Commission's public rule development process.

8. A List of Industries That Will Be Required to Comply with the Rule: Wholesale crab purchasers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 427-1757, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 16, 2003

Evan Jacoby
 Rules Coordinator

AMENDATORY SECTION (Amending Order 03-28, filed 2/18/03, effective 3/21/03)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or

frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishers, firms, or individuals, except purchases or receipts made by individuals or consumers at retail, is required to be a licensed wholesale fish dealer or fish buyer, and must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(3) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(4) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial fisher shall complete the appropriate fish receiving ticket if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(c) Private sector cultured aquatic products.

(d) Processed fish or shellfish.

(5) Fishers, fisher-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of bait-

fish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishers, fisher-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(6) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(7) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone 360-466-4345 ext. 243.

(8) It is unlawful for any person receiving or purchasing geoducks from fishers, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(9) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice ((360-796-4601)) 1-866-859-8439, extension ((800)) 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(a) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, shall record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(11) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice ((360-796-4604)) 1-866-859-8439, extension ((800)) 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(12) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Reports must be made to the Point Whitney Shellfish Laboratory by facsimile 360-586-8408 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, and total number of pounds of crab caught by nontreaty fishers by Crustacean Management Region. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(13) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

((13)) (14) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver

to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report a summary of all salmon offered for retail sale on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

((14)) (15) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (fax) transmission to ((360-586-8408)) 360-902-2943 or by toll-free telephone to ((360-796-4604)) 866-207-8223, extension ((500)) 866. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

((15)) (16) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.

WSR 03-13-088
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 16, 2003, 4:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Title of Rule: Recreational hunting rules.

Purpose: Amend nontoxic shot rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The United States Fish and Wildlife Service (USFWS) has approved a new nontoxic shot and determined that a type in use is toxic.

Reasons Supporting Proposal: Conform Washington and federal nontoxic shot rules.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Nontoxic shot reduces waterfowl mortality. Although USFWS approved tin shot, further study has shown this type of shot is toxic. Tin shot is being removed from the approved list, and tungsten-iron-nickel-tin shot is being added. This will provide an additional nontoxic shot while reducing mortality from injected shot.

Proposal Changes the Following Existing Rules: Amend nontoxic shot rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunters, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504, on July 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 21, 2003.

Date of Intended Adoption: July 22, 2003.

June 16, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-157, filed 8/20/01, effective 9/20/01)

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot

for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), (~~tin shot (99.9 percent tin with <1 percent residual lead))~~ tungsten-iron-nickel-tin shot (65% tungsten: 10.4% iron: 2.8% nickel: 21.8% tin, with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

Bridgeport Bar segment of the Well's Wildlife Area
 Cowlitz Wildlife Area

Lake Terrell Wildlife Area (including Tennant Lake and other segments)

Shillapoo Wildlife Area

Skagit Wildlife Area (all segments)

Snoqualmie Wildlife Area (all segments)

Sunnyside Wildlife Area

The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area

Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Chehalis River pheasant release site

Dungeness Recreation Area

Hunter Farms pheasant release site

Raymond Airport pheasant release site

Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge

Whidbey Island Seaplane Base, OLF Coupeville, and Bayview pheasant release sites

WSR 03-13-090

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 16, 2003, 4:30 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending WAC 388-408-0005 Assistance units.

Purpose: Correcting a typographical error by changing the reference listed in subsection (2) from WAC 388-480-0010 to WAC 388-408-0010.

Other Identifying Information: The proposed rule is being filed without prior filing of a CR-101 Preproposal

Statement of Inquiry. A CR-101 notice is not required for rules correcting typographical errors without changing the effect of the rule, see RCW 34.05.310 (4)(d).

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057.

Summary: Correcting typographical error in WAC 388-408-0005(2).

Reasons Supporting Proposal: Correcting the reference in WAC will direct the public to correct information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Clark, ESA-DEAP, 1009 College S.E., Lacey, WA 98504, (360) 413-3084.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: See Purpose, Summary and Reasons Supporting Proposal above.

Purpose and Effect: Correction for clarification.

Proposal Changes the Following Existing Rules: The amendment corrects a typographical error.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to rules that only correct typographical errors without changing the effect of the rule, see RCW 34.05.328 (5)(b)(iv).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 18, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, deliver to 4500 10th Avenue S.E., Lacey, WA, mail to P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., July 22, 2003.

Date of Intended Adoption: No earlier than July 23, 2003.

June 11, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-408-0005 What is a cash assistance unit?

(1) For all sections of this chapter:

(a) "We" means the department of social and health services.

(b) "You" means a person that is applying for or getting benefits from the department.

(c) "Assistance unit" or "AU" is the group of people who live together and whose income or resources we count to decide your eligibility for benefits and the amount of benefits you get.

(2) For GA-U, we decide who is in the AU under WAC ((388-480-0010)) 388-408-0010.

(3) For TANF or SFA, we decide who is in the AU by taking the following steps:

(a) We start with who must be in the AU under WAC 388-408-0015;

(b) We add those you choose to have in the AU under WAC 388-408-0025; and

(c) We remove those who are not allowed in the AU under WAC 388-408-0020.

WSR 03-13-092

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 16, 2003, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-069 and 02-13-042.

Title of Rule: Chapter 388-14A WAC, this filing encompasses two rule-making projects, both of which require changes to the same rule, namely WAC 388-14A-3110. The Division of Child Support (DCS) is enacting rules dealing with finality of administrative orders (see WSR 02-24-069) and rules dealing with legislative changed from the 2002 session, mostly involving changes to the Uniform Parentage Act, which affect support establishment (see WSR 03-13-042).

Amending WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order?, 388-14A-3102 When the parents have signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)), which support establishment notice does the division of child support serve on the noncustodial parent?, WAC 388-14A-3110 When can a support establishment notice become a final order?, 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue, 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity, 388-14A-3131 What happens if neither parent appears for the hearing?, 388-14A-3132 What happens if only one parent appears for the hearing?, 388-14A-3133 What happens when the noncustodial parent and the custodial parent both appear for the hearing?, 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation?, 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement, and 388-14A-3810

Once a child support order is entered how long does the support obligation last?; and new sections WAC 388-14A-6105 What is the difference between an initial order and a final order in a hearing involving the division of child support?, 388-14A-6110 When must an ALJ enter an initial order in a DCS hearing proceeding?, 388-14A-6115 When must an ALJ enter a final order in a DCS hearing proceeding?, 388-14A-6120 What can I do if I do not agree with an initial order or final order entered by an administrative law judge?, and 388-14A-6125 When does an initial order or final order entered by an ALJ become enforceable?

Purpose: (1) DCS is adopting new rules in chapter 388-14A WAC dealing with administrative orders and appeals therefrom, determining when the Office of Administrative Hearings (OAH) issues an initial order, which is subject to review, or a final order, which is not subject to review. Also, minor amendments are proposed to existing rules regarding the finality of orders and other related rules.

(2) DCS is adopting rules to bring the regulations and procedures of the DSHS Division of Child Support into agreement with statutory changes in the 2002 legislative session, namely changes to the Uniform Parentage Act (chapter 302, Laws of 2002) and changes regarding the jurisdiction of DCS (chapter 199, Laws of 2002).

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.056, and 74.20A.310.

Statute Being Implemented: RCW 26.26.315, 26.26.320, 26.26.330, 26.26.335, 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310.

Summary: See Purpose above.

Reasons Supporting Proposal: The proposed amendments and new rules are needed to bring DCS rules into agreement with other DSHS hearing rules and with changes in statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Changes to chapter 388-02 WAC adopted effective November 15, 2002, under WSR 02-20-061 make it necessary for DCS to adopt rules regarding this subject to preserve due process rights of those affected by DCS rules. The Division of Child Support is adopting new rules in chapter 388-14A WAC dealing with administrative orders and appeals therefrom, determining when OAH issues an initial order, which is subject to review, or a final order, which is not subject to review.

(2) DCS is adopting rules to bring the regulations and procedures of the DSHS Division of Child Support (DCS) into agreement with statutory changes in the 2002 legislative session, namely changes to the Uniform Parentage Act (chapter 302, Laws of 2002) and changes regarding the jurisdiction of DCS (chapter 199, Laws of 2002).

Proposal Changes the Following Existing Rules: (1) Except for initial decisions entered from administrative hear-

ings regarding address disclosure, the initial decisions in DCS cases entered by an ALJ will be final orders, not subject to review by the DSHS Board of Appeals, pursuant to changes in chapter 388-02 WAC.

(2) Changes in the Uniform Parentage Act and in the statutes regarding DCS' jurisdiction require changes in the rules regarding administrative establishment of support orders for unmarried parents, and for parties who marry and then separate after the entry of a court order such as a paternity order or decree of dissolution; the defense of wrongful deprivation is extended to nonassistance cases after having been restricted to cases where the child received welfare.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

RCW 34.05.328 does not apply to this rule adoption. Proposed rules amended to be in agreement with chapter 388-02 WAC amend hearing procedures and are "procedural rules" per RCW 34.05.328 (5)(c)(i)(A). These rules do not meet the definition of "significant legislative rules" under RCW 34.05.328.

Proposed rules implementing the Uniform Parentage Act and to clarify the jurisdiction of DCS do meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii), which exempts rules relating concerning liability for care of dependents.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 5, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 1, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, deliver to 4500 10th Avenue S.E., Lacey, WA, mail to P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., August 5, 2003.

Date of Intended Adoption: No earlier than August 6, 2003.

June 13, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

PROPOSED

WSR 03-13-095**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(By the Code Reviser's Office)

[Filed June 17, 2003, 8:44 a.m.]

WAC 388-500-0005, proposed by the Department of Social and Health Services in WSR 02-23-082, appearing in issue 02-24 of the State Register, which was distributed on December 18, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-13-096**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

(By the Code Reviser's Office)

[Filed June 17, 2003, 8:45 a.m.]

WAC 296-817-010, 296-817-01005, 296-817-01010, 296-817-01015, 296-817-01020, 296-817-01025, 296-817-01030, 296-817-01035, 296-817-01040, 296-817-020, 296-817-02005, 296-817-02010, 296-817-02015, 296-817-030, 296-817-03005, 296-817-03010, 296-817-03015, 296-817-03020, 296-817-03025, 296-817-03030, 296-817-03035, 296-817-040, 296-817-04005, 296-817-04010, 296-817-04015, 296-817-04020, 296-817-04025 and 296-817-050, proposed by the Department of Labor and Industries in WSR 02-24-055, appearing in issue 02-24 of the State Register, which was distributed on December 18, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-13-101**PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed June 17, 2003, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-063.

Title of Rule: WAC 415-02-700 Are fallen heroes' survivor benefits nontaxable?

Purpose: The 2003 legislature passed a Fallen Heroes' Survivor Benefit bill (SB 5100, codified in chapter 32, Laws of 2003). This bill provides that pension payments to qualifying beneficiaries of public safety officers killed in the line

of duty would not be subject to federal income tax, as provided in federal law. The Department of Retirement Systems (DRS) is proposing a new WAC to implement the legislation.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: New section in chapter 41.04 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Lucille Christenson, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no affect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 18, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on August 18, 2003.

Date of Intended Adoption: No sooner than the day after the hearing.

June 17, 2003

Merry A. Kogut
Rules Coordinator

TAXES AND FEES**NEW SECTION**

WAC 415-02-700 Are fallen heroes' survivor benefits nontaxable? (1) What is the fallen heroes tax exemption? The department makes survivor benefit annuity payments to qualified survivor beneficiaries of public safety officers killed in the line of duty. All or part of the annuity benefit paid may be nontaxable under applicable federal law¹. **Lump sum payments do not qualify** for nontaxable treatment under this provision of law.

(a) **Who is covered?** Deceased public safety officers who were members of the public employees' retirement system (PERS), the law enforcement officers' and fire fighters'

retirement system (LEOFF), or the Washington state patrol retirement system (WSPRS). If the deceased officer was a member of another plan, please contact the department or your tax advisor to discuss the matter.

(b) What time period is covered?

MEMBER'S DATE OF DEATH	SURVIVOR BENEFIT PAYMENT DATE
On or after January 1, 1997	On or after January 1, 1997
On or before December 31, 1996	On or after January 1, 2002

(2) Can I rely on the department's determination of whether the payments are nontaxable? No.

(a) The department does not guarantee that payments should or should not be designated as exempt from federal income tax.

(b) The department does not guarantee that it was correct in withholding or not withholding taxes from survivor benefit payments to you.

(c) The department does not:

(i) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(ii) Assume any liability for your compliance with the Internal Revenue Code.

(d) You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

(3) How will the department determine whether to withhold or not withhold from your survivor benefit annuity payment for income tax purposes?

(a) If you receive survivor benefit annuity payments because of the death of a public safety officer killed in the line of duty, and you are the public safety officer's spouse, ex-spouse, or child, the department will not withhold taxes on the portion of your survivor benefit payments attributable to the officer's service as a public safety officer.

(b) The department will compare the service credits associated with the member's employment as a public safety officer to the member's overall service credit to determine the portion of the survivor benefit payment that qualifies.

(c) **Examples:** In the following examples, assume that the plan administrator has determined that the death of the member qualifies under the fallen heroes tax exemption provision. Assume that the monthly survivor benefit payable is \$2000.

Example 1. Joe was employed as a law enforcement officer. He spent his entire career in law enforcement from July 1, 1976, until his death on June 10, 2003 (324 months).

Total service credit = 324 months

Service credit as public safety officer = 324 months

$324 / 324 = 1.0$

$1.0 \times \$2,000 = \$2,000$

\$2,000 is not subject to withholding

Example 2. Brian was employed as a research analyst for a state agency from July 1, 1976, to May 30, 1995 (227

months service credit). He was employed in a public safety officer position for another state agency from June 1, 1995, until his death on June 10, 2003 (97 months service credit).

Total service credit = 324 months

Service credit as public safety officer = 97 months

$97 / 324 = .299383$

$.299383 \times \$2,000 = \598.77

\$598.77 is not subject to withholding

Example 3. Susan was hired on July 1, 1976, as a research analyst for a state agency. She terminated that employment on May 30, 1995 (227 months service credit). Susan was hired into a public safety officer position on June 1, 2003, for another state agency. She died on June 4, 2003.

Total service credit = 227.25 months

Service credit as public safety officer = .25 months

$.25 / 227.25 = .001100$

$.001100 \times \$2,000 = \2.20

\$2.20 is not subject to withholding

(d) **What are the exceptions?** Subsection (3)(a) of this section shall not apply with respect to the death of any public safety officer if:

(i) The death was caused by the intentional misconduct of the officer or by the officer's intention to bring about his or her own death;

(ii) The officer was voluntarily intoxicated at the time of death;

(iii) The officer was performing his or her duties in a grossly negligent manner at the time of death; or

(iv) The payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

(4) Who will decide whether to withhold money for income tax from your survivor benefit payments?

(a) The plan administrator will make the decision.

(b) If you disagree with the plan administrator's decision, you may petition for review under chapter 415-04 WAC.

(5) What types of evidence will the department use in making the decision regarding whether to withhold taxes from the survivor payments?

(a) Cause of death stated on the certified death certificate;

(b) Facts surrounding the public safety officer's death;

(c) The deceased public safety officer's job description;

(d) The deceased's membership records;

(e) Materials that the survivor submits for consideration; and

(f) Any other relevant evidence.

(6) Examples:

(a) **Police officer:** Charles is a police officer who works for a police department in a large Washington city. He receives a call to report to duty because a riot has started downtown. Charles drives to the riot scene and is killed getting out of his car from a bullet fired by a rioter. The department will not withhold taxes on survivor benefit payments.

(b) **Fire fighter:** Elaine is a fire fighter who attends a barbecue party on the Fourth of July. During the party, the barbecue falls over and the garage catches on fire. Elaine grabs a hose and puts out the fire, but dies from smoke inhalation in the process. The department would review the evi-

PROPOSED

dence and circumstances to determine whether Elaine would be considered to be "on duty" at the time of her death. If Elaine was not on duty, the department will withhold taxes on survivor benefit payments.

(c) **Park ranger:** Bobbi is a park ranger employed by the state parks and recreation commission. Her job duties include administration, development, maintenance, and visitor services, in addition to law enforcement, within a state park or park area. She is required to have knowledge of fire prevention and suppression methods and equipment. Although Bobbi is commissioned to enforce laws, her principal job functions do not include criminal law enforcement or crime control. The department would withhold taxes on payments to her survivors unless Bobbi was actually engaged in crime control, enforcement of criminal law, or fire suppression at the time of her death.

(7) **Definitions used;² these definitions apply to this WAC section ONLY.**

(a) **Chaplain** - any individual serving as an officially recognized or designated member of a legally organized fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency.

(b) **Child** - any natural, illegitimate, adopted, (b) posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is:

(i) Eighteen years of age or under;

(ii) Over eighteen years of age and a student as defined in Section 8101 of Title 5, United States Code; or

(iii) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(c) **Fire fighter** - an individual serving as an officially recognized or designated member of a legally organized fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew.

(d) **Intoxication** - a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by:

(i) A postmortem blood alcohol level of .20 per centum or greater;

(ii) A postmortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death; or

(iii) Resulting from drugs or other substances in the body.

(e) **Law enforcement officer** - an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.

(f) **Line of duty** means:

(i) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer

is compensated, by the public agency he or she serves. For other officers, "line of duty" means any action the officer is so obligated or authorized to perform in the course of controlling or reducing crime, enforcing the criminal law, or suppressing fires; and

(ii) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(g) **Public agency** - any unit of government that meets the definition of "employer" in any retirement plan that the department administers.

(h) **Public safety officer:**

(i) Regardless of full-time or part-time status, an individual serving a public agency in an official capacity as a law enforcement officer, fire fighter, chaplain, or member of a rescue squad or ambulance crew; or

(ii) An individual who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties:

(A) Are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(B) Are determined by the head of the agency to be hazardous duties.

(i) **Rescue** - the provision of first response emergency medical treatment, transportation of persons in medical distress and under emergency conditions to medical care facilities, or search and rescue assistance in locating and extracting from danger persons lost, missing, or in imminent danger of bodily harm.

Footnotes to section:

¹ The "Omnibus Crime Control and Safe Streets Act of 1968," Act June 19, 1969, P.L. 90-351, which appears generally as 42 USCS §§ 3701 et seq., including Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.

² These definitions duplicate, as closely as possible, those in 42 USCS § 3796b (2003), the applicable federal definition section. Provisions not applicable to any plans administered by the department have been deleted.

WSR 03-13-103
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 17, 2003, 1:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-05-093.

Title of Rule: School district maintenance and operation levy authority and eligibility for local effort assistance (LEA).

Purpose: To update rules regarding the inclusion and exclusion of revenues in the local levy base used for state local effort assistance.

Other Identifying Information: Chapter 392-139 WAC, Finance levies.

Statutory Authority for Adoption: RCW 84.52.0531(9) and 28A.150.290.

Statute Being Implemented: None.

Summary: 1. Rules are updated to reflect changes in state and federal revenues in the levy base.

2. Changes are proposed to prevent monies received by a school district as fiscal agent from substantially increasing a district's LEA eligibility and reducing LEA eligibility for other districts.

Name of Agency Personnel Responsible for Drafting and Implementation: Calvin W. Brodie, Office of Superintendent of Public Instruction, (360) 725-6300; and Enforcement: Michael L. Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules govern what revenues may be included in the school district levy base used to calculate the state local effort assistance. The proposed revisions would affect this base as follows:

1. Revise the source of the direct funded revenue amounts used in the levy base from the latest budgeted amounts to the last actual amounts.

2. Prevent distortions of LEA eligibility due to monies received as a fiscal agent.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impacts have been identified.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, P.O. Box 47200, Room 152, Olympia, WA 98504-7200, on July 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ben Gravely by July 12, 2003, TDD (360) 664-3631 or (360) 725-6133.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by July 21, 2003.

Date of Intended Adoption: July 23, 2003.

June 12, 2003

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 02-17-113, filed 8/21/02, effective 9/21/02)

WAC 392-139-008 Effective date. This chapter applies to levy authority and local effort assistance calculations for the ~~((2003))~~ 2005 calendar year and thereafter. Levy authority and local effort assistance calculations for prior calendar

years are governed by rules in effect as of January 1 of the calendar year.

AMENDATORY SECTION (Amending WSR 02-17-113, filed 8/21/02, effective 9/21/02)

WAC 392-139-310 Determination of excess levy base.

The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations ~~((for))~~ from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education; and

6124 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

4166 Student achievement;

~~((6151 Remediation through 2001-02 school year;))~~

6151 Disadvantaged ~~((2002-03 school year and thereafter))~~);

6153 Migrant;

6164 Limited English proficiency ~~((2002-03 school year and thereafter))~~);

6264 Bilingual (direct);

6267 Indian education - JOM;

6268 Indian education - ED; and

6367 Indian education - JOM.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

~~((4175 Local education program enhancement (through 2001-02 school year;))~~

4175 Flexible education ~~((2002-03 school year and thereafter))~~); and

6176 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6121 Special education - Medicaid reimbursement;
 6138 Secondary vocational education;
 6146 Skills center;
 6152 School improvement (~~(((2002-03 school year and thereafter)))~~);
 6154 Reading first (~~(((2002-03 school year and thereafter)))~~);
 6177 Eisenhower professional development;
 6200 Direct special purpose grants; and
 6300 Federal grants through other agencies - unassigned;
 and
 6310 Medicaid administrative match (~~(((2002-03 school year and thereafter)))~~).

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington, (~~revised 2001, except those identified for the 2002-03 school year and thereafter, which are from the accounting manual~~) revised 2002.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Special education;
 4155 Learning assistance;
 4165 Transitional bilingual;
 4166 Student achievement;
 4174 Highly capable;
 (~~4175 Local education program enhancement (through 2001-02 school year);~~)
 4175 Flexible education (2002-03 school year and thereafter);
 4198 School food services (state);
 4199 Transportation - operations;
 4499 Transportation - depreciation;
 6121 Special education - Medicaid reimbursements;
 6124 Special education - supplemental;
 6138 Secondary vocational education;
 6146 Skills center;
 (~~6151 Remediation (through 2001-02 school year);~~)
 6151 Disadvantaged (~~(((2002-03 school year and thereafter)))~~);
 6152 School improvement (~~(((2002-03 school year and thereafter)))~~);
 6153 Migrant;
 6154 Reading first (~~(((2002-03 school year and thereafter)))~~);
 6164 Limited English proficiency (~~(((2002-03 school year and thereafter)))~~);
 6176 Targeted assistance;
 6177 Eisenhower professional development; and
 6198 School food services (federal).

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

5200 General purpose direct federal grants - unassigned;
 6100 Special purpose - OSPI - unassigned;
 6200 Direct special purpose grants;
 6264 Bilingual (direct);
 6267 Indian education - JOM;
 6268 Indian education - ED;
 6300 Federal grants through other agencies - unassigned;
 6310 Medicaid administrative match (~~(((2002-03 school year and thereafter)))~~);
 6367 Indian education - JOM; and
 6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

~~(((6)))~~ (7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

NEW SECTION

WAC 392-139-345 Definition—F-196. As used in this chapter, "F-196" means the annual school district financial reports filed by the school district with OSPI pursuant to WAC 392-117-035. This document includes the total amounts of revenue recorded from federal sources for the closed school year. These federal revenues reported on the school district's F-196 for the school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on the Report 1197. The accounts included in the levy base and reported on the F-196 are listed in WAC 392-139-310 (4)(b).

NEW SECTION

WAC 392-139-350 Definition—Revenues in the levy base received as a fiscal agent. (1) As used in this chapter, "revenues in the levy base received as a fiscal agent" means revenues included in a district's levy base pursuant to WAC 392-139-310 that are:

(a) Received by the district as an administrator for a consortium or cooperative for the benefit of students enrolled in other school districts;

(b) Passed through to another entity for the benefit of students not enrolled in the school district or persons not employed by the school district; or

(c) Directly expended by the district for the benefit of students not enrolled in the school district or persons not employed by the school district.

(2) For the purposes of this chapter, "revenues in the levy base received as a fiscal agent" do not include:

(a) Revenues received for the operation of an interdistrict cooperation program authorized pursuant to RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, if levy authority is transferred pursuant to WAC 392-139-330 or 392-139-901; or

(b) Revenues received by a high school district for serving students from a nonhigh school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC for which levy authority is transferred pursuant to WAC 392-139-340.

WSR 03-13-108

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 03-02—Filed June 17, 2003, 3:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-03-019.

Title of Rule: Chapter 173-26 WAC, State master program approval/amendment procedures and shoreline master program guidelines.

Purpose: New Shoreline Management Act (SMA) guidelines for development/amendment of master programs, to implement statutory requirements to update the guidelines consistent with SMA policy, replacing Parts 3 and 4 of chapter 173-26 WAC which were invalidated after administrative review. Among other things, these rules establish planning and regulatory definitions and standards for future shoreline development and uses, requirements for protection and restoration of shoreline ecological functions, guidance on the limitations of regulatory authority and guidance on shorelines and Growth Management Act integration. The following sections of chapter 173-26 WAC will be repealed and replaced with new rule language: WAC 173-26-170 through 173-26-350. Existing Part V Ocean Management is proposed to remain unchanged, but relabeled as Part IV of chapter 173-26 WAC.

Statutory Authority for Adoption: Chapter 90.58 RCW and specifically RCW 90.58.060.

Statute Being Implemented: Chapter 90.58 RCW and specifically RCW 90.58.020, [90.58].050, and [90.58].060.

Summary: The proposed rule provides updated guidance for local governments and the department in developing and amending local shoreline master program policies and regulations. The local government shoreline master programs, the SMA, and these guidelines identify requirements and strategies for regulation of development, uses and activi-

ties in shoreline areas throughout the state, implementing the policies and requirements of the SMA.

Reasons Supporting Proposal: The 1995 legislature directed ecology to periodically review and adopt new guidelines consistent with SMA policy and integrate shorelines and growth management plans and development regulations. Updated guidelines will provide direction to local governments, the state and its citizenry in implementing the SMA. The shoreline guidelines have not been comprehensively updated since original adoption over thirty years ago. New guidelines are needed to recognize: Advancements in science regarding how shorelines should be managed, changes in law, the character of shoreline development and innovations in shorelines and growth management practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter Skowlund, Ecology Headquarters, Lacey, (360) 407-6522.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed new guidelines are being developed to recognize changes in shoreline management law, science and land use practice. The new guidelines will be implemented as local governments update their local shoreline master programs to comply with deadlines established in statute adopted by the 2003 legislature. Updated shoreline master programs will provide updated standards for public and private construction and location of structures, uses and activities in shoreline areas, including dredging, drilling, dumping, filling, removal of minerals, removal/restoration of vegetation, bulkheading and related shoreline stabilization devices, driving of pilings, placing of obstructions or any project which interferes with the normal public use of the surface waters of the state. The new guidelines will apply to water areas, associated wetlands and adjacent uplands that are subject to the Shoreline Management Act.

Proposal Changes the Following Existing Rules: Yes, the proposal will change existing rules. It is proposed to repeal the existing Parts III and IV of chapter 173-26 WAC (which were declared invalid in part by the Shorelines Hearings Board) and to replace them with new rule language proposed by the department. Existing Part V, Ocean Management, is also proposed to be relocated (to be labeled as Part IV), unchanged.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

A copy of the statement may be obtained by writing to Shorelines SBEIS Request, P.O. Box 47600, Olympia, WA 98504-7600, e-mail shorelineguidelines@ecy.wa.gov, fax (360) 407-6902.

RCW 34.05.328 applies to this rule adoption. A draft cost benefit analysis is available for review and comment. A

PROPOSED

copy of the draft document may be obtained by writing to Shorelines CBA Request, P.O. Box 47600, Olympia, WA 98504-7600, e-mail shorelineguidelines@ecy.wa.gov, fax (360) 407-6902.

Hearing Location: Seattle Center, Shaw Room, 305 Harrison Street, Seattle, WA 98109, on Tuesday, August 5; at the Public Utility District of Cowlitz County, Auditorium, 961 12th Avenue, Longview, WA 98632, on Wednesday, August 6; at the Washington State University, Phase I Classroom, 668 North River Point, Spokane, WA 99202, on Tuesday, August 12; and at the Chelan County Public Utility District No. 1, 327 North Wenatchee Avenue, Wenatchee, WA 98801, on Wednesday, August 13.

All locations: Open House at 5:30 p.m.; and public hearing at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Debi Irwin by July 28, 2003, (360) 407-7291, 711 (TTY) or 1-800-833-8973 (TTY).

Submit Written Comments to: Shoreline Guidelines Comments, P.O. Box 47600, Olympia, WA 98504-7600, e-mail shorelineguidelines@ecy.wa.gov, fax (360) 407-6902, by 5:00 p.m., September 15, 2003.

Date of Intended Adoption: December 1, 2003.

June 16, 2003

Tom Fitzsimmons
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

WSR 03-13-115
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: Amend WAC 232-16-600 North Potholes Game Reserve, 232-16-660 Frenchmen Hills Wasteway Game Reserve, 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures; adopting WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations; and repealing WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-16-600 and 232-16-660, the amendment clarifies language in the existing WAC to update boundaries to current map designations and landmarks, while maintaining reserve boundaries similar to past descriptions.

WAC 232-16-740, the amendment would open approximately ten river miles of uplands along the Columbia River near the Umatilla National Wildlife Refuge to waterfowl hunting, and open approximately thirty river miles of the Snake River and associated uplands on Ice Harbor Pool (Lake Sacajawea) to waterfowl hunting. Low numbers of

waterfowl currently use these closure areas. The amendment is intended to provide additional limited waterfowl hunting opportunity without affecting current regional waterfowl distribution on the Columbia and Snake rivers.

WAC 232-28-427, this WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl for the 2003-04 hunting season.

WAC 232-28-426, this proposed action repeals an obsolete WAC.

Reasons Supporting Proposal: WAC 232-16-600 and 232-16-660, outdated boundary descriptions in the current WAC make enforcement of this rule more difficult.

WAC 232-16-740, low numbers of waterfowl currently use these closure areas. The amendment is intended to provide additional limited waterfowl hunting opportunity without affecting current regional waterfowl distribution on the Columbia and Snake rivers.

WAC 232-28-427, waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters.

WAC 232-28-426, avoid contradictions with existing regulations and meet intent of current WAC.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-16-600 and 232-16-660, the amendment clarifies language in the existing WAC to update boundaries to current map designations and landmarks, while maintaining reserve boundaries similar to past descriptions. Outdated boundary descriptions in the current WAC make enforcement of this rule more difficult.

WAC 232-16-740, low numbers of waterfowl currently use these closure areas. The amendment is intended to provide additional limited waterfowl hunting opportunity without affecting current regional waterfowl distribution on the Columbia and Snake rivers.

WAC 232-28-427, the rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

WAC 232-28-426, this proposed action repeals an outdated WAC and eliminates contradictions with current WAC.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 141, filed 8/31/79)

WAC 232-16-600 North Potholes Game Reserve.

Those lands in Grant County within the following described boundary: In T19N, (~~R27 EWM~~) R27E WM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.

In T18N, (~~R27 EWM~~) R27E WM; all of Section 4, except the N.W. 1/4 and the N.W. 1/4 N.E. 1/4(,); all of Section 3; (~~and~~) that part of Section 10 north of the Job Corps Dike Rd; (, and) that part of Section 9 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the fence on the northern section line of Section 16 near Job Corps Dike Road; (, The east half of the N.E. 1/4 of Section 16. And that part of Section 15 lying north of a line starting from the north-east corner and running southwesterly to the midpoint of the west section line of said section.) those portions of sections 15 and 16 north of the above mentioned fence to the west end of the Job Corps Dike; and that part of Section 15 north of the Job Corps Dike Road.

AMENDATORY SECTION (Amending Order 217, filed 9/1/83)

WAC 232-16-660 Frenchmen Hills Wasteway Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T17N, R27E, the north 1/2, ((of) and the north 1/2 of south 1/2 of Section 17. ((640)) 480 acres.

AMENDATORY SECTION (Amending Order 97-163, filed 8/25/97, effective 9/25/97)

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its con-

fluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River (~~and those lands lying within one-quarter mile of the Columbia River~~) and its islands between the mouth of Glade Creek (river channel marker 57) and the old town site of (~~Patterson~~) Paterson (river channel marker 67), except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to (~~Lower Monumental Dam~~) Navigation Marker #5 near Levey Park (Ice Harbor Pool) and a point perpendicular in Walla Walla County.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

NEW SECTION

WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations

DUCKS

Statewide

Oct. 11-15, 2003 and Oct. 18, 2003 - Jan. 25, 2004.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 20-21, 2003.

Daily bag limit: 7 ducks, to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks, to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 1 harlequin, 8 scoters, and 8 oldsquaws.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.
Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.
Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 20-21, 2003, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.
Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 11, 2003 - Jan. 4, 2004 for snow, Ross', or blue geese.
Oct. 11-23, 2003 and Nov. 1, 2003 - Jan. 25, 2004 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.
Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GESE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2002-03 authorization and returned the harvest report prior to the deadline will be mailed a 2003-04 authorization in early October. Hunters who did not possess a 2002-03 authorization or hunters who do not have a WILD ID number must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2003-04 authorization before the season starts. No applications will be accepted after October 31, 2003. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2004, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2004-05 snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas of Area 2A except Ridgefield NWR on the following days from 8:00 a.m. to 4:00 p.m.: Tuesdays, Thursdays, and Saturdays only, Dec. 9, 2003 - Jan. 24, 2004, except closed Dec. 25, 2003 and Jan. 1, 2004. Ridgefield NWR open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Mondays, and Wednesdays only, Dec. 13, 2003 - Jan. 24, 2004.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays and Wednesdays only, Nov. 15, 2003 - Jan. 4, 2004.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2002-03 written authorization will be mailed a 2003-04 authorization card prior to the 2003-04 season. New hunters, hunters who do not have a WILD ID number, and those who did not maintain a valid 2002-03 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information

required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Special Late Canada Goose Season for Goose Management Areas 2A and 2B

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2003-04 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Areas 2A and 2B on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, Jan. 31 - Mar. 10, 2004.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Areas 2A and 2B.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 11-23, 2003 and Nov. 1, 2003 - Jan. 25, 2004

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 11-13, 2003, and Saturdays, Sundays, and Wednesdays only during Oct. 18, 2003 - Jan. 18, 2004; Nov. 11, 27, and 28, 2003; Dec. 25, 2003; Jan. 1, 2004; and every day Jan. 19-25, 2004.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 11-13, 2003, every day from Oct. 18, 2003 - Jan. 25, 2004.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 22, 23, 25, 27, and 28, 2003.

Jan. 17, 18, 21, 24, and 25, 2004.

If the 2003-04 pre-season wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2004 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2002-03 authorization and reported harvest prior to the deadline will be mailed a 2003-04 authorization in November. Hunters who did not possess a 2002-03 authorization or hunters who do not have a WILD ID number must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2003-04 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2004, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2004-05 brant season.

Bag limits for Skagit and Pacific counties:

PROPOSED

Daily bag limit: 2 brant.
Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS**DUCKS, COOTS, AND SNIPE (Falconry)**

(Bag limits include geese and mourning doves.)

Oct. 11-15, 2003 and Oct. 18, 2003 - Jan. 25, 2004, statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 11, 2003 - Jan. 4, 2004.

Goose Management Area 2A: Dec. 9, 2003 - Jan. 24, 2004 and Jan. 31 - Mar. 10, 2004.

Goose Management Area 2B: Nov. 15, 2003 - Jan. 4, 2004 and Jan. 31 - Mar. 10, 2004.

Goose Management Areas 3, 4, and 5: Oct. 11-13, 2003, and Nov. 1, 2003 - Jan. 25, 2004.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-426	2002-03 Migratory waterfowl seasons and regulations
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**WSR 03-13-116
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed June 18, 2003, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: To amend WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game season.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: This amendment will correct the season dates for youth turkey season and changes the opening date for Eastern Washington pheasant season so it opens the weekend after the general deer season opener.

Reasons Supporting Proposal: The original intent of the proposal was to open youth turkey season the weekend prior to the beginning of the regular season. The dates in the existing WAC language do not meet this intent.

In April 2003, the Eastern Washington pheasant season was changed to begin on the 3rd weekend in October to minimize impacts to landowners still harvesting crops, to allow pheasants to mature, and to begin pheasant season after the opening weekend of deer season. During the floor change, it was not noted that deer season opens the 3rd weekend in October in 2004 and 2005.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amends the current language so youth turkey season is held during the weekend prior to the general turkey season and also changes Eastern Washington pheasant season so it opens on the weekend following the beginning of general deer season. These amendments are needed to meet the intent of the proposals made in April 2003. These amendments will result in youth turkey season taking place on the weekend prior to the general season and Eastern Washington pheasant season beginning one week later in October during 2004 and 2005 (October 23, 2004, and October 22, 2005).

Proposal Changes the Following Existing Rules: The proposed rule amends the current language so youth turkey season is held during the weekend prior to the general turkey season and also changes Eastern Washington pheasant season so it opens on the weekend following the beginning of general deer season. These amendments are needed to meet the intent of the proposals made in April 2003. These amendments will result in youth turkey season taking place on the weekend prior to the general season and Eastern Washington pheasant season beginning one week later in October during 2004 and 2005 (October 23, 2004, and October 22, 2005).

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 03-13 [03-129], filed 6/12/03, effective 7/13/03)

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005;
Sept. 6, 2005 - Mar. 15, 2006

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005;
Sept. 6, 2005 - Mar. 15, 2006.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005;
Sept. 6, 2005 - Mar. 15, 2006.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004;
Sept. 1 - Dec. 31, 2005

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004;
Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003, Oct. ((46)) 23 -
Dec. 31, 2004; Oct. ((45)) 22 - Dec. 31, 2005.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004;
Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 -
Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004;
Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 -
Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004;
Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 -
Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

WESTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004, Dec. 1-15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select

the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April (~~(13-14)~~) 10-11, 2004; April (~~(12-13)~~) 9-10, 2005; April (~~(11-12)~~) 8-9, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either Sex.

Permit Only - GMUs 101, 105, 108, 111, 113, 117, 121, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005

Permit Area	Number of Permits
GMU 101	200
GMU 105	100
GMU 108	200
GMU 111	100
GMU 113	100
GMU 117	400
GMU 121	800
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

PROPOSED

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time.

Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006

FALCONRY SEASONS**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.
Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006

MOURNING DOVE - FALCONRY

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 03-13-117
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: To amend WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The goals of the GMU boundary standardization and mapping process were to:

1. Establish GMU boundaries that conform to map-based features, which are clearly identifiable in the field (roads, shorelines, streams, power lines, etc.).
2. Adopt and conform to a single base map to use for defining and adopting GMU boundaries.
3. Improve the accuracy of WDFW's GIS layer for GMU boundaries.
4. Improve the consistency and decrease the complexity of GMU legal descriptions.

The DNR major public lands (MPL) 1:100,000 scale map series was selected as the standard base map for GMU

boundary delineation. The public, professional mapmakers, and staff scrutinized the legal language passed in February. Several minor errors were found that should be addressed.

Reasons Supporting Proposal: Corrects errors from the GMU standardization process. Provides recreational deer, elk, bear, and moose hunting opportunity. Directs hunting pressure for those species to the appropriate areas. Helps prevent overharvest of those species.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and **Enforcement:** Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC delineates GMU boundaries. The proposed language will clarify and simplify boundary descriptions of GMUs.

Proposal Changes the Following Existing Rules: The proposed language will clarify and simplify boundary descriptions of GMUs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties): Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to SR

21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd (Okanogan County Rd 9495) at the town of Wauconda; NE on the Toroda Creek Rd (Okanogan County Rd 9495 and Ferry County Rd 502) to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

GMU 105-KELLYHILL (Stevens County):

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt (Columbia River) to the US Hwy 395 bridge; W on US Hwy 395 over the bridge to the western shore of Lake Roosevelt; N on the western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

GMU 108-DOUGLAS (Stevens County):

Beginning at the junction of US Hwy 395 and SR 20 in the town of Colville; NW on US Hwy 395 (SR 20) to the bridge over Lake Roosevelt; N up the southeastern shore of Lake Roosevelt and Columbia River to the SR 25 bridge over the Columbia River at the town of Northport; S on SR 25 to Aladdin Rd in the town of Northport; SW on the Aladdin Rd to SR 20, E of the town of Colville; W on SR 20 to Hwy 395 at the town of Colville and point of beginning.

GMU 111-ALADDIN (Stevens and Pend Oreille counties):

Beginning at the junction of the Aladdin Rd and SR 20 on the east side of Colville; N on Aladdin Rd to SR 25 at the town of Northport; N on SR 25 to the bridge over the Columbia River; NE along the southeastern shoreline of the Columbia River to the US-Canadian border; E along the US-Canadian border to the Pend Oreille River; S along the western shoreline of the Pend Oreille River to Tiger East Rd, which is due east of the town of Tiger; W on the Tiger East Rd to SR 20 at the town of Tiger; W and S on SR 20 to the junction with the Aladdin Rd, E of the town of Colville and point of beginning.

GMU 113-SELKIRK (Pend Oreille County):

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

GMU 117-49 DEGREES NORTH (Stevens and Pend Oreille counties):

Beginning at junction of SR 20 and US Hwy 395 at the town of Colville; E on SR 20 to Tiger East Rd at the town of Tiger; E on Tiger East Rd to western shore of the Pend Oreille River; S along the southwestern shore of the Pend Oreille River to the Washington-Idaho state line; S along the Washington-Idaho state line to US Hwy 2 in the town of Newport;

SW and S on US Hwy 2 to the Deer Park-Milan Rd; W on the Deer Park-Milan Rd to US Hwy 395 at the town of Deer Park; NW on US Hwy 395 to its junction with SR 20 at the town of Colville and the point of the beginning.

GMU 121-HUCKLEBERRY (Stevens County):

Beginning at the US Hwy 395 bridge over Lake Roosevelt (Columbia River) northwest of the town of Kettle Falls; SE on US Hwy 395 through Colville and Chewelah to SR 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the northeast corner of the Spokane Indian reservation; W on the northern boundary of the Spokane Indian reservation to the ~~western~~ eastern boundary of the Colville Indian reservation on the Ferry-~~(Okanogan)~~ Stevens county line on Lake Roosevelt; N along the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake Roosevelt; N along western shore of Lake Roosevelt to the US Hwy 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):

Beginning at the junction of SR 231 and SR 292 at the town of Springdale; E on SR 292 to US Hwy 395 at Loon Lake; SE on US Hwy 395 to the Deer Park-Milan Rd; E on the Deer Park-Milan Rd to US Hwy 2; N and NE on US Hwy 2 to the Washington-Idaho state line at the town of Newport; S on the Washington-Idaho state line to the Spokane River; W and NW down the north shore of Spokane River to Spokane Indian reservation boundary (Chamokane Creek) north along the eastern boundary of the Spokane Indian reservation boundary (Chamokane Creek) to the northeastern corner of the Spokane Indian reservation; E from the northeastern corner of the Spokane Indian reservation to SR 231; N on SR 231 to SR 292 at the town of Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County):

Beginning at the mouth of Latah Creek (Hangman Creek) on the Spokane River; E up the south shore of the Spokane River to the Maple Street Bridge; N across the Maple Street Bridge to the north shore of the Spokane River; E on the north shore of the Spokane River to the Washington-Idaho state line; south on the Washington-Idaho state line to SR 274 at the town of Willard; SW on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to US Route 195; N on US Route 195 to I-90; E on I-90 to Latah Creek (Hangman Creek); N down Latah Creek (Hangman Creek) to the Spokane River and the point of the beginning.

GMU 130-CHENEY (Spokane and Lincoln counties):

Beginning on the Spokane River and SR 231; E up the north shore of the Spokane River to the Maple Street Bridge; S on the Maple Street Bridge to the south shore of the Spokane River; W on the south shore of the Spokane River to Latah Creek (Hangman Creek) in Spokane; S up Latah Creek (Hangman Creek) to I-90; W on I-90 to US Hwy 195; S on US Hwy 195 to Rosalia exit and south to Gashouse Rd in the

town of Rosalia; W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; NW along SR 23 to SR 231; N on SR 231 to US Hwy 2; E on US Hwy 2 to SR 231 at the town of Reardan; N along State Hwy 231 to the Spokane River and to the point of beginning.

GMU 133-ROOSEVELT (Lincoln County):

Beginning at the west end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to SR 231; S on SR 231 to US Hwy 2 at the town of Reardan; W on US Hwy 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the west end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at SR 174 and Rd W N.E. (Grand Coulee Hill Rd); SE on SR 174 to US Hwy 2 at the town of Wilbur; E on US Hwy 2 to SR 231; S on SR 231 to SR 23; S on SR 23 to I-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 N.E.; W on Rd 12 N.E. to Rd W N.E.; N on Rd W N.E. to Rd X N.E. at the town of Marlin; N on Rd X N.E. to Kiner Rd (Lincoln County Rd 9115); NE, E, N, E, and N on Kiner Rd (Lincoln County Rd 9115) to US Hwy 2, east of the town of Almira; SW on US Hwy 2 to Maxwell Rd; W on Maxwell Rd to Old Coulee Rd at the town of Almira; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to Rd ((X N.E.; N on Rd X N.E. to Rd 52 N.E.)) 51; E on Rd ((52)) 51 N.E. to Rd W N.E.; N on Rd W N.E. to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

GMU 139-STEPTOE (Lincoln, Whitman, and Spokane counties):

Beginning at the Washington-Idaho state line and SR 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to the town of Rosalia; from Rosalia, W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; N on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River to SR 26; E along SR 26 to US Hwy 195 at the town of Colfax; S on

US Hwy 195 to SR 270; E on SR 270 to Washington-Idaho state line; north on the Washington-Idaho state line to SR 274 at the town of Willard and the point of the beginning.

GMU 142-ALMOTA (Whitman County):

Beginning at US Hwy 195 and SR 26 at the town of Colfax; SE on US Hwy 195 to SR 270; E on SR 270, through the town of Pullman to the Washington-Idaho state line near Moscow, Idaho; S along the Washington-Idaho state line to the Snake River (Asotin-Whitman county line), north of the town of Clarkston; W along the Snake River (Asotin-Whitman, Garfield-Whitman, and Columbia-Whitman county line) to the mouth of the Palouse River (Franklin-Whitman county line); N and E up the Palouse River (Franklin-Whitman county line) to SR 26, west of the town of Gordon; E on SR 26 (Washtucna-Lacrosse Hwy) to US Hwy 195 at the town of Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties):

Beginning at the SR 127 bridge crossing the Snake River (Whitman-Garfield county line) at Central Ferry; E along the Snake River (Whitman-Asotin and Whitman-Garfield county lines) to the mouth of Alpowa Creek; S up Alpowa Creek to the US Hwy 12 bridge; W on US Hwy 12 to SR 127; N on SR 127 (Central Ferry Hwy) to the bridge crossing the Snake River (Garfield-Whitman county line) at Central Ferry and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties):

Beginning on the Columbia River at the mouth of the Snake River (Benton-Franklin-Walla Walla county line); NE and E along the Snake River (Franklin-Walla Walla, Whitman-Columbia, and Whitman-Garfield county lines) to SR 127 bridge at Central Ferry; S on SR 127 (Central Ferry Hwy) to US Hwy 12 at Dodge Junction; SW on US Hwy 12, through the towns of Dayton and Waitsburg, to SR 125 at the town of Walla Walla; S on SR 125 to the Washington-Oregon state line; W on the Washington-Oregon state line to the Columbia River (Benton-Walla Walla county line); N along the Columbia River (Benton-Walla Walla county line) to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties):

Beginning on US Hwy 12 at the town of Waitsburg; NE on US Hwy 12 to Hogeys Rd at Long Station; E on Hogeys Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); SW on US Forest Service Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 125; N on SR 125 to US Hwy 12; NE on US Hwy 12 to the town of Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):

Beginning at US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail) at the Washington-Oregon state line; NE and E on US Forest Service Trail 3211 to US Forest Service Rd 64; S on the US Forest Service Rd 64 to the Washington-Oregon state line; W on the Washington-Oregon state line to US Forest Service Trail 3211 and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties):

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); S and W on to US Forest Service Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to US Forest Service Rd 46 (Skyline Drive Rd); S on US Forest Service Rd 46 to US Forest Service Rd 64; S on US Forest Service Rd 64 to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); W on US Forest Service Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Hogeeye Rd; W on Hogeeye Rd to US Hwy 12 at Long Station; NE on US Hwy 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties):

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; N and E on US Hwy 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US Hwy 12 in the town of Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties):

Beginning at the intersection of the Hartsock Grade Rd and the Tucannon River Rd; SE on the Tucannon River Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service Rd 40 (Mountain Rd) at the Umatilla National Forest's northern boundary; S on the US Forest Service Rd 40 (Mountain Rd) to US Forest Service Rd 4030 (Diamond Peak Rd); W on US Forest Service Rd 4030 to US Forest Service Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on US Forest Service Trail 3113 to US Forest Service Trail 3136 (Teepee Trail); W along US Forest Service Trail 3136 to US Forest Service Rd 4608 (Teepee Rd) at Teepee Camp; W on the US Forest Service Rd 4608 to US Forest Service Rd 46 (Skyline Drive Rd); N on the US Forest Service Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney

Mountain Rd); (~~W~~) E and N on the US Forest Service Rd 4625 (Maloney Mountain Rd) to the Hartsock Grade Rd; N on the Hartsock Grade Rd to the Tucannon River Rd and the point of the beginning.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at the US Forest Service Rd 64; N on US Forest Service Rd 64 to US Forest Service Rd 46 (Skyline Dr); E on US Forest Service Rd 46 to US Forest Service Rd 4608 (Teepee Rd) at Godman Springs; E on US Forest Service Rd 4608 to US Forest Service Trail 3136 (Teepee Trail) at Teepee Camp; E on the US Forest Service Trail 3136 to US Forest Service Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on US Forest Service Trail 3113 to US Forest Service Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on US Forest Service Rd 4030 to US Forest Service Rd 40 (Mountain Rd); S along US Forest Service Rd 40 to US Forest Service Rd 4039 (South Boundary Rd); SW along US Forest Service Rd 4039 to US Forest Service Trail 3133 (Three Forks Trail); NW on US Forest Service Trail 3133 to US Forest Service Trail 3100; S on US Forest Service Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 64 and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at US Forest Service Rd 3100; N on US Forest Service Trail 3100 to US Forest Service Trail 3133 (Three Forks Trail); SE on US Forest Service Trail 3133 (Three Forks Trail) to US Forest Service Rd 4039 (South Boundary Rd); NE on US Forest Service Rd 4039 to US Forest Service Rd 40 (Mountain Rd); N on US Forest Service Rd 40 to US Forest Service Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on US Forest Service Rds 44, 43, and 4304 (Mount Misery-Big Butte Rd) to West Mountain Rd; NE on the West Mountain Rd to the Bennett Ridge Rd-Mill Rd; N and E on the Bennett Ridge Rd-Mill Rd to SR 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 3100 and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties):

Beginning at the intersection of US Forest Service Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on section line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Back Rd (Asotin County Rd 01550); N and E on Back Rd (Asotin County Rd 01550) to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the US Forest Service boundary fence past Big Butte to US Forest Service Rd

4303 (Big Butte Rd-Mount Misery Rd); W on US Forest Service Rds 4304, 43, and 44 (Big Butte Rd-Mount Misery Rd) to US Forest Service Rd 40 (Mountain Rd) at Misery junction; NW on US Forest Service Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties):

Beginning at the intersection of US Hwy 12 and Tatman Mountain Rd at Zumwalt; E on US Hwy 12 to bridge near the mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon River Rd; N on the Tucannon River Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US Hwy 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County):

Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the north shore of Grande Ronde River to SR 129; NW on SR 129 to Mill Rd in the town of Anatone; S and W on the Mill Rd-Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest boundary fence to the Cloverland Rd; NE on the Cloverland Rd to Back Rd (Asotin County Rd 01550); W and S on Back Rd (Asotin County Rd 01550) to Campbell Grade Rd; W on the Campbell Grade Rd to the South Fork Asotin Creek Rd; NE on the South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County):

Beginning on the Washington-Oregon state line and SR 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

WSR 03-13-118
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: To amend WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The goals of the GMU boundary standardization and mapping process were to:

1. Establish GMU boundaries that conform to map-based features, which are clearly identifiable in the field (roads, shorelines, streams, power lines, etc.).
2. Adopt and conform to a single base map to use for defining and adopting GMU boundaries.
3. Improve the accuracy of WDFW's GIS layer for GMU boundaries.
4. Improve the consistency and decrease the complexity of GMU legal descriptions.

The DNR major public lands (MPL) 1:100,000 scale map series was selected as the standard base map for GMU boundary delineation. The public, professional mapmakers, and staff scrutinized the legal language passed in February. Several minor errors were found that should be addressed.

Reasons Supporting Proposal: Corrects errors from the GMU standardization process. Provides recreational deer, elk, bear, and moose hunting opportunity. Directs hunting pressure for those species to the appropriate areas. Helps prevent overharvest of those species.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC delineates GMU boundaries. The proposed language will clarify and simplify boundary descriptions of GMUs.

Proposal Changes the Following Existing Rules: The proposed language will clarify and simplify boundary descriptions of GMUs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties):

Beginning at the western junction of the Pasayten Wilderness Area-Ross Lake National Recreational Area border and the US-Canadian border; E along the US-Canadian border to the eastern junction of the Pasayten Wilderness Area boundary and the US-Canadian border; S on the Pasayten Wilderness border to US Forest Service Trail 375; W on US Forest Service Trail 375 to US Forest Service Trail 341; SW on US Forest Service Trail 341 to its junction with US Forest Service Trail 533 and US Forest Service Trail 343; W on US Forest Service Trail 343 to US Forest Service Trail 342; SW on US Forest Service Trail 342 to Pasayten Wilderness boundary; W on the Pasayten Wilderness boundary to US Forest Service Trail 478 (Robinson Creek Trail); N on US Forest Service Trail 478 (Robinson Creek Trail) to US Forest Service Trail 575; S on US Forest Service Trail 575 to US Forest Service Trail 498; NW overland from the junction of US Forest Service Trails 575 and 498 to the junction of US Forest Service Trails 576 and 472; W on US Forest Service Trail 576 to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness Area border at Jim Pass; W on the Pasayten Wilderness Area border to Ross Lake National Recreational Area border; N on the Pasayten Wilderness Area-Ross Lake National Recreational Area border to the US-Canadian border and the point of the beginning.

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties):

Beginning on the eastern shore of Osoyoos Lake and the US-Canadian border; E on the US-Canadian border to the Kettle River near the Ferry Customs Office, north of the town of Toroda; S down the Kettle River to the mouth of Toroda Creek; W up Toroda Creek to Toroda Creek Rd (Ferry County Rd 502); SW on Toroda Creek Rd (Ferry County Rd 502 and Okanogan County Rd 9495) to SR 20 at the town of Wauconda; E on SR 20 to SR 21 at the town of Republic; S on SR 21 to the northern border of the Colville Indian reservation; W on the northern border of the Colville Indian reservation to the Okanogan River; N up the eastern shore of the Okanogan River and the eastern shore of Osoyoos Lake to the US-Canadian border and the point of beginning.

GMU 209-WANNACUT (Okanogan County):

Beginning where the Similkameen Rd (County Rd 4568) crosses the US-Canadian border; E on the US-Canadian border to the eastern shore of Lake Osoyoos; S along the eastern shore of Lake Osoyoos and the eastern shore of Okanogan

River to the Fourth Street Bridge at the town of Tonasket; NW on Fourth Street on the Fourth Street Bridge to County Hwy 7; S on County Hwy 7 to North Pine Creek Rd (County Rd 9410); SW on North Pine Creek Rd (County Rd 9410) to the Horse Springs Coulee Rd (County Rd 4371), north of Aeneas Lake; north on Horse Springs Coulee Road (County Road 4371) to Loomis-Oroville Highway (County Road 9425) west of Spectacle Lake; W and N on Loomis-Oroville Hwy (County Rd 9425) to Similkameen Rd (County Rd 4568); N on the Similkameen Rd (County Rd 4568) to the US-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County):

Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (County Rd 4568); SE on the Similkameen Rd (County Rd 4568) to the Loomis-Oroville Rd (County Rd 9425); S on the Loomis-Oroville Rd (County Rd 9425), through the town of Loomis, then east to the Horse Springs Coulee Rd (County Rd 4371) west of Spectacle Lake; S on the Horse Springs Coulee Rd (County Rd 4371) to the North Pine Creek Rd (County Rd 9410); NE on the North Pine Creek Rd (County Rd 9410) to County Hwy 7; NE on County Hwy 7 to Fourth Street and the Fourth Street Bridge which crosses the Okanogan River into the town of Tonasket; SE onto the Fourth Street Bridge and the Okanogan River; S along the eastern shore of the Okanogan River to bridge crossing the Okanogan River at the town of Riverside; SW from said bridge to the junction of Riverside Cutoff Rd (County Rd 9260) and US Hwy 97; N on US Hwy 97 to the South Pine Creek Rd (County Rd 9410); W on the South Pine Creek Rd (County Rd 9410) to Fish Lake Rd (County Rd 4290); W on Fish Lake Rd (County Rd 4290) to South Fish Lake Rd (County Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (County Rd 4282), to the Sinlahekin Rd (County Rd 4015); SW on the Sinlahekin Rd (County Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (County Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, County Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County):

Beginning at Harts Pass on the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 576 at Buffalo Pass; E on US Forest Service Trail 576 to its junction with US Forest Service Trail 472; SE overland from the junction of US Forest Service Trails 576 and 472 to the junction of US Forest Service Trails 498 and 575; NE on US Forest Service

PROPOSED

Trail 575 to the US Forest Service Trail 478 (Robinson Creek Trail); SE on the US Forest Service Trail 478 (Robinson Creek Trail) to the Pasayten Wilderness Area boundary; E on the Pasayten Wilderness Area boundary to US Forest Service Trail 342; S on US Forest Service Trail 342 to US Forest Service Rd 300; SW on US Forest Service Rd 300 to the US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) at Long Swamp Trailhead; S on US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) to US Forest Service Rd 37 (Boulder Creek Rd); SW and S on US Forest Service Rd 37 (Boulder Creek Rd) to the Eastside Chewuch River Rd (County Rd 9137); S on the Eastside Chewuch River Rd (County Rd 9137) to SR 20 at the town of Winthrop; NW on SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to Harts Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County):

Beginning at the US Forest Service Rd 39 and US Forest Service Rd 3820; S on US Forest Service Rd 3820, through Lone Frank Pass, to the North Fork Salmon Creek Rd (US Forest Service Rd 38); SE on the North Fork Salmon Creek Rd (US Forest Service Rd 38, County Rd 2361) to West Fork Rd (County Rd 2017) at the town of Conconully; SW on West Fork Rd (County Rd 2017) to US Forest Service Rd 42 (North Summit Rd); SW on US Forest Service Rd 42 (North Summit Rd) to SR 20 at Loup Loup Summit; W on SR 20, through the town of Twisp, to the Eastside Chewuch River Rd at the town of Winthrop; N on the Eastside Chewuch River Rd to US Forest Service Rd 37 (Boulder Creek Rd); NE on the US Forest Service Rd 37 (Boulder Creek Rd) to US Forest Service Rd 39 (Middle Fork Boulder Creek Rd); NE on US Forest Service Rd 39 (Middle Fork Boulder Creek Rd) to US Forest Service Rd 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County):

Beginning at the crossing of US Forest Service Trail 2000 (Pacific Crest Trail) and SR 20; S and E on SR 20 to the Twisp River Rd at the town on Twisp; W on the Twisp River Rd (County Rd 9114, US Forest Service Rd 44, US Forest Service Rd 4440) to US Forest Service Trail 432 (North Fork Twisp River Trail); N on US Forest Service Trail 432 (North Fork Twisp River Trail) to North Cascades National Park boundary at Twisp Pass; N and W on North Cascades National Park boundary US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to SR 20 and the point of beginning.

GMU 233-POGUE (Okanogan County):

Beginning at Sinlahekin Rd (County Rd 4015) and West Fork Rd (County Rd 2017) at the town of Conconully; north on the Sinlahekin Rd (County Rd 4015) to the South Fish Lake Rd (County Rd 4282); NE on the South Fish Lake Rd (County Rd 4282), along the south end of Fish Lake to Fish Lake Rd (County Rd 4290); E on Fish Lake Rd (County Rd 4290) to the South Pine Creek Rd (County Rd 9410); E on the South Pine Creek Rd (County Rd 9410) to US Hwy 97; S on US Hwy 97 to its junction with Riverside Cutoff Rd at the town of Riverside; NE from the junction of Riverside Cutoff Rd and US Hwy 97 to the bridge crossing the Okanogan River at the town of Riverside; S down the Okanogan River, through

the town of Omak, to SR 20 at the town of Okanogan; W on SR 20 to US Forest Service Rd 42 (North Summit Rd), east of Loup Loup Summit; N on US Forest Service Rd 42 (North Summit Rd) to West Fork Rd (County Rd 2017); N on West Fork Rd (County Rd 2017) to the town of Conconully and the point of beginning.

GMU 239-CHILIWIST (Okanogan County):

Beginning at the intersection of SR 153 and SR 20, southeast of the town of Twisp; E on SR 20, past Loup Loup Summit, to the bridge crossing over the Okanogan River at the town of Okanogan; SE on to the bridge over the Okanogan River at the town of Okanogan; S along the Okanogan River to the Columbia River (Douglas-Okanogan county line); W along the Columbia River (Douglas-Okanogan county line) to a point on the county line due east of the US Hwy 97 bridge crossing the mouth of the Methow River at the town of Pateros; SE on US Hwy 97 to SR 153; NW and N on SR 153 to SR 20, southeast of the town of Twisp, and the point of beginning.

GMU 242-ALTA (Okanogan County):

Beginning at the junction of the Sawtooth Ridge line (Chelan-Okanogan county line) and US Forest Service Trail 432 at Twisp Pass; E on US Forest Service Trail 432 to Twisp River Rd at the Roads End Campground; E on the Twisp River Rd (US Forest Service Rd 4440, US Forest Service Rd 44, County Rd 9114) to SR 20 at the town of Twisp; S and E on SR 20 to SR 153; S and SE on SR 153 to US Hwy 97; N on the US Hwy 97 to the bridge crossing the mouth of the Methow River at the town of Pateros; E from the US Hwy 97 bridge to the Douglas-Okanogan county line in Lake Pateros (Columbia River); S along Douglas-Okanogan county line in Lake Pateros (Columbia River) to Wells Dam; NW from Wells Dam to the junction of Azwell Rd and US Hwy 97; S on US Hwy 97 to Apple Acres Rd; W on Apple Acres Rd to Antoine Creek Rd (Chelan County Rd 8140); NW on the Antoine Creek Rd (Chelan County Rd 8140) to US Forest Service Rd 8020 (Manastash Ridge); N on US Forest Service Rd 8020 to the Sawtooth Ridge line (Chelan-Okanogan county line) at Fox Peak; NW on the Sawtooth Ridge line (Chelan-Okanogan county line) to its intersection with US Forest Service Trail 432 at Twisp Pass and the point of beginning.

GMU 243-MANSON (Chelan County):

Beginning at the Chelan River in the town of Chelan, northwest to Lake Chelan; NW along the south shore of Lake Chelan to the Stehekin River; SE along the north shore of Lake Chelan to the Lake Chelan National Recreation boundary; NE along the National Recreation Area boundary to Sawtooth Ridge; SE along Sawtooth Ridge line (Chelan-Okanogan county line) to US Forest Service Rd 8020 at Fox Peak; SE on US Forest Service Rd 8020 to US Forest Service Rd 8140 (Antoine Creek Rd); SE on US Forest Service Rd 8140 (Antoine Creek Rd) to Apple Acres Rd; NE on Apple Acres Rd to US Hwy 97; NE on US Hwy 97 to its junction with Azwell Rd; SE from the junction of US Hwy 97 and Azwell Rd to Wells Dam on the Columbia River; SW down the Columbia River (Chelan-Douglas county line) to the

Chelan River; NW up the Chelan River to the town of Chelan and the point of beginning.

GMU 244-CLARK (Chelan County):

Beginning at the mouth of Stehekin River on Lake Chelan; SE along the south shore of Lake Chelan to the Glacier Peak Wilderness boundary at Bearcat Ridge; S, W and N on the Glacier Peak Wilderness boundary to the Pacific Crest Trail (US Forest Service Trail 2000) at Kodak Peak; N on the Pacific Crest Trail (US Forest Service Trail 2000) to North Cascades National Park; N and E on the North Cascades National Park boundary to Lake Chelan National Recreation boundary at Hock Mountain; S along the Lake Chelan National Recreation Area boundary to the north shore of Lake Chelan; NW along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

GMU 245-CHIWAHA (Chelan County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Glacier Peak Wilderness boundary at Kodak Peak; SE and NE on the Glacier Peak Wilderness Area boundary to the Entiat River; SE down the Entiat River to US Forest Service Rd 5700 (Mad River Rd) at the town of Ardenvoir; NW on US Forest Service Rd 5700 (Mad River Rd) to the US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 (Eagle Creek Rd) at French Corral; SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy) north of Leavenworth; S on SR 209 (Chumstick Hwy) to US Hwy 2; W and N on US Hwy 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to Glacier Peak Wilderness boundary at Kodak Peak and the point of beginning.

GMU 246-SLIDE RIDGE (Chelan County):

Beginning on the south shore of Lake Chelan at the Glacier Peak Wilderness boundary at Bearcat Ridge; SE along the south shore of Lake Chelan to Twenty-five Mile Creek; SW up Twenty-five Mile Creek to US Forest Service Rd 8410 (Slide Ridge Rd); S and E on US Forest Service Rd 8410 (Slide Ridge Rd) to US Forest Service Trail 1448, at Stormy Mountain; NW on US Forest Service Trail 1448 to US Forest Service Trail 1445 (Fourmile Ridge Trail); W on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1443; W on US Forest Service Trail 1443 to Lake Creek; SW down Lake Creek to the Entiat River; NW up the Entiat River to the Glacier Peak Wilderness Area boundary; ((NW)) NE on the Glacier Peak Wilderness boundary to south shore of Lake Chelan at Bearcat Ridge and the point of beginning.

GMU 247-ENTIAT (Chelan County):

Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; SE along the south shore of Lake Chelan to the Chelan River; SE down the Chelan River to the Columbia River (Chelan-Douglas county line); SW along the Columbia River (Chelan-Douglas county line) to the mouth of the Entiat River; NW up the Entiat River to Lake Creek; NE up Lake Creek to US Forest Service Trail 1443; E on US Forest Service Trail 1443 to US Forest Service Trail 1445 (Fourmile Ridge Trail); E on US Forest Service Trail 1445 (Fourmile

Ridge Trail) to US Forest Service Trail 1448; SE on US Forest Service Trail 1448 to the US Forest Service Rd 8410 (Slide Ridge Rd) at Stormy Mountain; N on US Forest Service Rd 8410 (Slide Ridge Rd) to Twenty-five Mile Creek; N down Twenty-five Mile Creek to the south shore of Lake Chelan and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties):

Beginning on SR 17 at the Chalk Hills Rd (K N.E. Rd); N on the Chalk Hills Rd (K N.E. Rd) to Box Canyon Rd (L N.E. Rd); N on Box Canyon Rd (L N.E. Rd) to the first intermittent stream crossed in Section 30, T30N, R27E; N on the first intermittent stream crossed in Section 30 T30N, R27E by the Box Canyon Rd (L N.E. Rd) to the Columbia River; E up the Columbia River to the west end of the Grand Coulee Dam; W on the Grand Coulee Dam causeway access road (Limited Access) to SR 155; SW on SR 155 to SR 174; NE on SR 174 to the Grand Coulee Dam feeder canal; SW up the Grand Coulee Dam feeder canal to Banks Lake; S along the west shore of Banks Lake to a point due east from Mold Rd (Rd 9 N.E.); W from the point due east of Mold Rd on the west shore of Banks Lake to Mold Rd (Rd 9 N.E.); W on Mold Rd (Rd 9 N.E.) to SR 17; N along SR 17 to SR 172; W on SR 172, through the town of Mansfield, to Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd); N on the Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd) to West Foster Creek Rd; N on West Foster Creek Rd to SR 17; E on SR 17 to the Chalk Hills Rd (K N.E. Rd) and the point of beginning.

GMU 249-ALPINE (Kittitas and Chelan counties):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Alpine Lakes Wilderness boundary near Josephine Lake south of Stevens Pass; E, S, and W on the Alpine Lakes Wilderness boundary to US Forest Service Trail 2000 (Pacific Crest Trail) near Kendall Peak Lake; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary near Josephine Lake and the point of beginning.

GMU 250-SWAKANE (Chelan County):

Beginning at the intersection of US Hwy 2 and Chumstick Hwy (SR 209); SE on US Hwy 2 to the Columbia River (Chelan-Douglas county line); NE on Chelan-Douglas county line (the Columbia River) to the Entiat River; NW up the Entiat River to the Mad River Rd (US Forest Service Rd 5700) at the town of Ardenvoir; N on the Mad River Rd (US Forest Service Rd 5700) to US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 at French Corral; S on US Forest Service Rd 7520 to US Forest Service Rd 7520 (Eagle Creek Rd); SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy); S on SR 209 (Chumstick Hwy) to US Hwy 2 and the point of the beginning.

GMU 251-MISSION (Kittitas and Chelan counties):

Beginning at US Hwy 2 and the Columbia River (Chelan-Douglas county line); S down the Columbia River (Chelan-Douglas county line) to Tarpiscan Creek; W up Tarpiscan Creek to North Fork Tarpiscan Creek; W up North Fork Tarpiscan Creek to WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd); N approximately 100 feet on WA Dept. of

Fish and Wildlife Rd No. 14 (Tarpiscan Rd) to WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd); W along WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd) to the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd); W along the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd) to WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd); NW on WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd) to Naneum Ridge (Chelan-Kittitas county line) at Wenatchee Mountain; NW along Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to US Forest Service Rd 9712 (Liberty-Beehive Rd); NW on US Forest Service Rd 9712 (Liberty-Beehive Rd) to US Forest Service Rd 9716; N on US Forest Service Rd 9716 to US Hwy 97 at Swauk Pass; NW on the Wenatchee Mountain Range divide (Kittitas-Chelan county line) to the Alpine Lakes Wilderness Area boundary at Navaho Peak; N and E on Alpine Lakes Wilderness Area boundary to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 2; E on US Hwy 2 to the Columbia River (Chelan-Douglas county line) and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties):

Beginning at the town of Mansfield on SR 172; E on SR 172 to SR 17; S on SR 17 to Mold Rd (Rd 9 N.E.); E on the Mold Rd (Rd 9 N.E.) to the road's end; due E from the end of Mold Rd (Rd 9 N.E.) to the western shore of Banks Lake; S along the west shore of Banks Lake to US Hwy 2; W on US Hwy 2 to SR 172; N and E on SR 172 to the town of Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County):

Beginning at the town of Brewster and the Columbia River (Douglas-Okanogan county line); E on the Columbia River (Douglas-Okanogan county line), past the town of Bridgeport to the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd (L N.E. Rd); S up the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd to the Box Canyon Rd (L N.E. Rd); E and S on Box Canyon Rd (Rd L N.E.) to the Chalk Hills Rd (K N.E. Rd); SW on the Chalk Hills Rd (K N.E. Rd) to SR 17; W on SR 17 to the West Foster Rd; S on West Foster Rd to Dyer Hill Rd; W and N on Dyer Hill Rd to Gallaher Rd (20 N.E. Rd); W on Gallaher Rd to Dyer Hill Rd (North Division Rd); N on Dyer Hill Rd to Cold Springs Rd (Bonita Flats Rd) at the town of Dyer; W on Cold Springs Rd (Bonita Flats Rd) to the Columbia River then west to the Douglas-Okanogan county line on the Columbia River; N up the Columbia River (Douglas-Okanogan county line) to town of Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County):

Beginning at Cold Spring Rd and the Dyer Hill Rd at the town of Dyer; S on the Dyer Hill Rd (North Division Rd) to Gallaher Rd (20 N.E. Rd); E on Gallaher Rd (20 N.E. Rd) to Bridgeport Hill Rd (B N.E. Rd); S on the Bridgeport Hill Rd to SR 172; W and S on SR 172 to US Hwy 2; W on US Hwy 2, through the town of Waterville, to the Columbia River at the town of Orondo then west to the Chelan-Douglas county line in the Columbia River; N up the Columbia River

(Chelan-Douglas county line), past the Wells Dam, to the point due west of the Cold Springs Rd; E from the point on the Columbia River (Chelan-Douglas county line) which is due east of Cold Springs Rd to Cold Springs Rd; E on the Cold Springs Rd to the town of Dyer and the point of beginning.

GMU 266-BADGER (Douglas County):

Beginning at US Hwy 2 at the town of Orondo; E on US Hwy 2, through the towns of Waterville and Douglas, to the Westerman Rd (K S.W. Rd); S on the Westerman Rd (K S.W. Rd) to Alstown Rd (3 S.W. Rd) at the town of Alstown; W on the Alstown Rd (3 S.W. Rd) to the Titchenal Canyon Rd; SW on the Titchenal Canyon Rd to the Sheehan Rd; S on the Sheehan Rd to the Rock Island Grade Rd; SW on the Rock Island Grade Rd to the Columbia River (Chelan-Douglas county line) at the Rock Island Dam; N up the Columbia River (Chelan-Douglas county line), through the town of Wenatchee, to a point in the Columbia due ((east)) west of the town of Orondo; E to US Hwy 2 at the town of Orondo and the point of beginning (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties):

Beginning on US Hwy 2 and the Westerman Rd (K S.W. Rd); E on US Hwy 2 to the Moses Coulee Rd; S on Moses Coulee Rd to Coulee Meadows Rd; S on Coulee Meadows Rd to Rd J N.W. at the Douglas-Grant county line; S on Rd J N.W. to Rd 23 N.W.; E on Rd 23 N.W. to Sagebrush Flats Rd; S on Sagebrush Flats Rd to Rd J N.W.; S on Rd J N.W. to Overen Rd (Rd 20 N.W.); SW on the Overen Rd (Rd 20 N.W.) to Baird Springs Rd; SW on Baird Springs Rd across SR 28 to the Crescent Bar Rd; S along the Crescent Bar Rd to the Crescent Bar boat launch on the Columbia River; W from the Crescent Bar boat launch to the Douglas-Kittitas county line on the Columbia River; N up the Columbia River (Douglas-Kittitas county line) to the Rock Island Grade Rd at the Rock Island Dam; N on Rock Island Grade Rd to the Sheehan Rd; N on the Sheehan Rd to the Titchenal Canyon Rd; N on the Titchenal Road Canyon Rd to the Alstown Rd (3 S.W. Rd); E on the Alstown Rd (3 S.W. Rd), through the town of Alstown to the Westerman Rd (K Rd S.W.); N on the Westerman Rd to US Hwy 2 and the point of beginning.

GMU 272-BEEZLEY (Grant, Lincoln, and Douglas counties):

Beginning at the junction of SR 155 and SR 174 in the town of Grand Coulee; SE on SR 174 to Rd W N.E. (Grand Coulee Hill Rd); S on Rd W N.E. to Rd 52 N.E.; E on Rd 52 N.E. to X Rd N.E.; S on X Rd N.E. to Peterson Rd; S on Peterson Rd to Douglas Rd; E on Douglas Rd to Old Coulee Rd; S on Old Coulee Rd to Maxwell Rd at the town of Almira; E on Maxwell Rd to SR 2; E on SR 2 to Kiner Rd; S on Kiner Rd to Rd X N.E.; S on Rd X N.E. to Rd W N.E. at the town of Marlin; S on Rd W N.E. to North Frontage Rd; W on North Frontage Rd to Rd U N.E.; S on Rd U N.E. to I-90; W on I-90 to the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; N up the Columbia River (Grant-Kittitas county line) to a point due west of Crescent Bar boat launch; E from the Grant-Kittitas county line on the Columbia River to the Cres-

cent Bar boat launch and Crescent Bar Rd; N on Crescent Bar Rd to SR 28; N across SR 28 to Baird Springs Rd; NE on Baird Springs Rd to Overen Rd; NE on Overen Rd to Rd J N.W.; N on Rd J N.W. to Sagebrush Flats Rd; N on Sagebrush Flats Rd to Coulee Meadows Rd at the Grant-Douglas county line; N on Coulee Meadows Rd to the Moses Coulee Rd; N on the Moses Coulee Rd to US Hwy 2; E on US Hwy 2 to the west shore of Banks Lake; N along the west shore of Banks Lake to the feeder canal for the Grand Coulee Dam; NE along the feeder canal to SR 174; SW on SR 174 to SR 155 and the point of beginning (except Private Lands Wildlife Management Area 201, Wilson Creek).

GMU 278-WAHLUKE (Grant, Franklin, and Adams counties):

Beginning at I-90 and the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; NE and E on I-90 to Beverly Burke Rd; S on Beverly Burke Rd to Frenchman Hills Rd; E on Frenchman Hills Rd to SR 262; E on SR 262 to SR 17; N on SR 17 to I-90; E on I-90 to Rd U S.E.; S on Rd U S.E. to Booker Rd; S on Booker Rd to SR 26; W on SR 26 to SR 17; S on SR 17 to Scootney Rd; SW on Scootney Rd to Mail Rd; W on Mail Rd to Muse Rd; W on Muse Rd to SR 24; W on SR 24 to the Columbia River (Benton-Grant county line) at the Vernita Bridge; W and N along the Columbia River (Benton-Grant-Kittitas-Yakima county lines) to I-90 at the Vantage Bridge and the point of beginning.

GMU 284-RITZVILLE (Adams, Grant, Lincoln, and Whitman counties):

Beginning at I-90 and Rd U N.E.; N on Rd U N.E. to North Frontage Rd; E on North Frontage Rd to Rd W N.E.; N on Rd W N.E. to Rd 12 N.E.; E on Rd 12 N.E. to Davis Rd; E on Davis Rd to Marcellus Rd; S on Marcellus Rd to Tokio Rd; E on Tokio Rd to Danekas Rd; E on Danekas Rd to I-90; NE on I-90 to SR 23; S on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S and W down the Palouse River to Old SR 26, west of the town of Hooper; W on Old SR 26, across the Palouse River to SR 26; W on SR 26 to Booker Rd; N on Booker Rd to Rd U S.E.; N on Rd U S.E. to I-90 and point of beginning.

GMU 290-DESERT (Grant County):

Beginning at I-90 and Beverly Burke Rd (Rd R S.W.), SW of the town of George; E on I-90 to SR 17; S on SR 17 to SR 262; W on SR 262 to Frenchman Hills Rd (Rd 7 S.W.); W on Frenchman Hills Rd (Rd 7 S.W.) to Beverly Burke Rd; N along Beverly Burke Rd to I-90 and the point of beginning.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-13-119
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 18, 2003, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: To amend WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The goals of the GMU boundary standardization and mapping process were to:

1. Establish GMU boundaries that conform to map-based features, which are clearly identifiable in the field (roads, shorelines, streams, power lines, etc.)
2. Adopt and conform to a single base map to use for defining and adopting GMU boundaries.
3. Improve the accuracy of WDFW's GIS layer for GMU boundaries.
4. Improve the consistency and decrease the complexity of GMU legal descriptions.

The DNR major public lands (MPL) 1:100,000 scale map series was selected as the standard base map for GMU boundary delineation. The public, professional mapmakers, and staff scrutinized the legal language passed in February. Several minor errors were found that should be addressed.

Reasons Supporting Proposal: Corrects errors from the GMU standardization process. Provides recreational deer, elk, bear, and moose hunting opportunity. Directs hunting pressure for those species to the appropriate areas. Helps prevent overharvest of those species.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC delineates GMU boundaries. The proposed language will clarify and simplify boundary descriptions of GMUs.

Proposal Changes the Following Existing Rules: The proposed language will clarify and simplify boundary descriptions of GMUs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.

GMU 407-NORTH SOUND (Whatcom, Skagit, Snohomish and King counties):

Beginning at the NW corner of Whatcom county line and the US-Canadian border; E on the US-Canadian border to a point due north of Silver Lake Rd; S to Silver Lake Rd; S on Silver Lake Rd to SR 542 (Mount Baker Hwy); SW on SR 542 (Mount Baker Hwy) to Mosquito Lake Rd; S on Mosquito Lake Rd to SR 9 (Valley Hwy); S on SR 9 (Valley Hwy) through the town of Sedro-Woolley then S on SR 9 to SR 530 at the town of Arlington; NE on SR 530 to Jim Creek-Trafton Rd at the Trafton School in the town of Trafton; SE along Jim Creek-Trafton Rd (242nd St. NE) to the City of Seattle power transmission line; SW on the transmission line to Jordan Rd in Section 20, T31N, R6E; SE along Jordan Rd to SR 92 at the town of Granite Falls; E on SR 92 to South Alder Ave; S on South Alder Ave to East Pioneer St; E and SE on East Pioneer St to Menzel Lake Rd; S on Menzel Lake Rd to North Lake Roesiger Rd; S on North Lake Roesiger Rd to South Lake Roesiger Rd; S on South Lake Roesiger Rd to Woods Creek Rd; S on Woods Creek Rd to US Hwy 2 at the town of Monroe; W on US Hwy 2 to SR 203 at the town of Monroe; S on SR 203 to N.E. Woodinville-Duvall Rd at the town of Duvall; W on N.E. Woodinville-Duvall Rd to the Snoqualmie River; N down the Snoqualmie River to the Snohomish River; W down the Snohomish River to its mouth on the Puget Sound; W from the mouth of the Snohomish River to the northern tip of Gedney Island; due W from the northern tip of Gedney Island to a point on the Snohomish-Island county line; N along the Island-Snohomish county line in Possession Sound and Port Susan to Juniper Beach and N through Davis Slough to the Island-Snohomish-Skagit county junction; W and N along Island-Skagit county line through Skagit Bay and W through Deception Pass to San Juan-Skagit county line; N on the San Juan-Skagit county line to a point due West of Kelly's Point on Guemes Island; E from the San Juan-Skagit county line to Bellingham Channel; N through the middle of Bellingham Channel; NE from Bellingham Channel to Carter Point on Lummi Island; NW from Carter Point to the Skagit-Whatcom county line; W along Skagit-Whatcom county line to the Whatcom-San Juan county line; NW along the Whatcom-San Juan county line to the US-Canadian border and the point of beginning.

GMU 410-ISLANDS (San Juan and Island counties):

Beginning at the junction of San Juan-Whatcom county lines and the US-Canadian border at the northernmost point in San Juan County; SE on the San Juan-Whatcom county line to the junction of San Juan-Whatcom-Skagit county lines; E on the Skagit-Whatcom county line to the first point where the Skagit-Whatcom county line turns SE; SE from the Skagit-Whatcom county line to Carter Point on Lummi Island; SW down the middle of Bellingham Channel to a point due W of Kelly's Point on Guemes Island and including Cypress Island; W to the Skagit-San Juan county line; S through Rosario Strait on the San Juan-Skagit county line to the San Juan-Skagit-Island county line; E on the Skagit-Island county line through Deception Pass and S through Skagit Bay to the Island-Snohomish-Skagit county junction; SE on the Island-Snohomish county line through Davis Slough, Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap county line; NW on the Island-Kitsap-Jefferson county line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; W on the Clallam-Jefferson-San Juan county lines to the US-Canadian border; N on the US-Canadian border, through Middle Bank, Haro Strait, and Boundary Pass, to the northernmost corner of San Juan-Whatcom county line and the point of beginning.

GMU 418-NOOKSACK (Whatcom and Skagit counties):

Beginning at the US-Canadian border and the western border of the North Cascades National Park; S on the North Cascades National Park boundary to Noisy Diobsud Wilderness Area boundary; W and S on Noisy Diobsud Wilderness Area boundary to a point due E of the head waters of Watson Creek; W to the headwaters of Watson Creek; S down Watson Creek to Thunder Creek; W down Thunder Creek to Baker River Rd; S along Baker River Rd to SR 20 at the town of Concrete; W along SR 20 to SR 9 at the town of Sedro-Woolley; N along SR 9 to Mosquito Lake Rd; N on the Mosquito Lake Rd to SR 542 (Mount Baker Hwy); N on SR 542 (Mount Baker Hwy) to the Silver Lake Rd; N on the Silver Lake Rd to its northern most point; N from the Silver Lake Rd to the US-Canadian border; E on the US-Canadian border to the western border of the North Cascades National Park and the point of beginning.

GMU 426-DIABLO (Skagit and Whatcom counties):

Beginning at the US-Canadian border and the western boundary of the Ross Lake National Recreation Area; S on the Ross Lake National Recreation Area boundary across SR 20 (North Cascades Hwy) and Skagit River; NE and E on the Ross Lake National Recreation Area boundary to a point 2 miles east of Panther Creek, where the recreation boundary connects with the Okanogan National Forest boundary; S on North Cascades National Park boundary to the Skagit-Chelan county line at Fisher Peak; SE along the Skagit-Chelan county line, across SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness boundary at Jim Pass; W along the Pasayten Wilderness boundary to the Ross Lake National Recreation Area boundary; N along the Ross Lake National Recreation Area-Pasayten Wilderness Area boundary to the US-Canadian border; W along the US-

Canadian border to the NW corner of the Ross Lake National Recreation Area and the point of beginning.

GMU 437-SAUK (Skagit and Snohomish counties):

Beginning at the intersection of SR 9 and SR 20, W of the town of Sedro-Woolley; E along SR 20 to Baker River Rd at the town of Concrete; N on Baker River Rd to Thunder Creek; E up Thunder Creek to Watson Creek; N up Watson Creek to its headwaters; E from the headwaters of Watson Creek to Noisy Diobsud Wilderness boundary; N and E on Noisy Diobsud Wilderness boundary to North Cascades National Park boundary; (~~(N, E, N, W and N on the North Cascades National Park boundary to the US-Canadian border; E on the US-Canadian border to the Western Ross Lake National Recreation Area boundary, W of Ross Lake;))~~ S and E along the North Cascades National Park boundary to the Ross Lake National Recreation Area boundary; S along the Ross Lake National Recreation Area boundary, across the SR 20 (North Cascade Hwy) and the Skagit River; E along the Ross Lake National Recreation Area boundary to the North Cascades National Park boundary near Big Devil Peak; SE on the North Cascades National Park boundary to the Cascade River Rd; S on Cascade River Rd to US Forest Service Rd 1590; S on US Forest Service Rd 1590 to US Forest Service Trail 769 (South Fork Cascade River Trail); S on US Forest Service Trail ((796)) 769 (South Fork Cascade River Trail) to the Glacier Peak Wilderness Area boundary; W and S on Glacier Peak Wilderness Area Boundary to the Suiattle River; W down the Suiattle River to the Sauk River; N on the Sauk River to SR 530 (Sauk Valley Rd); S on SR 530 to the town of Darrington; W on SR 530 to SR 9 at the town of Arlington; N on SR 9 to SR 20, W of the town of Sedro-Woolley, and the point of beginning (~~(excluding lands in the North Cascades National Park))~~).

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties):

Beginning at the intersection of Hwy 530 (Arlington-Darrington Hwy) and Jim Creek Rd at the town of Trafton; NE on SR 530 to the town of Darrington; N on SR 530 (Sauk Valley Rd) to the Sauk River; S on the Sauk River to Suiattle River; E along the Suiattle River to the Glacier Peak Wilderness Area boundary; S on the Glacier Peak Wilderness Area boundary to US Forest Service Trail 650 West of June Mountain; W on the US Forest Service Trail 650, to US Forest Service Trail 1050 (Quartz Creek Trail) at Curry Gap; S on the US Forest Service Trail 1050 (Quartz Creek Trail) to US Forest Service Rd 6300; E on US Forest Service Rd 6300 to US Forest Service Trail 1051; NE on Trail 1051 to Henry M. Jackson Wilderness boundary; S along the Henry M. Jackson Wilderness boundary to Meadow Creek; S down Meadow Creek to Rapid River; E up Rapid River to US Forest Service Trail 2000 (Pacific Crest Trail) at Lake Janus; S on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 2 at Stevens Pass; W on SR 2 to Woods Creek Rd at the town of Monroe; N on Woods Creek Rd to South Lake Roesiger Rd; N on South Lake Roesiger Rd to North Lake Roesiger Rd; N on North Lake Roesiger Rd to Menzel Lake Rd; N on Menzel Lake Rd to East Pioneer St; NW and W on East Pioneer St to South Alder Ave; N on South Alder Ave to SR 92; W on SR

92 to Jordan Rd; NW on Jordan Rd, through the town of Jordan, to the City of Seattle power transmission lines; NE on the transmission lines to Jim Creek-Trafton Rd (242nd St. NE); W on Jim Creek-Trafton Rd to SR 530 at the town of Trafton and the point of beginning.

GMU 450-CASCADE (Skagit and Snohomish counties):

Beginning on the Glacier Peak Wilderness boundary and Jordan Creek, W of Jordan Lakes; N and E on the wilderness boundary to US Forest Service Trail 769; N on US Forest Service Trail 769 to US Forest Service Rd 1590; N on US Forest Service Rd 1590 to the US Forest Service Rd 15 (Cascade River Rd); N on US Forest Service Rd 15 (Cascade River Rd) to the North Cascades National Park boundary; E on the North Cascades National Park boundary to US Forest Service Trail 2000 (Pacific Crest Trail); S on US Forest Service Trail 2000 (Pacific Crest Trail) to the Rapid River at Lake Janus; NW down the Rapid River to Meadow Creek; N up Meadow Creek to Henry M. Jackson Wilderness Area boundary; N along the Henry M. Jackson Wilderness boundary to US Forest Service Trail 1051; S on US Forest Service Trail 1051 to US Forest Service Rd 6300; W on US Forest Service Rd 6300 to US Forest Service Trail 1050; N on US Forest Service Trail 1050 to US Forest Service Trail 650 at Curry Gap; E on US Forest Service Trail 650 to the Glacier Peak Wilderness boundary west of June Mountain; N on the Glacier Peak Wilderness boundary, across the Suiattle River, to Jordan Creek and the point of beginning.

GMU 454-ISSAQUAH (King and Snohomish counties):

Beginning at the mouth of the Snohomish River at the city of Everett; SE up the Snohomish River to the Snoqualmie River; SE up the Snoqualmie River to NE Woodinville-Duvall Rd; E on NE Woodinville-Duvall Rd to SR 203 at the town of Duvall; S on SR 203 to SR 202 (Fall City-Snoqualmie Rd) at the town of Fall City; S on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River to Preston-Fall City Rd; SW on Preston-Fall City Rd to I-90 at the town of Preston; E on I-90 to SR 18; S on SR 18 to the Raging River; SE along the Raging River to Kerriston Rd; S on Kerriston Rd to the City of Seattle Cedar River Watershed boundary; W, S and E along the Cedar River Watershed boundary to US Forest Service Rd 5100; S along US Forest Service Rd 5100 to the posted boundary of the Green River Watershed; S along the posted boundary of the Green River Watershed to the US Forest Service Rd 5410; S on US Forest Service Rd 5410 to US Forest Service Rd 5400; E on US Forest Service Rd 5400 to the junction with posted boundary of the Green River Watershed; S on the posted Tacoma Green River Watershed boundary to US Forest Service Rd 7110 (Weyerhaeuser 5200 line) near Lynn Lake; SW on US Forest Service Rd 7110 (Weyerhaeuser 5200 line) to US Hwy 410; W on SR 410 to SR 164 at the city of Enumclaw; W on SR 164 to SR 18 at the city of Auburn; W on SR 18 to SR 99; N on SR 99 to SR 509; W on SR 509 to Redondo Way South; NW on Redondo Way South to the town of Redondo on Puget Sound; SW across Admiralty Inlet on the Pierce-King county line to the point where the county line turns southeast, northwest of Dash Point; W and N along the King county line to King, Snohomish, and Kitsap county line junction in the

Puget Sound west of Point Wells; N on the Snohomish county line through Possession Sound to a point on the Snohomish county line due west of the northern tip of Gedney Island (Hat Island); E to the northern tip of Gedney Island (Hat Island); E from the northern tip of Gedney Island (Hat Island) to the mouth of the Snohomish River and the point of beginning.

GMU 460-SNOQUALMIE (King and Snohomish counties):

Beginning at SR 203 and SR 2 at the town of Monroe; E on SR 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; S on the US Forest Service Trail 2000 (Pacific Crest Trail) to the City of Seattle Cedar River Watershed; W on the Cedar River Watershed boundary to Kerriston Rd; N on Kerriston Rd to the Raging River; W and N along the Raging River to SR 18; N on SR 18 to I-90; W on I-90 to the Preston-Fall City Rd; N on the Preston-Fall City Rd to SR 202 (Fall City-Snoqualmie Rd); N on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to SR 203; N on SR 203 to SR 2 at the town of Monroe and the point of beginning.

GMU 466-STAMPEDE (King County):

Beginning on the US Forest Service Trail 2000 (Pacific Crest Trail) and the east boundary of the City of Seattle Cedar River Watershed; S on the US Forest Service Trail 2000 (Pacific Crest Trail) past Blowout Mountain to US Forest Service Rd 7038 at its closest point to the Pacific Crest Trail near Windy Gap north of Pyramid Peak; NW on US Forest Service Rd 7038 to US Forest Service Rd 7036; NW on US Forest Service Rd 7036 to US Forest Service Rd 7030; NW on US Forest Service Rd 7030 to US Forest Service Rd 7032; NW on US Forest Service Rd 7032 to US Forest Service Trail 1172; W on US Forest Service Trail 1172 to about 1/4 mile past Williams Hole to the posted boundary of the City of Tacoma Green River Watershed; N on the posted City of Tacoma Green River Watershed boundary to the City of Seattle Cedar River Watershed boundary; N along City of Seattle Cedar River Watershed boundary to US Forest Service Trail 2000 (Pacific Crest Trail) and the point of beginning.

GMU 485-GREEN RIVER (King County):

Beginning at the junction of NW corner of the city of Tacoma Green River Watershed and US Forest Service Rd 5100; E on the boundary between the Green River Watershed and the Cedar River Watershed to US Forest Service Rd 5060; S on US Forest Service Rd 5060 to the posted boundary of the Green River Watershed; along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain to the US Forest Service Rd 5400; NW along US Forest Service Rd 5400 to US Forest Service Rd 5410; N along US Forest Service Rd 5410 to posted boundary of the City of Tacoma Green River Watershed; N along the posted boundary of the City of Tacoma Green River Watershed to US Forest Service Rd 5100; N along US Forest Service Rd 5100 to City of Tacoma Green River Watershed and City of Seattle Cedar River Watershed border and the point of beginning.

GMU 490-CEDAR RIVER (King County):

The area within the posted boundary of the city of Seattle's Cedar River Watershed.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 03-13-120
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 9:30 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: To amend WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The goals of the GMU boundary standardization and mapping process were to:

1. Establish GMU boundaries that conform to map-based features, which are clearly identifiable in the field (roads, shorelines, streams, power lines, etc.)
2. Adopt and conform to a single base map to use for defining and adopting GMU boundaries.
3. Improve the accuracy of WDFW's GIS layer for GMU boundaries.
4. Improve the consistency and decrease the complexity of GMU legal descriptions.

The DNR major public lands (MPL) 1:100,000 scale map series was selected as the standard base map for GMU boundary delineation. The public, professional mapmakers, and staff scrutinized the legal language passed in February. Several minor errors were found that should be addressed.

Reasons Supporting Proposal: Corrects errors from the GMU standardization process. Provides recreational deer, elk, bear, and moose hunting opportunity. Directs hunting pressure for those species to the appropriate areas. Helps prevent overharvest of those species.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC delineates GMU boundaries. The proposed language will clarify and simplify boundary descriptions of GMUs.

Proposal Changes the Following Existing Rules: The proposed language will clarify and simplify boundary descriptions of GMUs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany

Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swöfford Pond; E along the Swöfford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US

Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser

user 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612

to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning. No hunting on all lands and islands south of SR 4 between Skamokawa Creek and Cape Horn.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyer-

haeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on to electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek

to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 234 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties):

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; ((S)) N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on

N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E.

312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18

to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the

Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

**WSR 03-13-121
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 9:31 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Purpose: To amend WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The goals of the GMU boundary standardization and mapping process were to:

1. Establish GMU boundaries that conform to map-based features, which are clearly identifiable in the field (roads, shorelines, streams, power lines, etc.).
2. Adopt and conform to a single base map to use for defining and adopting GMU boundaries.
3. Improve the accuracy of WDFW's GIS layer for GMU boundaries.
4. Improve the consistency and decrease the complexity of GMU legal descriptions.

The DNR major public lands (MPL) 1:100,000 scale map series was selected as the standard base map for GMU boundary delineation. The public, professional mapmakers, and staff scrutinized the legal language passed in February. Several minor errors were found that should be addressed.

Reasons Supporting Proposal: Corrects errors from the GMU standardization process. Provides recreational deer, elk, bear, and moose hunting opportunity. Directs hunting pressure for those species to the appropriate areas. Helps prevent overharvest of those species.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC delineates GMU boundaries. The pro-

posed language will clarify and simplify boundary descriptions of GMUs.

Proposal Changes the Following Existing Rules: The proposed language will clarify and simplify boundary descriptions of GMUs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall Meeting Facility, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 25, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 14, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties):

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewitt Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to ~~((Blewitt))~~ Blewitt Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties):

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point ~~((south))~~ north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd

14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewitt Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to ~~((Taneum Creek))~~ Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on

I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service Trail 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain;

SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd

615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; ~~((SW along the crest of the Klickitton Divide, between Diamond Fork drainage and the South Fork Tieton drainage, ending at the Crest of Spenser Point; SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615;))~~ ~~((NW))~~ NE on US Forest Service Trail 615 to US Forest Service Rd 1020; ~~((NW))~~ NE on US Forest Service Rd 1020 to US Forest Service Rd 613; ~~((NW))~~ NE on US Forest Service Rd 613 to US Forest Service Trail 1127; ~~((NW))~~ NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372-KIONA (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to

Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-~~((Grant))~~ Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLICKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon

state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

WSR 03-13-134
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed June 18, 2003, 10:35 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Regulation II, amend Sections 1.05 and 3.04; and Regulation III, amend Section 2.01 and repeal Section 3.01.

Purpose: Regulation II, to make our rule consistent with EPA national rule that applies to motor vehicle refinishing, we are deleting unnecessary definitions and clarifying the distinction between automobile refinishing, which is covered by EPA rule, and original equipment manufacturing, which is addressed by our revised rule. Industry administrative burden is also reduced by this proposal.

Regulation III, to remove an unnecessary section of our rules.

Other Identifying Information: Regulation II, Section 1.05 - Special Definitions; Section 3.04 - Motor Vehicle and Mobile Equipment Coating Operations.

Regulation III, Section 2.01 Applicability to Toxic Air Contaminant Sources; Section 3.01 - Hard and Decorative Chromium Electroplating and Chromium Anodizing.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: See Purpose above.

Reasons Supporting Proposal: Regulation II, EPA issued a new auto refinishing rule that is more stringent than the agency's, however, that rule does not address original vehicle coating. Our proposed rule will rely on the EPA rule for auto refinishing and will clarify our rule on original vehicle coating.

Regulation III, keeping our chrome rule subjects facilities to two different rules - EPA's and PSCAA's.

Name of Agency Personnel Responsible for Drafting: Kwame Agyei, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4054; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect the Regulation II amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on July 24, 2003, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by July 17, 2003, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 434-7522, by July 14, 2003.

Date of Intended Adoption: July 24, 2003.

June 16, 2003

Kwame Agyei

Air Resource Specialist

AMENDATORY SECTION

REGULATION II SECTION 1.05 SPECIAL DEFINITIONS

When used in Regulation II of the Puget Sound Clean Air Agency:

(a) **AEROSPACE COMPONENT** means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(b) **ANTI GLARE/SAFETY COATING** means a coating that does not reflect light.

~~((c)) CAMOUFLAGE COATING means a coating applied on motor vehicles to conceal such vehicles from detection.~~

~~((d)) COLOR MATCH means the ability of a repair coating to blend into an existing coating so that color difference is not visible.~~

~~((e)) (c) COMMERCIAL AEROSPACE PRIMER means BMS 10-11, Type I.~~

~~((f)) (d) COMMERCIAL AEROSPACE TOPCOAT means BMS 10-11, Type II.~~

~~((g)) (e) CUTBACK ASPHALT means an asphalt that has been blended with more than 7% petroleum distillates by weight.~~

~~((h)) EXTREME PERFORMANCE COATING means any coating used on the surface of a Group II vehicle, mobile equipment or their parts or components that during intended use is exposed to industrial grade detergents, cleaners or abrasive scouring agents or extreme environmental conditions as determined by the Control Officer.~~

~~((i)) (f) FLEXOGRAPHIC PRINTING means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.~~

PROPOSED

~~((g))~~ **(g) GELCOAT** means a polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.

~~((k))~~ **GROUP I VEHICLES** means ~~passenger cars, large/heavy duty truck cabs and chassis (>10,000 pounds gross vehicle weight), light and medium duty trucks and vans (<10,000 pounds gross vehicle weight), and motorcycle-~~

~~(l) GROUP II VEHICLES~~ means public transit buses.)

~~((m))~~ **(h) METALLIC/IRIDESCENT TOPCOAT** means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied, where such particles are visible in the dried film.

~~((n))~~ **(i) MILITARY AEROSPACE PRIMER** means the current version of MIL-P-85582.

~~((o))~~ **(j) MILITARY AEROSPACE TOPCOAT** means the current version of MIL-C-85285.

~~((p))~~ **MOBILE EQUIPMENT** means any equipment that may be drawn or is capable of being driven on a roadway, including, but not limited to, truck bodies, truck trailers, utility bodies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry.)

~~((q))~~ **(k) PACKAGING ROTOGRAVURE PRINTING** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

~~((r))~~ **PETROLEUM SOLVENT** means organic material produced by petroleum distillation comprising a hydrocarbon range of 8 to 12 carbon atoms that exists as a liquid under standard conditions, frequently called "Stoddard" solvent.)

~~((s))~~ **(l) POLYESTER RESIN** means a group of synthetic resins containing ethylenic unsaturation and capable of undergoing free radical polymerization with styrene monomer.

~~((t))~~ **(m) PRECOAT** means any coating that is applied to bare metal primarily to deactivate the metal surface for corrosion resistance to a subsequent water-based primer.

~~((u))~~ **(n) PRETREATMENT WASH PRIMER** means any coating that contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

~~((v))~~ **(o) PRIMER** means a coating applied directly to a component for purposes of corrosion protection, protection from the environment, functional fluid resistance and adhesion of subsequent coatings.

~~((w))~~ **(p) PRIMER SEALER** means any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.

~~((x))~~ **(q) PRIMER SURFACER** means any coating applied prior to the application of topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and that promotes a uniform surface by filling in surface imperfections.

~~((y))~~ **(r) PUBLICATION ROTOGRAVURE PRINTING** means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, direc-

tories, newspaper supplements and other types of printed materials.

~~((z))~~ **(s) ROTOGRAVURE PRINTING** means the application of ink to a substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

~~((aa))~~ **SOLVENT RECOVERY DRYER** means a dry cleaning dryer that employs a condenser to liquify and recover solvent vapors evaporated in a closed loop, recirculating stream of heated air.

~~((bb))~~ **SPECIALTY COATINGS** are coatings that are necessary due to unusual job performance requirements. Said coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and antiglare/safety coatings.)

~~((cc))~~ **(t) TEMPORARY PROTECTIVE COATING** means a coating applied to an aerospace component to protect it from mechanical and environmental damage during manufacturing.

~~((dd))~~ **(u) TOPCOAT** means a coating applied over a primer or directly to a component primarily for purposes of appearance or identification.

~~((ee))~~ **TOUCHUP** means the portion of the operation that is necessary to cover minor imperfections.)

AMENDATORY SECTION

REGULATION II SECTION 3.04 MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS

(a) It shall be unlawful for ~~((any person to cause or allow the application of any coating with a VOC content in excess of the following limits to Group I vehicles and their parts and components, or Group II vehicles and mobile equipment where color match is required:))~~ original equipment manufacturers (OEMs) to apply any coating with a VOC content in excess of the following limits to motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles:

Type of Coating	VOC Content (excluding water)	
	Grams/Liter	(Lbs/Gal)
Pretreatment Wash Primer	780	(6.5)
Precoat	780	(6.5)
Primer/Primer Surfacer	720	(6.0)
Primer Sealer	720	(6.0)
Topcoat	720	(6.0)
Metallic/Iridescent Topcoat	720	(6.0)

~~((b))~~ It shall be unlawful for any person to cause or allow the application of any coating with a VOC content in excess of the following limits to Group II vehicles and mobile equipment where color match is not required:

Type of Coating	VOC Content (excluding water)	
	Grams/Liter	(Lbs/Gal)
Pretreatment Wash Primer	780	(6.5)

PROPOSED

Type of Coating	VOC Content (excluding water)	
	Grams/Liter	(Lbs/Gal)
Precoat	780	(6.5)
Primer	340	(2.8)
Topcoat	420	(3.5)
Metallic/Intersecent Topcoat	650	(5.4)
Extreme Performance	750	(6.2)
Camouflage	420	(3.5))

~~((e))~~ (b) It shall be unlawful for any person to ~~((cause or allow the use of))~~ apply any specialty coating with a VOC content in excess of 840 grams/liter (7.0 lbs/gal), excluding water. Use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0% of all coatings applied on a ~~((daily))~~ monthly basis. Specialty coatings are coatings that are necessary due to unusual job performance requirements and whose VOC content exceeds 630 grams/liter.

~~((d))~~ ~~The maximum calculated VOC content of each coating regulated by this section shall be displayed on the container, or be provided in a handout at the point of sale to the end user, or be provided by other sources and be available for inspection in order to evaluate compliance.~~

(c) The VOC content of each coating regulated by this section shall be available to Agency personnel upon request. Monthly records shall be maintained to demonstrate compliance with the standards specified in Section 3.04(a) and 3.04(b) of this regulation. The records shall include type of paint, quantity applied, and how the coating qualifies as specialty. The records shall be made available to Agency personnel upon request.

~~((e))~~ (d) It shall be unlawful for any person to ~~((cause or allow the application of any VOC-containing material to any Group I or II vehicle or mobile equipment or their parts and components))~~ apply any VOC-containing material to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles unless the coating is applied by the use of one of the following methods:

- (1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,
- (2) Electrostatic spray equipment,
- (3) Flow coat,
- (4) Dip coat,
- (5) Brush coat,
- (6) Hand-held aerosol cans,
- (7) Roll coat, or
- (8) Air brush.

~~((f))~~ (e) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including paint lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

~~((g))~~ (f) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being

added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

AMENDATORY SECTION

REGULATION III SECTION 2.01 APPLICABILITY TO TOXIC AIR CONTAMINANT SOURCES

(a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:

- (1) Asbestos Removal Operations subject to Article 4 of Regulation III
 - (2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to ~~((Section 3.01 of Regulation III))~~ 40 CFR Part 63, Subpart N
 - (3) Solvent Metal Cleaners subject to Section 3.05 of Regulation III
 - (4) Perchloroethylene Dry Cleaners subject to Section 3.03 of Regulation III
 - (5) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II
 - (6) Graphic Arts Systems subject to Section 3.05 of Regulation II
 - (7) Can and Paper Coating Operations subject to Section 3.03 of Regulation II
 - (8) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II
 - (9) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II
 - (10) Coatings and Ink Manufacturing subject to Section 3.11 of Regulation II
 - (11) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III
 - (12) Shipyard Coating Operations where all the coatings employed comply with the requirements in Table 2 in Subpart II 40 CFR Part 63 of NESHAP Shipbuilding and Ship Repair (Surface Coating) Operations
- (b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

REPEALER

REGULATION III SECTION 3.01 HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING

WSR 03-13-135
PROPOSED RULES
GAMBLING COMMISSION
 [Filed June 18, 2003, 10:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-05-086.

Title of Rule: Card room rules: Amending WAC 230-08-010 Monthly records, 230-12-340 Sale of gambling

equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions, 230-40-010 Social card games—Rules of play—Types of card games authorized, 230-40-040 Fees for house-banked card games—Prohibited—Exception, 230-40-805 Progressive jackpot prizes—Procedures—Restrictions—House-banking and 230-40-821 General accounting records—House-banking; and repealing WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits.

Purpose: To clarify and streamline rules and some house-keeping changes.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: In accordance with agency rules restricting the use of credit to purchase gambling equipment, clarify that the exception to this restriction is to allow only expensive gambling equipment to be purchased on credit, not disposable items such as cards and chips. Repeal Washington blackjack because the three card rooms grandfathered to operate the game no longer offer it. Clarify procedures for reducing jackpots. Clarify record-keeping requirements. Several housekeeping changes.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on August 15, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2003, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by August 1, 2003.

Date of Intended Adoption: August 15, 2003.

June 18, 2003

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-19-069, filed 9/18/95, effective 1/1/96)

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any gambling activity shall

maintain permanent monthly records of all financial transactions directly or indirectly related to gambling activities. Each record shall include, but not necessarily be limited to, all details of the following:

Compliance with other rules.

(1) All financial transactions completed by the licensee (~~and~~) must contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080, (~~and~~) 230-08-122, and 230-40-821;

Activities to be recorded separately and within thirty days - exemption.

(2) Each licensed activity shall be recorded separately and include all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month: Provided, That businesses licensed to operate punch boards and pull-tabs as commercial stimulants shall complete monthly records no later than fifteen days following the end of each month and such shall be available for audit or inspection the next day;

Records required for all licensees.

(3) The gross gambling receipts from the conduct of each of the activities licensed;

(4) Full details on all expenses related to each of the activities licensed;

(5) The total cost of all prizes paid out for each of the activities licensed;

Charitable and nonprofit records.

(6) With respect to those organizations licensed as qualified bona fide charitable or nonprofit organizations, except agricultural fairs, records shall clearly show in detail how the proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee. These records shall provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s). These records will include, but not be limited to, canceled checks for the subject disbursements;

Commercial stimulant records.

(7) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

Punch board and pull-tab games removed from play.

(8) In addition to any other requirement set forth in these rules, licensees for the operation of punch boards and pull-tabs shall be required to prepare a detailed monthly record for punch boards and pull-tab series removed from play during

that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission: Provided, That punch board and pull-tab monthly records may be stored in computer data bases if:

(a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;

(b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month;

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provide all data required by subsection (9) of this section; and

(e) Reports generated from the computer data base organize the required data in an order that approximates the standard format and does not impede audit.

Disclosing punch board/pull-tab information.

(9) Monthly records for punch boards and pull-tabs shall disclose for each punch board and pull-tab series the following information:

(a) The name of the punch board or pull-tab series;

(b) The Washington state identification and inspection services stamp number recorded by attaching a records entry label: Provided, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon.

(c) The date removed from play;

(d) The total number of tabs in each pull-tab series or the total number of punches in each punch board;

(e) The number of pull-tabs or punches remaining after removal from play;

(f) The number of pull-tabs or punches played from the pull-tab series or punch board;

(g) The cost to the players to purchase one pull-tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by:

(i) Subtracting actual cash from net gambling receipts for punch boards and pull-tabs which award cash prizes; and

(ii) Subtracting actual cash from gross gambling receipts for punch boards and pull-tabs which award merchandise prizes.

(l) The actual cash received from the operation of each pull-tab series or punch board: Provided, That when more than one series of pull-tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection;

(m) With written commission approval, licensees operating pull-tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.

Supporting documents.

(10) Copies of all additional financial data which support tax reports to any and all governmental agencies; and

Records to be maintained for three years.

(11) Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless released by the commission from this requirement as to any particular record or records.

AMENDATORY SECTION (Amending Order 411, filed 4/18/02, effective 7/1/02)

WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions. The use of credit in the sale of gambling equipment, devices, related supplies or paraphernalia, and services is prohibited. Except as authorized by this section, all sales of such shall be transacted on a cash basis. The following definitions, restrictions, and procedures apply to this section:

(1) All licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment, which shall not include cards, chips and other consumable

gambling-related equipment or devices through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty-eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;

(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;

(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and

(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

Definitions.

(2) The following definitions only apply to subsections (3) through (9) of this section:

(a) "**Manufacturers and distributors**" refers only to the manufacturers and distributors of pull-tabs, punch boards, and bingo supplies.

(b) A "**cash basis**" means full payment is received by the seller on or before actual delivery of the product or service to the purchaser;

(c) A "**trade account**" is a payment system that allows distributors to place orders for inventory or services from manufacturers or distributors and to make payment for such within a specific period of time after shipment of the product or completion of the service;

(d) "**Prescribed time period**" is the maximum period of time a distributor has to pay for purchases of goods or services made under trade account terms prior to being restricted to cash basis terms. The time period begins when a product is shipped or service completed and ends on the date payment is actually delivered to the manufacturer or distributor, or if delivered by the U.S. mail, the U.S. postmark date of the envelope containing the payment. For purposes of this section, prescribed time period means no later than sixty days after shipment of the products or completion of the services.

Authorized transactions.

(3) For purposes of this WAC title, the following transactions are authorized and shall not be deemed as credit or loans of money when applicable requirements are met:

(a) Purchases of goods and services from manufacturers or distributors when paid for by checks that meet the requirements of WAC 230-12-350;

(b) Purchases of goods or services by distributors from manufacturers or other distributors when utilizing trade account terms and the requirements of subsection (4) of this section are followed;

(c) Promissory notes between manufacturers and distributors for payment of debts incurred prior to the effective date of this section;

(d) Purchases made under capital lease agreements when the requirements of this section are followed;

(e) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section;

(f) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the product. If the distributor or manufacturer does not receive payment within thirty days, they must immediately restrict the licensee to sales on a cash on delivery basis until payment is received. Licensees paying for bingo supplies on terms other than a cash basis must document on the purchase invoice the date paid and the check number; and

(g) The sales of nongambling equipment, fixtures, supplies, or commodities to licensees are exempt from all provisions of this section when the requirements of WAC 230-12-330 are met.

Trade account conditions.

(4) Manufacturers and distributors may allow distributors to establish "trade accounts" to purchase gambling-related inventory or services without making immediate payment under the following conditions:

(a) Trade account terms, if offered to any distributor, shall be made available to all distributors without discrimination: Provided, That trade accounts may be restricted to distributors that:

(i) Meet objective credit criterion established by a manufacturer or distributor. Such criterion must be in writing, available to the commission for review, and provided to any distributor upon request. A manufacturer or distributor may include a distributor's payment history as a part of the trade account approval criterion;

(ii) Meet minimum purchase requirements established by the manufacturer: Provided, That the minimum purchase requirement shall not be greater than five hundred dollars per transaction;

(b) Trade account terms shall not allow a manufacturer or distributor to gain any ownership or financial interest in a licensee. This section is not intended to prohibit or restrict a manufacturer or distributor from gaining a security interest in inventory sold for credit, as authorized by the Uniform Commercial Code: Provided, That this section shall not allow a manufacturer to obtain an interest in inventory sold by any other manufacturer under trade account terms;

(c) A distributor shall make full payment for all goods or services purchased under trade account terms within the pre-

scribed time period. Failure to pay within the prescribed time period may be deemed solicitation of credit by the distributor.

Procedures for past due accounts - notification and sales restrictions.

(5) When a distributor fails to pay for goods or services purchased under trade account terms within the prescribed time period, the creditor manufacturer or distributor shall comply with the procedures set forth below. Failure to comply with these procedures may result in the manufacturer or distributor being deemed to have extended credit to the distributor. The following procedures must be followed when a distributor fails to make required payments:

(a) Notify the delinquent distributor of failure to pay by telephone no later than the end of the next business day;

(b) Restrict sales of all goods and services to the delinquent distributor no later than the end of the third business day after the default: Provided, That sales may be made to a delinquent distributor on a cash basis only;

(c) Notify the commission and all licensed manufacturers and distributors in writing by letter, facsimile or e-mail no later than the end of the fifth business day after default. Written notification shall include at least the following:

(i) The distributor's name;

(ii) The invoice or shipping order numbers involved in the transaction;

(iii) The date the item was shipped or service was provided; and

(iv) Any other information requested by the commission.

Cash only sales to delinquent distributors.

(6) Upon receipt of notification from the manufacturer that a distributor has a delinquent account, manufacturers and distributors shall immediately cease sales, shipments of products, and providing services to the delinquent distributor on other than a cash basis.

Notification of payment on past due accounts.

(7) **The manufacturer** shall notify the commission and all manufacturers and distributors in writing by letter, facsimile or e-mail, no later than the next business day after receiving payment from the delinquent distributor for the outstanding account. Trade account sales may then resume with all manufacturers.

(8) **The distributor** that was placed on a credit hold shall notify the commission in writing by letter, facsimile or e-mail, no later than the next business day after payment has been made to the manufacturer in which they were delinquent.

Failure to pay promissory notes.

(9) A creditor manufacturer or distributor shall immediately notify the commission if a distributor fails to abide by the terms of the promissory note and the process being pursued to correct the situation.

AMENDATORY SECTION (Amending Order 405, filed 7/13/01, effective 1/1/02)

WAC 230-40-010 Social card games—Rules of play—Types of card games authorized. Social card games shall be played using rules and procedures as set forth in this section. Only card games that have been specifically authorized are allowed to be played in public or social card rooms.

Rules of play for all card games.

(1) Social card games shall be played in the following manner:

(a) The game must be played with one or more standard decks of playing cards or with approved electronic card facsimiles which meet the requirements of WAC 230-40-070 (1)(c): Provided, That cards may be removed to comply with rules of a specific game, such as pinochle;

(b) Players shall compete against all other players on an equal basis for nonhouse-banked games or against the licensee for house-banked games;

(c) Each player shall receive their own hand of cards and be responsible for decisions regarding such hand, such as whether to fold, discard, draw additional cards, or raise the wager;

(d) Players shall not place wagers on any other player's or the house's hand and no side bets between players are allowed: Provided, That the following shall not be in violation of this section:

(i) An insurance bet placed in the game of blackjack;

(ii) A tip wager made on behalf of a dealer; or

(iii) "Envy" provisions which allow a player to receive a prize if another player wins a jackpot or odds wager;

(e) A player's win or loss shall be determined during the course of play of a single card game; and

(f) No more than two separate games shall be played with a single hand of cards. For purposes of this section, bonus features and progressive jackpots are considered a game: Provided, That bonus features that allow a player to receive an additional prize if another player achieves a specific hand, such as "envy" or "share the wealth" features, shall not be considered a separate game if the player does not have to place a separate wager to participate.

Nonhouse-banked card games authorized.

(2) Nonhouse-banked card games shall only be played in the manner set forth in *The New Complete Hoyle, Revised*, *Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That each licensee may make immaterial modifications to each authorized game set out in Hoyle. The following nonhouse-banked card games are authorized:

(a) Poker;

(b) Hearts;

(c) Pinochle;

(d) Cribbage;

(e) Rummy;

(f) Panguingue (Pan);

(g) Pitch;

(h) Bid Whist;

~~(i) (Washington blackjack, if the business was licensed and operating the game on April 1, 2000, and under the restrictions set forth in WAC 230-40-125;~~

(j)) Other games or modifications to approved games may be approved by the director, or the director's designee, on a case-by-case basis. Requests for approval of a game must be submitted in writing, and include the rules of play and all wagering schemes.

House-banked card games authorized.

(3) House-banked card games shall be approved by the director, or the director's designee, on a case-by-case basis. Request for approval of a house-banked card game must be submitted in writing, including the rules of play and all wagering schemes. A list of all approved games, modifications to games, and rules of play shall be available at all commission offices. The director may approve games in which the determination of whether a player wins or loses depends upon one or more of the following:

(a) The player's hand is a specific:

(i) Pattern or ranking of cards (pair, straight, flush, royal flush, etc.);

(ii) Combination of cards (two queens of hearts, ace and jack of spades, three sevens, etc.); or

(iii) Value of the cards (seventeen, twenty-one, etc.); and/or

(b) The player has a higher ranking or value hand than the house/dealer/banker.

Removing an approved game from play.

(4) Once a game is approved for play, the director shall not remove it from the authorized list of games without providing licensees written notice. Licensees shall be afforded an opportunity to object to the director's decision. If an objection is filed, an administrative law judge shall review the director's decision utilizing the brief adjudicative procedures set forth in WAC 230-50-010.

Procedures for when a proposed game is denied.

(5) The licensee shall be notified in writing when the director denies a request for a new game or modification of a game. The notification shall include reasons for the denial and provide the petitioner all information necessary for a formal petition to the commission for rule making, amendments, or repeal, as set forth in WAC 230-50-800.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-040 Fees for house-banked card games—Prohibited—Exception. No person shall be charged a fee, directly or indirectly, to participate in house-banked card games: Provided, That a licensee may collect a commission of not more than five percent from a winning hand ((of pai-gow poker)).

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-805 Progressive jackpot prizes—Procedures—Restrictions—House-banking. Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize, or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

Restrictions.

(1) House-banked progressive jackpot restrictions:

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

(i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and

(ii) A notice of the limit must be conspicuously posted at or near the game;

Adjusting jackpot amounts and prize payouts.

(2) A licensee shall not reduce the amount of a progressive jackpot prize, that has been accrued and displayed to players except as authorized by this section. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) Jackpot prizes of five thousand dollars or less shall be paid out immediately. For prizes over five thousand dollars, a minimum of five thousand dollars must be paid immediately and the remaining balance paid, by check, within twenty-four hours: Provided, That a check shall be issued for the entire prize balance within twenty-four hours, at the player's request. The jackpot and advertised amount shall be reduced only by the amount won;

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced as long as the funds removed are recorded as gross receipts and are properly documented in the records. A reserve or secondary jackpot may also be reduced to recover seed money that

PROPOSED

was not taken from gross receipts, provided that those funds are properly documented in the records;

Removing all or portion of a jackpot from play.

(3) House-banked progressive jackpot prizes, which are advertised or displayed in any manner are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

Disbursement.

(a) The director or the director's designee provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan and shall be conspicuously posted at least ten days prior to distribution. Licensees shall disburse the funds utilizing one or more of the following methods:

- (i) By offering the prize on a different house-banked game;
- (ii) Offering the prize through means of an approved tournament. All funds must be distributed within sixty days from the date of approval by commission staff; or
- (iii) Donating the money to the Washington state council on problem gambling; and

Discontinued jackpot-player notification.

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

Awarding merchandise prizes with jackpot funds.

(c) Licensees may ~~((use a portion of these funds to purchase))~~ reduce the jackpot only by the dollar amount paid for the merchandise to be awarded as prizes under the following conditions:

- (i) The licensee discloses to the public that a specific portion of these jackpot funds were used to purchase merchandise to be awarded as prizes, as well as the specific prize to be awarded;
- (ii) The merchandise is awarded as a prize on the specific outcome of a game and is included in the game rules;
- (iii) The merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the prize being awarded: Provided, That when the winner has an option to receive a cash prize in lieu of such merchandise, a licensee may enter into a contract to immediately purchase a merchandise prize after the winner chooses their option;
- (iv) The licensee must disclose the value of the merchandise to be awarded. This value must be true and verifiable; and
- (v) Detailed records, including purchase invoice, are maintained on premises and available for review by commission staff;

Temporarily removing a jackpot from play.

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

- (a) The removal and reasons must be approved in writing by commission staff; and
- (b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and
- (c) Players are notified of the disruption and the estimated date of continuance.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-821 General accounting records—House-banking. Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff. Such records shall include all details of activities related to the conduct of the licensed activity. The following requirements shall apply:

Revenue and expenses.

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

General accounting records.

(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on an accrual basis, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

Recordkeeping.

- (3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:
 - (a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";
 - (b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;
 - (c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;
 - (d) Records of amounts payable by the gaming operation;
 - (e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and
 - (f) Records of services provided for the operation of gaming activities.

Copies.

- (4) Whenever duplicate or triplicate copies are required of a form, record or document:
 - (a) The original, duplicate, and triplicate copies shall be color-coded;

WSR 03-13-137
PROPOSED RULES
GAMBLING COMMISSION

[Filed June 18, 2003, 10:57 a.m.]

(b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and

(c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

Storing documents.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

(a) Have the title of the form, record, document, or stored data (such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc.), imprinted or pre-printed thereon or therein; and

(b) ~~((Be located at the licensed premises for three years: Provided, That the director or the director's designee may waive parts of this section if requested by the licensee.))~~ All records shall be maintained for a period of not less than three years. At least the past six months of records must be available for inspection on premises.

Employee records.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall be maintained on the premises and include the following:

- (a) Employee names;
- (b) Gambling license numbers;
- (c) Gambling license expiration dates; and
- (d) Photocopies of all current employees' licenses.

Record of employees who have not yet received a license.

(7) If an employee license has not yet been issued, the licensee shall maintain a copy of the following:

- (a) Temporary employment authorization;
- (b) Documentation that the required payment (license or transfer fee) has been made; and
- (c) Proof that the employee has adhered to the ten-day waiting period, if applicable.

Notification - new license not received.

(8) The licensed card room operator shall ensure commission staff is notified if an employee license has not been received within sixty days of employment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-125	Washington blackjack— Rules of play—Wagering limits.
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Original Notice.

Preproposal statement of inquiry was filed as WSR 03-05-085.

Title of Rule: House-banked card room rules:

Elimination of formal Phase II reviews: Repealing WAC 230-40-803 Phase II wager limits—Restrictions—Procedures; and amending WAC 230-40-120 Limits on wagers in card games and 230-40-825 Closed circuit television system—House-banking.

Minimum bankroll: Amending WAC 230-40-833 Cashier's bank and minimum bankroll—House-banking.

Purpose: To streamline agency processes by eliminating formal Phase II reviews and to ensure licensees have sufficient bankroll to cover gambling activities.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: Currently, house-banked card rooms open with \$25 betting limits. After six months of operation, betting limits may be increased to \$100 if the operator successfully passes a Phase II review by staff and is formally approved by the commission. Phase II reviews no longer serve a regulatory purpose and eliminating this formal review would streamline agency processes. It allows staff flexibility in scheduling reviews and removes the formal review from the commissioner's agenda. Card rooms have also expressed financial concerns opening with \$25 betting limits. Minimum bankroll: Requiring licensees to follow minimum bankroll procedures ensures there are funds to pay out advertised prizes. This ensures players receive their winnings.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on August 15, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2003, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by August 1, 2003.

Date of Intended Adoption: August 15, 2003.

June 18, 2003

Susan Arland

Rules Coordinator

PROPOSED

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-803 Phase II wager limits—
Restrictions—Procedures.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-120 Limits on wagers in card games. Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

Nonhouse-banked card games.

(1) Poker:

(a) There shall be no more than five betting rounds in any one game;

(b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

(c) The maximum amount of a single wager shall not exceed twenty-five dollars.

(2) Games based on achieving a specific number of points - each point shall not exceed five cents in value.

(3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager.

(4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player.

House-banked card games.

(5) ~~(Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed twenty-five dollars;~~

~~(6))~~ Licensees authorized to conduct ~~((Phase II))~~ house-banked card games shall not allow a single wager to exceed one hundred dollars;

~~((7))~~ (6) A single wager may be made on each separate element of chance. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

~~((8))~~ (7) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsection~~((s))~~ (5) ~~((and-(6)))~~ of this section.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-833 Cashier's bank and minimum bankroll—House-banking. All card room licensees with house-banked card games or player-supported jackpots shall maintain sufficient funds to meet all cash out and prize payout requirements.

(1) All assets for which the cashiers are responsible shall be maintained on an imprest basis. This requires funds to be replenished on a regular basis by exactly the amount of expenditures from the cage less the amount of funds added. Expenditures shall be reviewed by a supervisor of the accounting department before replenishment: Provided, That licensees demonstrating the ability to control cage activity can request commission staff approval to operate on a float basis as an alternative procedure.

(2) The licensee shall have sufficient cash on hand to redeem all chips and payout all prizes: Provided, That payments of prizes may be paid by check as long as sufficient funds are available on deposit in accordance with WAC 230-40-608 and 230-40-808.

(3) Sufficient cash on hand shall be calculated using the bankroll analysis worksheet provided by the commission. If the minimum cash requirement is not met, the licensee shall notify commission staff immediately.

(4) Failure to maintain funds to cash in chips, pay prizes, or redeem gaming related checks shall be prima facie evidence of fraud.

AMENDATORY SECTION (Amending Order 418, filed 4/16/03, effective 7/1/03)

WAC 230-40-825 Closed circuit television system—House-banking. Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system and recorded using analog and/or digital recording equipment. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be viewed by the CCTV system:

(a) All gaming at each table including, but not limited to, the following:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings;
- (v) Card shoe;
- (vi) Shuffling devices; and

- (vii) Players and dealers.
- (b) All activity in the pits.
- (c) All activity in the cashier's cage including, but not limited to, the:
 - (i) Outside entrance;
 - (ii) Fill/credit dispenser;
 - (iii) Customer transactions;
 - (iv) Cash and chip drawers;
 - (v) Vault/safe;
 - (vi) Storage cabinets;
 - (vii) Fill or credit transactions; and
 - (viii) Floor.
- (d) All activity in the count room including, but not limited to, the:
 - (i) Count table;
 - (ii) Floor;
 - (iii) Counting devices;
 - (iv) Trolley;
 - (v) Drop boxes;
 - (vi) Storage shelves/cabinets; and
 - (vii) Entrance and exits.
- (e) The movement of cash, gaming chips, and drop boxes.
- (f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities having the ability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

- (a) At least one fixed camera focused over each gaming table covering the entire layout;
- (b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players and dealers at each gaming table. The PTZ cameras must be capable of viewing each patron and dealer at each gaming position at least once every five minutes;
- (c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;
- (d) A sufficient number of fixed and/or PTZ cameras in the cage(s);
- (e) A sufficient number of fixed and/or PTZ cameras in the count room; and

- (f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) **Analog recording**, including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty frames per second on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; or

(b) **Digital recording**, including audio recording where required, using a hard drive storage system, shall comply with the following requirements:

(i) All images shall be recorded on a hard drive;

(ii) Recording systems shall be locked by the manufacturer to disable the erase and reformat functions to prevent access to system data files;

(iii) The system must provide uninterrupted recording of surveillance, this shall include during playback or copying;

(iv) Recording systems shall be capable of copying original images maintaining the original native format;

(v) Images shall be stored at a rate of not less than twenty-five images per second;

(vi) Resolution shall be 640 x 480 or higher;

(vii) Images shall be stored in a format that is readable by commission computer equipment;

(viii) Images shall be stored in a format that contains a method to verify the authenticity of the original recording and copies;

(ix) Recorded images shall include the accurate time and date the video was originally recorded;

(x) Previously recorded material may be overwritten after seven continuous days of gaming; and

(xi) Recording systems shall be equipped with an uninterruptible power source to allow a proper system shutdown.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be recorded.

(6) Video signals from all cameras shall be recorded when:

- (a) Gaming tables are in operation;
- (b) Drop boxes or chip trays are stored on the gaming tables;
- (c) Drop boxes are being transported; or
- (d) Drop box contents are being counted.

Video monitors.

(7) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(8) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

~~((Surveillance staff not required.~~

~~(9) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.))~~

Surveillance activity log.

~~((10))~~ (9) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;
- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and
- (e) A record of any equipment or camera malfunctions.

Employee sign-in log.

~~((11))~~ (10) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing video and audio recordings.

~~((12))~~ (11) Video and audio recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to recordings:

(a) Recordings shall be retained for a minimum of seven complete gaming days;

(b) Recordings of evidentiary value shall be maintained as requested by commission staff; and

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

~~((13))~~ (12) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

WSR 03-13-138**PROPOSED RULES****HEALTH CARE AUTHORITY**

(Public Employees Benefits Board)

[Order 02-07—Filed June 18, 2003, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-21-133.

Title of Rule: Rules affecting Public Employees Benefits Board (PEBB) sponsored active employees and retirees.

Purpose: The Health Care Authority (HCA) reviewed chapters 182-08 and 182-12 WAC and is proposing amendments to those chapters to clarify the eligibility and administrative rules affecting PEBB-sponsored insurance coverages for active and retired public employees and to streamline administration of the PEBB program.

Statutory Authority for Adoption: RCW 41.05.160 and 41.05.165.

Statute Being Implemented: Chapter 158, Laws of 2003, and RCW 41.05.065, [41.05].080, and [41.05].090.

Summary: HCA reviewed chapters 182-08 and 182-12 WAC and is proposing amendments to those chapters to clarify eligibility and administrative rules affecting PEBB-sponsored insurance coverages for active and retired public employees and to streamline administration of the PEBB program.

Reasons Supporting Proposal: These proposed amendments and new proposed rules are designed to clarify eligibility and administrative rules affecting PEBB-sponsored insurance coverages for active and retired public employees and streamline administration of the PEBB program. Changes were made to support chapter 158, Laws of 2003.

Name of Agency Personnel Responsible for Drafting: Barbara Scott, Health Care Authority, (360) 923-2642; Implementation: Katie Rogers, Health Care Authority, (360) 923-2735; and Enforcement: Jayne Wallace, Health Care Authority, (360) 923-2640.

Name of Proponent: Administrator, Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: HCA reviewed chapters 182-08 and 182-12 WAC and is proposing amendments to those chapters to clarify eligibility and administrative rules affecting PEBB-sponsored insurance coverages for active and retired public employees and to streamline administration of the PEBB program.

It has become clear over the last several years that some rules in chapters 182-08 and 182-12 WAC are confusing to those affected by the rules. A thorough review of these chapters was undertaken. These proposed amendments and proposed new rules are intended to clarify some of the most troublesome rules affecting PEBB active employees and retirees.

Proposal Changes the Following Existing Rules: Most of these amendments clarify existing rules. The following changes:

WAC 182-08-180, sets forth in rule procedural deadlines for notification of eligibility status.

WAC 182-08-190, sets forth in rule deadlines for payment of premiums.

WAC 182-08-196, sets forth in rule default plan assignment if enrollee fails to make selection within the required time period.

WAC 182-12-111 (5)(e), implements 2003 legislation (chapter 158, Laws of 2003), providing for collection of a composite rate for participating school districts.

WAC 182-12-117, Medicare "eligible" changed to Medicare "entitlement," and clarified eligibility for state retiree coverage.

WAC 182-12-119, sets forth in rule policy for determining eligibility for state insurance for dependents and changes from 60 days to 90 days the deadline for application for surviving dependent coverage.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Offices of the Department of Information Systems, Forum Building, 605 11th Avenue, Olympia, WA, on July 29, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by July 22, 2003, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, fax (360) 923-2602, by July 29, 2003.

Date of Intended Adoption: July 30, 2003.

June 18, 2003

Melodie Bankers, Director
Legal and Contract Services

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-015 Definitions. The following definitions apply throughout ~~((these rules))~~ this Title 182 WAC unless the context clearly indicates other meaning:

(1) "Administrator" means the administrator of the HCA or designee.

(2) ~~((("Public employees benefits board" (PEBB);))~~ "Board" means the public employees benefits board established under provisions of ~~((chapter 41.05 RCW))~~ RCW 41.05.055. The ~~((PEBB))~~ board is created within the HCA and the administrator of the HCA shall serve as the chair of the board.

(3) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health plan to another, enroll in a medical plan if the enrollee had previously waived coverage or add dependents.

(4) "Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in a PEBB plan, and for whom applicable premium payments have been made.

(5) "Subscriber" or "insured" means the enrollee who has been designated by the HCA as the individual to whom the HCA and the health plan will issue all notices, information, requests and premium bills on behalf of all enrolled family members.

(6) "Effective date of enrollment" means the first date~~((, as established by the PEBB))~~ on which an enrollee is entitled to receive covered services ~~((from the enrollee's respective health plan system))~~.

(7) "PEBB plan" means one or more insurance programs established by the public employees benefits board for eligible enrollees and their dependents.

AMENDATORY SECTION (Amending Order 01-05, filed 11/29/01, effective 12/30/01)

WAC 182-08-095 Waiver of coverage. (1) Active employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents if they are covered by another medical plan. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

(2) Employees whose medical coverage is waived ~~((with))~~ must remain enrolled in a PEBB dental plan. Employees ~~((with))~~ must also remain enrolled in PEBB life and long term disability coverage.

PROPOSED

(3) If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage (~~is required to~~) during the period of waived coverage must demonstrate that:

~~((1))~~ (a) Medical coverage was continuous from the date PEBB coverage was waived; and

~~((2))~~ (b) The period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll ((in the event)) only as a result of acquisition of a new dependent ((as a result of)) due to marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption of a child.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-120 Employer contribution. The ~~((PEBB has utilized the))~~ employers' contribution must be used to provide coverage for the basic life insurance benefit, a basic long term disability benefit, medical coverage, and dental coverage, and to establish a reserve for any remaining balance. There is no employer contribution available for any other insurance coverages.

AMENDATORY SECTION (Amending Order 01-05, filed 11/29/01, effective 12/30/01)

WAC 182-08-125 PEBB-sponsored medical and dental benefit is limited to one enrollment per individual member. (1) Effective January 1, 2002, individuals that have more than one source of eligibility for enrollment in PEBB(~~-sponsored~~) medical and dental benefits (called "dual eligibility") are limited to one enrollment.

(2) One insurance-eligible employee may waive medical coverage for him/herself and enroll as a spouse or dependent on the coverage of his/her eligible spouse or dependent. This waiver option is not available for other insurance coverages.

(3) The following ~~((three))~~ examples describe typical situations of dual eligibility. These are not the only situations where dual eligibility may arise ~~((and))~~. These examples are provided as illustrations only.

(a) A husband and wife who are both insurance-eligible and employed by PEBB-participating employers, such as state agencies, may enroll only in medical or dental as an employee ~~((and))~~ but not also as a dependent. That is, the husband may enroll only under his employing agency and the wife may enroll only under her employing agency but not also as dependents of each other. In the alternative, one spouse may waive medical coverage as an employee and enroll as a dependent on the medical coverage of the other spouse.

(b) A dependent child that is eligible for coverage under two or more parents or stepparents who are employed by PEBB-participating employers, may be enrolled as a dependent under the coverage of one parent or stepparent, but not more than one.

(c) An employee employed in an insurance-eligible position by more than one PEBB-participating employer may enroll only under one employer. The employee may choose to enroll in insurance under the employer that:

- (i) Offers the most favorable cost-sharing arrangement;
- or
- (ii) Employed the employee for the longer period of time.

AMENDATORY SECTION (Amending WSR 97-21-126, filed 10/21/97, effective 11/21/97)

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, ~~((shall))~~ may continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may ~~((self-pay their))~~ also continue current optional life and long-term disability on a self-pay basis. All premiums that come due during the period of family and medical leave shall be paid monthly as they become due. If premiums are more than sixty days delinquent, coverage will be terminated retroactive to the last day of the month of fully paid coverage. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-180 ~~((Reimbursement payment of miscalculated premiums-)) Premium payments and refunds.~~ (1) Within ninety days after an event affecting eligibility, the subscriber or a dependent or beneficiary of a subscriber must notify HCA of any change in eligibility status, such as for example: Death, divorce, or when no longer a dependent as defined at WAC 182-12-119. Premium paid after such an event will be refunded in accordance with subsection (4) of this section.

(2) Premiums miscalculated will be adjusted by returning the excess charged premium, if any, to the employer ~~((or))~~, subscriber, or beneficiary, as appropriate. Errors producing an underpayment ~~((with))~~ must be reimbursed by the employer or subscriber~~((-))~~ to the HCA. Upon request of an employer, subscriber, or beneficiary, as appropriate, the HCA will develop a repayment plan ~~((that will))~~ designed not to create undue hardship on the employer or subscriber.

(3) Premium is due for the entire month of coverage and will not be prorated during the month of death or loss of eligibility of the enrollee.

(4) Premium refunds requested by a subscriber or a dependent or beneficiary must be presented to HCA within ninety days of the event. Refunds will not be made for more than three months of premium. Examples of such events include, but are not limited to, divorce, death of an employee

or dependent, or situations where premium was paid on behalf of enrollees or dependents.

AMENDATORY SECTION (Amending Order 02-03, filed 9/3/02, effective 10/4/02)

WAC 182-08-190 Employer contribution. (1) Every department, division, or agency of state government, and such county, municipal or other political subdivisions as are covered under the PEBB plans, shall ~~((provide))~~ pay premium contributions to the HCA for insurance benefits for all of its insurance-eligible employees and their dependents.

~~((State))~~ (a) Employer contributions shall be set by the HCA and are subject to the approval of the governor.

(b) Employer contributions shall include an amount determined by the HCA to pay administrative costs to administer the plans for employees of these groups.

(c) Each eligible ~~((state))~~ employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave shall be eligible for the employer contribution. The entire employer contribution is due and payable to HCA even if medical coverage is waived.

(d) Coverage for any county, municipality or other political subdivision or any K-12 school district may be terminated by HCA if the premium contributions are delinquent more than ninety days.

(2) For the period of July 1, 2002, to June 30, 2003, eligible state employees placed on temporary unpaid leave in order to implement the 2002 supplemental appropriations act are not required to have eight hours of pay status in order to maintain eligibility for the employer contribution for each month that they are on mandatory leave.

NEW SECTION

WAC 182-08-196 Health plan no longer available. Active employees and retirees for whom the chosen health plan becomes unavailable must select a new health plan within thirty-one days after notification by HCA. Any person that fails to select a new plan within the prescribed time period will be enrolled in the Uniform Medical Plan by default. Any person defaulted to the Uniform Medical Plan may not change health plans until the next open enrollment.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-210 Termination of employer paid insurance benefit programs. Coverage for a terminated employee, spouse ~~((and))~~ or dependent ~~((children))~~ child under the PEBB ~~((coverage))~~ medical, dental, and life insurance coverages ceases at 12:00 midnight, the last day of the month in which the employee is in pay status. Basic long term disability coverage ceases at 12:00 midnight the date ~~((your))~~ employment terminates or immediately upon the death of the employee.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-220 Advertising or promotion of PEBB sponsored benefit plans. (1) In order to assure equal and unbiased representation of PEBB ~~((sponsored or approved benefit))~~ plans, any promotion of these plans shall comply with all of the following:

~~((1))~~ (a) All materials describing PEBB plan benefits ~~((are to))~~ shall be prepared by or approved by the HCA prior to use.

~~((2))~~ (b) Distribution or mailing of all plan benefit descriptions ~~((is to))~~ shall be performed by or under the direction of the HCA.

~~((3))~~ (c) All media announcements or advertising by a carrier which include any mention of the "Public Employees Benefits Board," "health care authority" or any reference to coverage for "state employees or retirees" or any group of employees covered by PEBB plans, must receive the advance written approval of the HCA.

(2) Failure to comply with any or all of these requirements by a PEBB contracted ~~((plan))~~ carrier or ~~((plan))~~ subcontractor may result in contract termination by the HCA ~~((and/or HCA)),~~ refusal to ~~((consider continued or renewed contracting))~~ continue or renew a contract with the noncomplying party, or both.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-08-020 Duties and responsibilities.

AMENDATORY SECTION (Amending Order 02-02, filed 9/3/02, effective 10/4/02)

WAC 182-12-111 Eligible entities and individuals.

The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, ~~((including))~~ the higher education coordinating board, and the state board for community and technical colleges is ~~((eligible and))~~ required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.-270.

(a) Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time re-enrollment option after a five year wait. Employees of a bargaining unit may terminate PEBB participation only as an entire bargaining unit. All administrative or managerial employees may terminate PEBB participation only as an entire unit.

(b) Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as spec-

ified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employee organizations. Employee organizations representing state civil service employees, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, may participate in PEBB-sponsored benefits at the option of each employee organization provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB plan coverage as a unit. If the group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB medical plans ~~((are))~~ must be the only employer sponsored medical plans available to ~~((the))~~ eligible employees.

(c) The legislative authority ~~((of the entity))~~ or the board of directors ~~((submits))~~ of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity ~~((to the HCA))~~. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors ~~((agrees to))~~ must maintain its PEBB plan participation for a minimum of one full year, and ~~((then through))~~ may terminate participation only at the end of ~~((the))~~ a plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes ~~((will))~~ must be submitted to HCA.

(f) The eligibility requirements for dependents ~~((shall))~~ must be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no ~~((later))~~ fewer than thirty days prior to the effective date of termination. If the employee organization terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, ~~((will no longer be))~~ are not eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(3) Blind vendors as defined in RCW 74.18.200: Vendors actively operating a business enterprise program facility in the state of Washington and deemed eligible by the department of services for the blind may voluntarily participate in PEBB insurance programs.

(a) Vendors that do not enroll when first eligible may enroll only during the annual open enrollment period offered

by the health care authority or the first day of the month following loss of other coverage.

(b) Department of services for the blind will notify eligible vendors of their eligibility in advance of the date that they are eligible to apply for enrollment in PEBB insurance programs.

(c) The eligibility requirements for dependents of blind vendors shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(4) Local governments: Employees of a county, municipality, or other political subdivision of the state may participate in PEBB insurance programs provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB plan coverage as a unit. If the employer group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB medical plans ~~((are))~~ must be the only employer sponsored medical plans available to ~~((the))~~ eligible employees.

(c) The legislative authority ~~((of the entity))~~ or the board of directors ~~((submits))~~ of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity ~~((to the HCA))~~. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors ~~((agrees to))~~ must maintain its PEBB plan participation for a minimum of one full year, and ~~((then through))~~ may terminate participation only at the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums ~~((shall))~~ must be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes ~~((will))~~ must be submitted to HCA.

(f) The eligibility requirements for dependents of local government employees ~~((shall))~~ must be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no ~~((later))~~ fewer than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, ~~((will no longer be))~~ are not eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(5) K-12 school districts and educational service districts: Employees of school districts or educational service

districts may participate in PEBB insurance programs provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB plan coverage as a unit. If the K-12 school district or educational service district meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group. For the purpose of enrolling by bargaining unit, all nonrepresented employees will be considered a single bargaining unit.

(b) The school district or educational service district must submit an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(c) The school district or educational service district ~~((obligates itself))~~ must agree to participate in all PEBB insurance plans. The PEBB medical plans ~~((are))~~ must be the only employer sponsored medical plans available to ~~((all))~~ eligible employees.

(d) The school district or educational service district ~~((agrees to))~~ must maintain its PEBB plan participation for a minimum of one full year, and ~~((then through))~~ may terminate participation only at the end of the plan year.

(e) Beginning September 1, 2003, the health care authority will collect an amount equal to the composite rate charged to state agencies plus an amount equal to the employee premium by plan and family size as would be charged to state employees for each participating school district((s)) or educational service district((s that begin participation on or after September 1, 2002, will pay the same composite rate as state agencies. The premium charged to eligible employees will be the same as that charged to state employees)). Each participating school district or educational service district must agree to collect an employee premium by plan and family size that is not less than that paid by state employees. The eligibility requirements for employees will be the same as those for state employees as defined in WAC 182-12-115.

(f) The eligibility requirements for dependents of K-12 school district and educational service district employees ~~((shall))~~ must be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The school district or educational district ~~((shall))~~ must provide the HCA with written notice of its intent to terminate PEBB plan participation no ~~((later))~~ fewer than thirty days prior to the effective date of termination, and may terminate participation only at the end of a plan year.

(6) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350 may participate as long as they remain eligible under that section.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-115 Eligible employees. The following employees of state government, higher education, K-12 school districts, educational service districts, political subdivisions and employee organizations representing state civil service workers are eligible to apply for PEBB insurance coverage ~~((by PEBB plans))~~. For purposes of defining eligible employees of school districts~~((s))~~ and educational service districts, ~~((the))~~ a collective bargaining agreement will supersede all definitions provided under this ~~((rule))~~ chapter 182-12 WAC only if approved by the ~~((PEBB and/or))~~ the HCA.

(1) "Permanent employees." Those who work at least half-time per month and are expected to be employed for more than six months. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment.

(2) "Nonpermanent employees." Those who work at least half-time and are expected to be employed for no more than six months. Coverage begins on the first day of the seventh month following the date of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment season after season. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment. However, seasonal employees are not eligible for the employer contribution during the break between seasons of employment but may be eligible to continue coverage by self-paying premiums.

(4) "Career seasonal/instructional year employees." Employees who work half-time or more on an instructional year (school year) or equivalent nine-month seasonal basis. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of the month, coverage begins on the date of employment. These employees are eligible to receive the employer contribution for insurance during the off-season following each period of seasonal employment.

(5) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis ~~((become))~~ are eligible to apply for coverage beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education. Coverage begins on the first day of the month following the beginning of the second quarter/semester of half-time or more employment. If the first day of the second consecutive quarter/semester is the first working day of the month, coverage begins at the beginning of the second consecutive quarter/semester.

Employers of part-time faculty must:

(a) Consider spring and fall as consecutive quarters/semesters when determining eligibility; and

(b) Determine "halftime or more employment" based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. ~~((The employee shall have the responsibility, each quarter, to notify the employers))~~

(d) Part-time faculty members employed at more than one institution are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will ((there be a requirement for)) retroactive coverage be permitted or employer contribution paid to HCA if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

~~((e))~~ (e) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to HCA; and

~~((e))~~ (f) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(6) "Appointed and elected officials." Legislators are eligible to apply for coverage on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible to apply for coverage on the date their term begins or they take the oath of office, whichever occurs first. Coverage for legislators begins on the first day of the month following the date their term begins. If the term begins on the first working day of the month, coverage begins on the first day of their term. Coverage begins for all other elected and full-time appointed officials of the legislative and executive branches of state government on the first day of the month following the date their term begins, or the first day of the month following the date they take the oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of the month, coverage begins on the date the term begins, or the oath of office is taken.

(7) "Judges." Justices of the supreme court and judges of ~~((the))~~ courts of appeals and the superior courts become eligible to apply for coverage on the date they take the oath of office. Coverage begins on the first day of the month following the date their term begins, or the first day of the month following the date they take oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of a month, coverage begins on the date the term begins, or the oath of office is taken.

AMENDATORY SECTION (Amending Order 01-01, filed 8/9/01, effective 9/9/01)

WAC 182-12-117 Eligible retirees. (1) Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical and dental coverages provided all of the following requirements are met:

(a) ~~If the retiree ((and) or covered dependent(s) ((are eligible for)) is entitled to Medicare ((elects Medicare Parts A and B if)) and the retiree retired after July 1, 1991 the Medicare-entitled retiree or Medicare-entitled dependent must enroll in Medicare Parts A and B; and~~

(b) The person submits an application form to enroll or waive PEBB medical and dental coverage within sixty days after active employer or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends and is eligible for retiree benefits under one or more of the programs described in (c), (d), (e), (f), or (g) of this subsection;

(c) Except as provided in (c)(vii) of this subsection, the person immediately begins receiving a monthly retirement income benefit from one or more of the following retirement systems:

(i) Law enforcement officers' and fire fighters' retirement system plan 1 or 2;

(ii) Public employees' retirement system plan 1 or 2;

(iii) School employees' retirement system plan 2;

(iv) State judges/judicial retirement system;

(v) Teachers' retirement system plan 1 or 2; or

(vi) Washington state patrol retirement system.

(vii) Provided, however, that a lump-sum payment may be received in lieu of a monthly retiree income benefit payment under RCW 41.26.425(1), 41.32.762(1), 41.32.870(1), 41.35.410(1), 41.35.670(1), 41.40.625(1) or 41.40.815(1).

(d) The person is at least fifty-five years of age with at least ten years service credit and a member of one of the following retirement systems:

(i) Public employees' retirement system plan 3;

(ii) School employees' retirement system plan 3; and

(iii) Teachers' retirement system plan 3.

(e) The person is a member of state of Washington higher education retirement plan, and is:

(i) At least fifty-five years of age with at least ten years service; or

(ii) At least sixty-two years of age; or

(iii) Immediately begins receiving a monthly retirement income benefit.

(f) If not retiring under the public employees' retirement system, the person would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of public employees retirement system 1 or 2 for the same period of employment.

(g) The person is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system.

(2) Eligible employees who participate in the public employees' benefits board (PEBB) sponsored life insurance as an active employee and meet qualifications for retiree

medical benefits as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they apply to the health care authority within sixty days after the date their active PEBB life insurance terminates and their premium is not being waived for any PEBB life insurance plan at the time of application for retiree life insurance.

(3) The following retired and disabled school district and educational service district employees are eligible to participate in PEBB medical and dental plans only, provided they meet all of the enrollment criteria stated below and if ((eligible for)) they are entitled to Medicare, are also enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32, 41.35 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are eligible for medical, dental and life insurance benefits as provided in subsection (2) of this section, provided they apply for retiree coverage before their PEBB active employee coverage ends.

(5) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(6) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

(7) Employees who do not elect enrollment in PEBB retiree coverage within sixty days of retirement, or who terminate PEBB retiree coverage within sixty days of retirement, or who terminate PEBB retiree coverage after retirement, are not eligible to reenroll in PEBB retiree coverage, unless they retired after January 1, 2001, and waived PEBB retiree coverage pursuant to WAC 182-12-132.

(8) If a retiree's coverage terminates for any reason, coverage will not be reinstated at a later date. Examples of termination include, but are not limited to, any one or more of the following:

(a) Failure to continue to meet eligibility requirements;

(b) Failure to pay the premium when due;

(c) Fraud, intentional misrepresentation or withholding of information the enrollee knew or should have known was material or necessary to accurately determine eligibility or the correct premium;

(d) Failure to provide information requested by the due date or knowingly providing false information;

(e) Abusive or offensive conduct repeatedly directed to an HCA employee, a health plan or other HCA contractor providing coverage on behalf of the PEBB program, its employees, or other persons; or

(f) Intentional misconduct.

(9) Enrollees may not enroll in retiree PEBB dental coverage unless they also enroll in retiree PEBB medical coverage.

(10) In order to continue retiree term life coverage, an election must be made within sixty days of retirement and premiums must be paid whether or not the retiree is otherwise employed. Election of retiree term life coverage may not be waived or deferred during periods of other coverage or otherwise.

AMENDATORY SECTION (Amending Order 02-02, filed 9/3/02, effective 10/4/02)

WAC 182-12-119 Eligible dependents. "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse or "qualified domestic partner" (same sex domestic partner qualified through the declaration certificate issued by the health care authority).

(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and extended dependents approved by the HCA are included. To qualify for HCA approval, the subscriber must demonstrate legal custody for the child with a court order, and the child:

(a) Must be living with the subscriber in a parent-child relationship; and

(b) ((Be dependent upon the subscriber for financial support; and

(e)) Must not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree ((for maintenance and support;)) and who are registered students ((in full-time attendance)) at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and ((for)) and continues during the ((quarter)) three-month period following graduation provided the employee/retiree is covered at the same time((;)), the dependent ((limiting age has not been exceeded;)) has not reached age twenty-four, and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a full-

PROPOSED

time student. Proof of such disability must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents.

(a) Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

~~((a))~~ (i) The parent maintains continuous coverage in a PEBB-sponsored medical plan;

~~((b))~~ (ii) The parent ~~((continues to qualify))~~ qualifies under the Internal Revenue Code as a dependent of an eligible subscriber;

~~((c))~~ (iii) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and

~~((d))~~ (iv) The parent is not covered by any other group medical insurance.

(b) Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

(a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:

(i) If a dependent loses eligibility under a PEBB plan due to the death of the employee, the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system ~~((f))~~. The Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death ~~((g))~~.

(ii) If a surviving dependent of a PEBB employee is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees enrolled in the retiree's PEBB plan or ~~((waiving))~~ that waived coverage under a PEBB plan while eligible for an employer sponsored medical plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

(iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within ~~((sixty))~~ ninety days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. In order to avoid duplication of group medical coverage, surviving dependents may defer or waive their enrollment in the PEBB coverage each full calendar month in which they maintain coverage

under ~~((a))~~ another employer sponsored medical plan. Notice of intent to waive PEBB coverage must be sent in writing to the Washington state health care authority within ninety days from date of death. When an employer sponsored medical plan ends, surviving dependent(s) must submit an application to enroll in a PEBB plan within sixty days of the last day of coverage under the employer sponsored medical plan. Satisfactory evidence of continuous enrollment in an employer sponsored medical plan will be required by the Washington state health care authority prior to enrollment in a PEBB plan. The employee's or retiree's spouse or qualified domestic partner may continue coverage indefinitely; other dependents may continue coverage only until they lose eligibility under PEBB rules.

AMENDATORY SECTION (Amending Order 02-02, filed 9/3/02, effective 10/4/02)

WAC 182-12-132 Waiving or deferring coverage at retirement. (1)(a) Beginning January 1, 2001, retirees may waive PEBB medical and dental coverage for themselves and all dependents at retirement if they are covered under another comprehensive employer sponsored medical plan as an active employee or as the spouse of an active employee, or as a dependent of the spouse's or employee's retirement coverage from another employer. ~~((Other coverage may be attained through the retiree's reemployment or the spouse's employment.) In order to continue retiree term life coverage, coverage must be selected upon retirement and premiums must continue to be paid during reemployment status.))~~

(b) In order to waive medical and dental coverage, the retiree must submit to the health care authority a PEBB enrollment form indicating ~~((their))~~ a desire to waive coverage ~~((to the health care authority))~~. ~~((This))~~ The waiver notice must be ~~((accomplished))~~ received by the HCA prior to the date coverage is waived or within sixty days of the date ~~((they are))~~ the retiree is eligible to apply for PEBB sponsored retiree benefits.

(c) When the retiree again ceases active employment, the retiree may enroll in PEBB medical and dental coverage with satisfactory evidence of continuous comprehensive employer-sponsored coverage within sixty days ~~((of the loss of))~~ after the last day of the retiree's other coverage.

(d) PEBB coverage will become effective the first of the month following the date other coverage ended.

(2) Election of retiree term life coverage may not be waived or deferred during periods of other coverage or otherwise.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-145 Insurance eligibility for higher education. For the purpose of insurance eligibility, the ~~((PEBB))~~ HCA considers the higher education personnel board, the council for post secondary education, and the state board for community colleges to be higher education agencies.

AMENDATORY SECTION (Amending Order 02-03, filed 9/3/02, effective 10/4/02)

WAC 182-12-220 Eligibility during appeal of dismissal. (1) Employees awaiting hearing of a dismissal action before the personnel appeals board, higher education personnel board or court may continue their PEBB coverages by self-payment of premium on the same terms as an employee who is granted leave without pay.

(2) If the hearing board or court upholds the dismissal, all coverages shall terminate at the end of the month in which the board or court's decision is made or the date to which premiums have been paid, whichever is earlier.

(3)(a) If the hearing board or court sustains the employee in the appeal and directs reinstatement of employer paid coverages retroactively, the employer must forward to the HCA the full employer contribution for the period directed by the hearing board or court and collect from the employee the employee's share of premiums due, if any.

(PEBB) (b) The HCA will refund to the employee any premiums the employee paid that will be provided for by the reinstatement of the employer contribution provided the employee makes retroactive payment of any employee contribution amounts associated with the coverage.

(c) All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively, provided the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium, evidence of insurability will be required to obtain such optional coverage.

(4) If during the pendency of an appeal or within sixty days after an order of reinstatement is entered the employee fails to make any premium payment by its due date, coverage will cease effective the last date for which premiums have been paid.

WSR 03-13-140
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-033.

Title of Rule: Commercial fishing rules.

Purpose: Establish wild shellfish harvest rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establishes wild shellfish harvest under an emerging commercial fishery license. Allows use of water pumps to take geoducks.

Reasons Supporting Proposal: Accountability of wild shellfish harvest. Facilitates geoduck harvest.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930;

Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Although there is a statutory requirement for a license for commercial harvest of wild shellfish, no license is so designated. A recent increase in wild geoduck harvest shows that this is an emerging commercial fishery. Utilization of the emerging commercial fishery license and trial fishery permit will provide the licensing and allow for catch recording on fish receiving tickets. Tribal notification is consistent with the shellfish subproceeding in *U.S. v. Washington* Conversion to private sector cultured aquatic products when the property is registered as an aquatic farm allows quarterly reporting rather than fish tickets. Allowing use of water pumps to take geoduck conform the industry standard.

Proposal Changes the Following Existing Rules: Amend gill net seasons.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: No requirements of harvesters. Catch to be reported by wholesale dealers on fish receiving tickets.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Purchase of an emerging commercial fisheries license.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No - no business or revenue losses anticipated.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

A harvester who is a single entity will pay \$185 for a resident license and \$295 for a nonresident. This is the cost per employee.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: Licensing is required by statute. This is the only applicable license.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Rules will be developed and reviewed through the public rule process under the auspices of the Washington Fish and Wildlife Commission.

8. A List of Industries That Will Be Required to Comply with the Rule: Wild shellfish harvesters.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-88D-010 Emerging commercial fishery—Commercial wild clams, mussels, and oyster shellfish fishery on nonstate tidelands and bedlands. The purpose of this chapter is to establish the commercial harvest of wild clams, mussels, and oysters on nonstate lands as an emerging commercial fishery.

NEW SECTION

WAC 220-88D-020 Designation of the commercial wild clams, mussels, and oyster harvest on nonstate lands as an emerging commercial fishery. The director designates the commercial harvest of wild clams, mussels, and oysters from nonstate tidelands and bedlands as an emerging commercial fishery for which use of a vessel is not required. It is unlawful for any person to harvest wild clams, mussels, or oysters for commercial purposes from nonstate lands unless the harvester has an emerging commercial fishery license and a valid nonstate lands commercial wild clam, mussel, and oyster trial fishery permit.

NEW SECTION

WAC 220-88D-030 Eligibility to participate in the nonstate lands commercial wild clams, mussels, and oyster shellfish fishery. (1) Persons having an ownership interest or contractual right to take shellfish from nonstate owned tidelands or bedlands and who intend to commercially harvest wild stocks of clams, mussels, or oysters are eligible to obtain a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit and to purchase an emerging commercial fishery license.

(2) "Commercial harvest" of wild clams, mussels, and oysters includes both harvest for sale or barter and harvest of the presumptive commercial quantities defined in RCW 69.30.010.

NEW SECTION

WAC 220-88D-040 Nonstate lands commercial wild clams, mussels, and oysters—Application requirements—Survey and notification requirements—Incidental take prohibited. (1) A person making application for a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit must provide the following:

(a) Documentation of ownership interest in or contractual right to harvest from the lands from which the wild clams, mussels, or oysters are to be harvested.

(b) A shellfish growing area certificate of approval issued by the state department of health for the lands from which the wild clams, mussels, or oysters are to be harvested.

(c) It is unlawful to commercially harvest wild clams, mussels, or oysters without a valid emerging commercial fishery license and a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit.

(2) Prior to conducting harvest activities under a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit, the permit holder must complete the following:

(a) Conduct a biomass survey for each species to be harvested according to standard survey methods provided by state-tribal fishery managers. At least thirty days in advance of any planned survey, notification of the intent to survey must be made to the department and all treaty tribes having usual and accustomed fishing rights, as defined in *U.S. v. Washington*, so they may exercise the right to participate in the survey.

(b) At least sixty days in advance of any harvest, provide a copy of the survey results to the department and evidence of sending the survey results to all treaty Indian tribes having usual and accustomed fishing rights, as defined in *U.S. v. Washington*, for the lands from which the wild clams, mussels, or oysters are to be harvested.

(c) Clearly and visibly mark with stakes and/or buoys the property boundaries of the nonstate tidelands to be harvested, using standard methods provided by state and tribal fishery managers.

(d) At least two weeks prior to commencement of actual harvest, notify the department of dates when commercial harvest activity will be conducted.

(e) Failure to comply with the requirements of this subsection invalidates the emerging commercial fishery license issued for the harvest of wild clams, mussels, and oysters.

(3) A nonstate lands commercial wild clam, mussel, and oyster trial fishery permit does not allow the harvest of any shellfish other than clams, mussels, or oysters, and does not allow the harvest of fin fish.

NEW SECTION

WAC 220-88D-050 Reporting requirements for nonstate lands commercial wild clams, mussels, and oyster harvest—Conversion to private sector cultured aquatic products. (1) All set of clams, mussels, and oysters on tidelands and bedlands that are not, at the time of setting, registered as an aquatic farm and under the active supervision and

management of a private sector aquatic farmer are wild stocks of clams, mussels, and oysters.

(2) It is unlawful to fail to report the sale of wild stocks of clams, mussels, and oysters on shellfish receiving tickets. Any person selling wild stocks of clams, mussels, and oysters must sell the harvest to a licensed Washington wholesale fish dealer, or, if selling at retail or having the harvest transported out-of-state, must be a licensed wholesale dealer and complete a fish receiving ticket for each day's sales or for each shipment. Wild stock sales may not be reported on aquatic farm quarterly production reports. Only private sector cultured aquatic products may be reported on quarterly production reports.

(3) If a person registers nonstate tidelands as an aquatic farm, all clams except geoduck clams, mussels, and oysters commercially harvested from the tidelands for the first twenty-four months after aquatic farm registration must be reported as wild stock harvest. Geoduck clams commercially harvested from the tidelands for the first sixty months after aquatic farm registration must be reported as wild stock harvest. After twenty-four or sixty months, respectively, all shellfish produced from a registered aquatic farm will be presumed to be private sector cultured aquatic products, and must be reported on quarterly reports.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-018 Clams—Gear. It shall be unlawful to take, dig for or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except ~~((1))~~:

~~((1))~~ **(1)** Permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of fisheries subject to the following conditions:

~~((1))~~ **(a)** Any or all types of mechanical devices used in the taking or harvesting of shellfish must be approved by the director of fisheries.

~~((2))~~ **(b)** A separate permit shall be required for each and every device and the permit shall be attached to the specific unit at all times.

~~((3))~~ **(c)** All types of clams to be taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

~~((4))~~ **(d)** The holder of a permit to take shellfish from tidelands by mechanical means shall limit operations to privately owned or leased land.

~~((5))~~ **(e)** The taking of clams from bottoms under navigable water below the level of mean lower low water by any mechanical device shall be prohibited except as authorized by the director of fisheries. Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices shall confine their operations to bottoms leased from the Washington department of natural resources, subject to the approval of the director of fisheries. The harvesting of

shellfish from bottoms of the Pacific Ocean westward from the western shores of the state shall not be carried out in waters less than two fathoms deep at mean lower low water. In said waters more than two fathoms deep the director of fisheries may reserve all or certain areas thereof and prevent the taking of shellfish in any quantity from such reserves established on the ocean bottoms.

~~((6))~~ **(f)** Noncompliance with any part of these regulations or with special requirements of individual permits will result in immediate cancellation of and/or subsequent nonrenewal of all permits held by the operator.

~~((7))~~ **(g)** Applications must be made on the forms provided by the department of fisheries and permits must be in the possession of the operator before digging commences.

~~((8))~~ **(h)** All permits to take or harvest shellfish by mechanical means shall expire on December 31 of the year of issue.

~~((9))~~ **(i)** All mechanical clam harvesting machines must have approved instrumentation that will provide deck readout of water pressure.

~~((10))~~ **(j)** All clam harvest machines operating on intertidal grounds where less than ten percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately twenty-five percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

~~((11))~~ **(k)** Clam harvest machines operating in fine substrate material where less than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 3 feet (overall) and the maximum pump volume as specified by the department of fisheries commensurate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

~~((12))~~ **(l)** Clam harvest machines operating in coarser substrate material where more than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 4 feet (overall) and a maximum pump volume as specified by the department of fisheries commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

~~((13))~~ **(m)** All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they shall furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator shall thereafter modify the machine (install a sealed pressure relief valve) as specified by the department of fisheries to conform with values set forth in either WAC 220-52-018 (11) or (12) of this section. Thereafter, it shall be illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine shall be included in the department of fisheries' clam harvest permit.

((14)) (n) All clam harvest machines shall be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement personnel.

((15)) (o) Each mechanical clam harvester must have controls so arranged and situated near the operator which will allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

((16)) (p) Licensing: A hardshell clam mechanical harvester fishery license is the license required to operate the mechanical harvester gear provided for in this section.

(2) Aquatic farmers may harvest geoducks that are private sector cultured aquatic product by means of water pumps and nozzles.

(3) Persons may harvest nonstate tideland wild geoducks under a nonstate lands commercial wild clam, mussel and oyster fishery permit by means of water pumps and nozzles.

AMENDATORY SECTION (Amending Order 00-264, filed 12/29/00, effective 1/29/01)

WAC 220-52-020 Clams—Commercial harvest. It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from nonstate tidelands under a nonstate lands commercial wild clam, mussel and oyster fishery permit.

WSR 03-13-141
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Title of Rule: Recreational hunting rules.

Purpose: Amend auction and raffle rules and hunter orange rule.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Relax weapon restriction for successful raffle and auction participants and require hunter orange while cougar hunting during deer and elk modern firearm season.

Reasons Supporting Proposal: Increase market value for auction permits and participation in raffles. Eliminate confusion on lawful firearms. Increase hunter safety.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal amends the auction and raffle rules to allow any legal weapon to be used during the hunts. It is anticipated to increase the interest in the auctions and raffles. Requiring hunter orange to be worn by cougar hunters during modern firearm deer and elk seasons is a safety measure consistent with the intent of the section.

Proposal Changes the Following Existing Rules: Amend cougar removal rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunting, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-03, filed 1/7/03, effective 2/7/03)

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon(~~except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons~~).

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs

closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment

during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending Order 489, filed 4/3/91, effective 9/1/91)

WAC 232-12-055 Hunting—Hunter orange clothing requirements. (~~Effective September 1, 1991~~)

(1) Except as authorized in subsection (4) of this section (~~((4))~~), it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during the modern firearm seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

~~((4))~~ (4) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

~~((5))~~ (5) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

WSR 03-13-142
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 18, 2003, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-120.

Title of Rule: Cougar public safety removal rules.

Purpose: Amend cougar removal rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Requires current licensing and residency to obtain cougar removal permit.

Reasons Supporting Proposal: Increase success in cougar removal.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: By requiring current licensing at the time of application for a cougar removal permit, it will ensure that the person selected can actually participate in the removal. A residency requirement will ensure familiarity with local conditions, and increase the likelihood that the person selected is an area resident with dogs that are acclimated to the area from which the cougar will be removed.

Proposal Changes the Following Existing Rules: Amend cougar removal rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects cougar removals, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-183, filed 8/9/02, effective 9/9/02)

WAC 232-12-243 Public safety cougar removals. (1) Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(k) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, therein demonstrating that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one

cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December 1st and March 15th in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 1, or be received at the department's Olympia office no later than 5:00 p.m. on October 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) The cougar removal period will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been removed from each game management unit or March 15, whichever is first.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who

harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia at least twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit and must take the first legal cougar available.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

WSR 03-13-146
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 11:58 a.m.]

PROPOSED

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-121.

Title of Rule: Commercial fishing rules.

Purpose: Amend Puget Sound gill net rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establish 2003 Puget Sound gill net rules.

Reasons Supporting Proposal: Provide commercial fishing opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The North of Falcon process establishes the ocean and Puget Sound commercial salmon seasons through a deliberative process that involves public participation and consensual agreement on dates and times. At the conclusion of the 2003 North of Falcon meetings, there was not agreement by the purse seine vessel owners to the gill net seasons. They have requested the gill net seasons be brought before the commission.

Proposal Changes the Following Existing Rules: Amend Puget Sound gill net seasons.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: None.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs above current costs of commercial gill net fishing.

AREA TIME
6D: 7AM - 7PM

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No - no sales or revenue losses anticipated.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
 - b. Cost per hour of labor; or
 - c. Cost per one hundred dollars of sales.
- No costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No costs.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Rules will be developed and reviewed through the public rule process under the auspices of the Washington Fish and Wildlife Commission.

8. A List of Industries That Will Be Required to Comply with the Rule: Gill net fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

DATE(S)	MINIMUM MESH
((9/23, 9/24, 9/25, 9/26, 9/27)) 9/29,	5"
9/30, 10/1, 10/2, 10/3, ((10/4)) 10/6,	
10/7, 10/8, 10/9, 10/10, ((10/11))	
<u>10/13</u> , 10/14, 10/15, 10/16, 10/17,	
((10/18)) <u>10/20</u> , 10/21, 10/22, 10/23,	
10/24, ((10/25)) <u>10/27</u> , 10/28, 10/29,	
<u>10/30, 10/31</u>	

PROPOSED

AREA	TIME		DATE(S)	MINIMUM MESH
<p>Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.</p>				
7, 7A:	7AM	-	8PM ((10/21)) <u>10/15, 10/22</u>	6 1/4"
<p><u>Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.</u></p>				
	7AM	-	7PM ((10/29)) <u>10/30, 11/5</u>	6 1/4"
7B/7C:	7PM	-	8AM NIGHTLY ((8/22, 8/28, 8/29, 9/4, 9/5)) <u>8/18, 8/24, 8/26, 8/28, 8/31, 9/2, 9/4</u>	7"
7B:	((6AM-9/10)) <u>7PM</u>	-	((8PM-9/12)) <u>9AM</u>	NIGHTLY 9/7, 9/9, 9/11
	((6AM-9/17)) <u>6PM</u>	-	((8PM-9/19)) <u>8AM</u>	NIGHTLY 9/14, 9/16, 9/18
	7AM ((9/22)) <u>9/21</u>	-	((8PM-10/26)) <u>4PM</u>	<u>10/25</u>
	7AM ((10/28)) <u>10/27</u>	-	4PM ((11/1)) <u>10/31</u>	6 1/4"
	7AM ((11/4)) <u>11/3</u>	-	4PM ((11/8)) <u>11/7</u>	
	7AM ((11/12)) <u>11/10</u>	-	4PM ((11/15)) <u>11/14</u>	
	7AM ((11/18)) <u>11/17</u>	-	4PM ((11/22)) <u>11/21</u>	
	7AM ((11/25)) <u>11/24</u>	-	4PM ((11/29)) <u>11/28</u>	
	8AM ((12/2)) <u>12/1</u>	-	4PM ((12/6)) <u>12/5</u>	
<p><u>Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December.</u></p>				
8:	((7AM)) <u>6AM</u>	-	((7PM)) <u>8PM</u> ((10/31, 11/1, 11/6, 11/7, 11/8, 11/13, 11/14, 11/15)) <u>8/28, 9/3</u>	((6-1/4")) <u>5"</u>
<p><u>Note: In Area 8 openings it is unlawful to use other than 5 inch minimum mesh, maximum 60 meshes in depth.</u></p>				
	<u>7AM</u>	-	<u>7PM</u>	<u>11/6</u>
8A:	((7AM)) <u>7PM</u>	-	((8PM)) <u>8AM</u> ((10/23, 10/24)) <u>NIGHTLY 8/18, 8/20, 8/25, 8/27</u>	6 1/4"
<p><u>Note: In Area 8A openings on 8/18, 8/20, 8/25, and 8/27, it is unlawful to use other than 5 inch minimum and 5 1/2-inch maximum mesh gill nets.</u></p>				
	((7AM)) <u>6PM</u>	-	((7PM)) <u>8AM</u> ((10/28, 10/29)) <u>NIGHTLY 10/7</u>	
	((7AM)) <u>5PM</u>	-	((7PM)) <u>8AM</u> ((11/6, 11/7, 11/12, 11/13)) <u>NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23</u>	
	((7AM)) <u>4PM</u>	-	((6PM)) <u>8AM</u> ((11/20, 11/21, 11/25, 11/26, 11/27)) <u>NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27</u>	
8D:	((7AM)) <u>6PM</u>	-	((7PM)) <u>8AM</u> ((10/28, 10/29, 11/6, 11/7)) <u>NIGHTLY 9/21, 9/23, 9/25, 9/28, 9/30, 10/2, 10/5, 10/7, 10/9, 10/12, 10/14, 10/16, 10/19, 10/21, 10/23</u>	5"
	((7AM)) <u>4PM</u>	-	((7PM)) <u>8AM</u> ((11/12, 11/13, 11/14, 11/15)) <u>NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27</u>	6 1/4"

AREA	TIME	DATE(S)	MINIMUM MESH
	((7AM - 6PM	11/18, 11/19, 11/20, 11/21, 11/22, 11/25, 11/26, 11/27, 11/29))	
9A:	6AM ((9/1) - ((4PM-11/2) 9PM 6AM 8/31 - 4PM 10/25	8/26, 8/28	5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any ((chum)) salmon ((~~netted prior to October 1~~)) not to be retained must be released from the net by cutting the meshes ensnaring the fish. Logbooks required in accordance with WAC 220-47-430.

10, 11:	5PM - 8AM	((10/22)) NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	6 1/4"
	4PM - 8AM	((10/27, 10/28, 11/5, 11/12)) NIGHTLY 10/26, 10/28, 10/30, 11/2, 11/4, 11/6, 11/9, 11/11, 11/13	
12, 12B:	7AM - 8PM	((10/22)) 10/21, 10/22, 10/23	6 1/4"
	7AM - 7PM	10/28, ((11/5, 11/12, 11/13)) 10/30, 10/31, 11/3, 11/4, 11/6, 11/11, 11/12, 11/13	
	7AM - 6PM	11/18, 11/19, 11/20	

Note: It is unlawful to fish for or possess salmon taken with gill net gear in that part of Area 12B south of a line from Quatsap Point to Hood Point on the following dates: 10/22, 10/23, 10/30, 10/31, 11/3, 11/4, 11/12, 11/13, 11/19, and 11/20.

12C:	7AM - 7PM	((11/12)) 11/11. <u>Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation.</u>	6 1/4"
	7AM - 6PM	((11/19)) 11/18, 11/25. <u>Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation.</u>	

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

WSR 03-13-147
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-122.

Title of Rule: Redefine shrimp pot escapement mechanism requirements and create a new shrimp district.

Purpose: To amend rule that requires a maximum size thread of 100 for escape mechanisms as such a size is no longer available from the manufacturer. Create a new shrimp district to meet emerging management needs for conservation and allocation purposes.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Current law prohibits thread size over 100 for use in commercial shrimp pot escape mechanisms, a thread size that is no longer available from the manufacturer - this will allow a larger maximum size that is available and would be consistent with the thread sizes required for crab escape mechanisms. Creating a new shrimp district will provide for greater flexibility of managing the discrete shrimp bed in Port Townsend Bay for allocation and conservation purposes.

Reasons Supporting Proposal: The shrimp fishery in Port Townsend Bay is very popular with commercial and recreational fishers to the extent that the bay gets fished out in a very short time. Due to the rapid harvest rate in the area it has become very problematic to manage for allocation or conservation purposes between commercial and recreational fishers and between treaty and non-Indian fisheries. The creation of this district provides management capabilities separate from the larger area that is currently managed as a larger geographic area.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2826; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Current rule requires a maximum thread size of 100 to use as cord to bind parts of the shrimp pot together. When this cord deteriorates away it provides an escape mechanism for the shrimp trapped within a lost pot. Rule change would allow the industry to access an available size of thread (120) from the market place to use in the required escape mechanism for their shrimp pots. This will allow fishers to continue to participate in the fishery with legal gear that will still provide an escape mechanism for shrimp when a pot is lost. The creation of a new shrimp district will allow a discrete geographical area to be managed for conservation and allocation purposes separate from a larger geographical area. This will provide the ability to manage a popular and discrete shrimp production area separate from a larger geographic area which will allow more precise management for conservation and allocation needs.

Proposal Changes the Following Existing Rules: Amends WAC 220-16-270 and 220-52-035 to provide for the creation of a new shrimp district and allow a change to the maximum thread size allowed for the shrimp pot escape mechanism.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Allows for a larger maximum thread size for use in the shrimp pot escape mechanism.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No - no business or revenue losses anticipated.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
 - b. Cost per hour of labor; or
 - c. Cost per one hundred dollars of sales.
- No costs anticipated.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No costs anticipated.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Rules will be developed and reviewed through the public rule process under the auspices of the Washington Fish and Wildlife Commission.

8. A List of Industries That Will Be Required to Comply with the Rule: Commercial shrimp pot fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fox Hall/Hampton Inn, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, at 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 21, 2003, TDD (360) 902-2207 or (360) 902-2262.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 30, 2003.

Date of Intended Adoption: August 1, 2003.

June 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-271, filed 1/5/01, effective 2/5/01)

WAC 220-16-270 Puget Sound Shrimp Districts. The following areas shall be defined as Puget Sound Shrimp Districts:

(1) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, then to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay.

(2) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock.

(3) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula.

(4) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge.

(5) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(6) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson, including Kilisut Harbor.

AMENDATORY SECTION (Amending Order 87-187, filed 11/6/87)

WAC 220-52-035 Crab and shrimp pot gear—Escape mechanism required. ((After October 1, 1988,)) It is

unlawful to fish for or possess crab or shrimp taken for commercial purposes with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(1) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated cotton twine or other natural fiber no larger than thread size 120 (~~for crab pots or 100 for shrimp pots~~) so that the pot lid will open freely if the twine or fiber is broken.

(2) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated cotton twine or other natural fiber no larger than thread size 120 (~~for crab pots or 100 for shrimp pots~~). The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

PROPOSED



WSR 03-13-011
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 5, 2003, 3:41 p.m.]

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use fishing rules.

Other Identifying Information: These rules are the result of coordinated action between Oregon and Washington.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Mid-summer sturgeon closure in Columbia River.

Reasons Supporting Proposal: Protection of sturgeon stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The subquota of sturgeon in the Columbia River below Wauna is 18,000 fish. In order to keep harvest at or below this level, it is necessary to close the fishery from mid-July through September of each year. This rule is being proposed as the first year of a three year agreement. The July closure date will be adjusted each year, and, for 2003, will be implemented by emergency rule. The July dates for 2004 and 2005 have not yet been determined.

Proposal Changes the Following Existing Rules: Amends sturgeon rule.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY August 18, 2003.

June 5, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent

with a salmon or gamefish opening unless otherwise provided, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore; ~~(and)~~

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance; and

(d) It is unlawful to retain sturgeon taken downstream from the Wauna power lines at River Mile 40 during the period July 10 through September 30.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ten sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

EXPEDITED

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

moog235@LNI.wa.gov, AND RECEIVED BY August 18, 2003.

June 17, 2003

Paul Trause

Director

**WSR 03-13-100
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 17, 2003, 11:07 a.m.]

Title of Rule: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Purpose: The purpose of this rule making is to make minor technical corrections, including:

- Correct an inappropriate reference in WAC 296-46B-905 (9)(a);
- Correct a fee that was inadvertently increased in WAC 296-46B-905(3); and
- Correct compliance dates in WAC 296-46B-930 and 296-46B-950 to ensure consistency with the compliance schedule established in these rules.

Other Identifying Information: Electrical.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ronald Fuller, Tumwater, (360) 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Washington State Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Washington State Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-44001 [98504-4001], e-mail

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) Single- and two-family residential (new construction).

Notes:

(1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

(2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.

(3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

(4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$70.80
Each additional 500 sq. ft. or portion of	\$22.70
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	\$29.60
(iii) Each outbuilding or detached garage - inspected separately	\$46.70
(iv) Each swimming pool - inspected with the service	\$46.70
(v) Each swimming pool - inspected separately	\$70.80
(vi) Each hot tub, spa, or sauna - inspected with the service	\$29.60
(vii) Each hot tub, spa, or sauna - inspected separately	\$46.70
(viii) Each septic pumping system - inspected with the service	\$29.60
(ix) Each septic pumping system - inspected separately	\$46.70

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$76.30	\$22.70
201 to 400	\$94.80	\$46.70
401 to 600	\$130.20	\$64.90
601 to 800	\$167.00	\$89.00
801 and over	\$238.10	\$178.60

(c) Single or multifamily altered services or feeders including circuits.

EXPEDITED

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$64.90
201 to 600	\$94.80
601 and over	\$142.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)

\$35.20

(d) Single or multifamily residential circuits only (no service inspection).

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

- (i) 1 to 4 circuits (see note above) \$46.70
- (ii) Each additional circuit (see note above) \$5.20

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

- (i) Mobile home or modular home service or feeder only \$46.70
- (ii) Mobile home service and feeder \$76.30

(f) Mobile home park sites and RV park sites.

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

- (i) First site service or site feeder \$46.70
- (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$29.60

(2) Commercial/industrial.

(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$76.30	\$46.70
101 to 200	\$94.80	\$59.40
201 to 400	\$178.60	\$70.80
401 to 600	\$208.20	\$83.20
601 to 800	\$269.10	\$113.30
801 to 1000	\$328.50	\$137.10
1001 and over	\$358.40	\$191.20

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$76.30
201 to 600	\$178.60
601 to 1000	\$269.10
1001 and over	\$298.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)

\$64.90

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

- (i) First 5 circuits per branch circuit panel \$59.40
- (ii) Each additional circuit per branch circuit panel \$5.20
- (d) Over 600 volts surcharge per permit. \$59.40
- (3) Temporary service(s).

Note:

- (1) See WAC 296-46B-527 for information about temporary installations.
- (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$40.90	\$21.00
61 to 100	\$46.70	\$22.70
101 to 200	\$59.40	\$29.60
201 to 400	\$70.80	\$35.30
401 to 600	\$((98-80)) 94.80	\$46.70
601 and over	\$107.50	\$53.60

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

- (a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$5.20
- (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$70.80
- (c) Each additional tower \$5.20

(5) Miscellaneous - commercial/industrial and residential.

(a) Low-voltage thermostats controlling a single piece of utilization equipment.

- (i) First thermostat \$35.30
- (ii) Each additional thermostat inspected at the same time as the first \$11.10

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

- (i) First 2500 sq. ft. or less \$40.90
- (ii) Each additional 2500 sq. ft. or portion thereof \$11.10

(c) Signs and outline lighting.

- (i) First sign (no service included) \$35.30
- (ii) Each additional sign inspected at the same time on the same building or structure \$16.80

(d) Berth at a marina or dock.

Note:

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

- (i) Berth at a marina or dock \$46.70
- (ii) Each additional berth inspected at the same time \$29.60

EXPEDITED

EXPEDITED

- (e) **Yard pole, pedestal, or other meter loops only.**
- (i) Yard pole, pedestal, or other meter loops only \$46.70
- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.10

- (f) **Emergency inspections requested outside of normal working hours.**
- Regular fee plus surcharge of: \$89.00

- (g) **Generators.**
- Note:**
- Permanently installed generators: Refer to the appropriate residential or commercial new/alterd service or feeder section.
- Portable generators: Permanently installed transfer equipment for portable generators \$64.90

- (h) **Electrical - annual permit fee.**
- Note:**
- See WAC 296-46B-900(14).
- For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,710.80
4 to 6 plant electricians	24	\$3,423.30
7 to 12 plant electricians	36	\$5,134.60
13 to 25 plant electricians	52	\$6,847.10
More than 25 plant electricians	52	\$8,559.60

- (i) **Telecommunications - annual permit fee.**
- Note:**
- (1) See WAC 296-46B-900(13).
- (2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

- 2-hour minimum \$141.60
- Each additional hour, or portion thereof, of portal-to-portal inspection time \$70.80

- (j) **Permit requiring ditch cover inspection only.**
- Each 1/2 hour, or portion thereof \$35.30
- (k) **Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.** \$59.40

- (6) **Carnival inspections.**
- (a) **First carnival field inspection each calendar year.**
- (i) Each ride and generator truck \$16.80
- (ii) Each remote distribution equipment, concession, or gaming show \$5.20
- (iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be: \$89.00
- (b) **Subsequent carnival inspections.**
- (i) First ten rides, concessions, generators, remote distribution equipment, or gaming show \$89.00
- (ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show \$5.20

- (c) **Concession(s) or ride(s) not part of a carnival.**
- (i) First field inspection each year of a single concession or ride, not part of a carnival \$70.80
- (ii) Subsequent inspection of a single concession or ride, not part of a carnival \$46.70

- (7) **Trip fees.**
- (a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) \$70.80
- (b) Submitter notifies the department that work is ready for inspection when it is not ready. \$35.30
- (c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. \$35.30
- (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. \$35.30
- (e) Each trip necessary to remove a noncompliance notice. \$35.30
- (f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. \$35.30
- (g) Installations that are covered or concealed before inspection. \$35.30

- (8) **Progress inspections.**
- Note:**
- The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour. \$35.30

- (9) **Plan review.**
- Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-910, plus a plan review submission and shipping/handling fee of:
- (a) Supplemental submissions of plans per hour or fraction of an hour of review time. \$70.80
- (b) Plan review shipping and handling fee. \$16.80

- (10) **Out-of-state inspections.**
- (a) Permit fees will be charged according to the fees listed in this section.
- (b) **Travel expenses:**
- All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

- (11) **Other inspections.**
- Inspections not covered by above inspection fees must be charged portal-to-portal per hour:** \$70.80

- (12) **Refund processing fee.**
- All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.)** \$11.10

- (13) **Variance request processing fee.**
- Variance request processing fee. This fee is nonrefundable once the transaction has been validated.** \$70.80

- (14) **Marking of industrial utilization equipment.**

- (a) Standard(s) letter review (per hour of review time). \$70.80
- (b) Equipment marking - charged portal-to-portal per hour: \$70.80
- (c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-930 Assignment—Administrator or master electrician. (1) An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named as:

- (a) The sole proprietor;
- (b) A partner on file with the department of licensing; or
- (c) A member of an LLC on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor, and carries out the duties shown in chapter 19.28 RCW.

(2) A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28.-041 and 19.28.061 under the guidelines described in Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

SPECIALTIES OPEN FOR ASSIGNING TEMPORARY SPECIALTY ADMINISTRATOR	<ul style="list-style-type: none"> • Domestic well (03A), • HVAC/refrigeration - restricted (06B), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (07B), • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D), • Equipment repair (New - 07E),
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Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

	• Door, gate and similar systems (10).
Last date to submit application for temporary administrator	((September 30)) July 31, 2004. ^{(2), (3)}
Required business status in the contracting specialty	Chapter 18.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002).
Minimum previous experience for firm making temporary designation	N/A
Begin interim enforcement	Effective date of this chapter. ⁽¹⁾
Begin full enforcement	August 1, 2004. ⁽¹⁾
Must pass specialty administrator examination no later than:	Twelve months after submitting temporary specialty administrator assignment. ⁽³⁾
Notes:	
(1)	See Figure 955-1 for enforcement procedures.
(2)	To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.
(3)	A firm may only designate a single individual as a temporary administrator in a specialty.
(4)	An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.

EXPEDITED

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. Some specialties have an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements.

To qualify previous work experience training credit toward eligibility for any of the specialty certificate examination(s) in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

- (1) The specific specialty for which credit is being sought;
- (2) The specific date time period for which credit is being sought; and
- (3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Table 950-1 Specialty Electrician Open Window to apply previous work experience

SPECIALTIES Available for Open Window	<ul style="list-style-type: none"> • HVAC/refrigeration (06A), HVAC/refrigeration - restricted (06B) 	<ul style="list-style-type: none"> • Domestic well (03A), • Nonresidential maintenance (07), • Nonresidential lighting maintenance and lighting retrofit (07A), • Residential maintenance (07B), • Door, gate and similar systems (10) 	<ul style="list-style-type: none"> • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D) • Equipment repair (New - 07E)
Previous work experience training credit will only be allowed for:	Work performed prior to September 30, 2000 ⁽³⁾	Work performed prior to June 30, 2001 ⁽³⁾	Work performed prior to the effective date of this chapter ⁽³⁾
Last date to submit application for previous work experience	Make application on or before (September 30) <u>July 31</u> , 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28).		
Begin interim enforcement	Effective date of this chapter ⁽¹⁾		
Begin full enforcement	August 1, 2004 ⁽¹⁾		
Exam completion	If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application. ⁽²⁾		

- Notes:**
- ⁽¹⁾See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.
 - ⁽²⁾See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.
 - ⁽³⁾Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.
 - ⁽⁴⁾Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.
 - ⁽⁵⁾Previous work experience gained using this section will not be applicable towards journeyman certification until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter.
 - ⁽⁶⁾Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.
 - ⁽⁷⁾No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.
 - ⁽⁸⁾An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

WSR 03-13-105

EXPEDITED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed June 17, 2003, 1:41 p.m.]

Title of Rule: Amending WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas and 390-37-134 Depositions and interrogatories—Notice.

Purpose: Incorporate minor changes to update enforcement procedures with current Administrative Procedure Act. Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: The amendments correct a statutory citation and for ease of reference provides a cross-reference to another (the Public Disclosure Commission (PDC)) subpoena rule, corrects the hearing term to the statutory term, and corrects the reference from hearing officer (administrative law judge) to presiding officer.

Reasons Supporting Proposal: To update the PDC enforcement rules with the current provisions of the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule amendments correct a citation, cross-references a PDC subpoena rule and changes terminology to con-

EXPEDITED

form to current APA language. There are no substantive changes to the existing rules.

Proposal Changes the Following Existing Rules:
Updates language and corrects citations.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Douglas Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, WA 98504, AND RECEIVED BY August 18, 2003.

June 17, 2003

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 93-24-003, filed 11/18/93)

WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas. (1) During the course of an audit or an investigation, the executive director may issue a subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The subpoena shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the executive director will apply to the superior court for an appropriate order or other remedy. The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW ~~((42.17.370(5)))~~ 42.17.370(6) and WAC 390-37-120 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91)

WAC 390-37-134 Depositions and interrogatories in enforcement hearings (adjudicative proceedings)—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or ~~((its designated hearing))~~ the presiding officer in a prehear-

ing conference may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or the deponent, and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or ~~((its designated hearing))~~ the presiding officer in a prehearing conference may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-13-106
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 17, 2003, 1:53 p.m.]

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal harbor salmon rules.

Other Identifying Information: These rules are the result of coordinated action between Oregon and Washington.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Amend salmon seasons for Grays Harbor and Willapa Bay.

Reasons Supporting Proposal: Provide commercial fishing opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Each year the North of Falcon proceedings establish ocean salmon seasons, which, in turn establish the coastal harbor escapements and provide guidelines for establishing the coastal harbor salmon seasons. These rules provide fish-

EXPEDITED

ing opportunity for the gill net fleets in Grays Harbor and Willapa Bay, while preventing harvest on threatened and endangered salmon stocks.

Proposal Changes the Following Existing Rules:
Amends coastal salmon fall fishing seasons.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY August 18, 2003.

June 5, 2003
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for coho and chum salmon, and sturgeon:

Time	Areas
((6:00 p.m. September 4 through 6:00 p.m. September 6, and	2A and 2D
6:00 p.m. October 4 through 6:00 p.m. October 5, 2001))	
<u>7:00 a.m. October 9 through 3:00 p.m. October 9, and</u>	<u>That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen. That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.</u>
<u>7:00 a.m. October 10 through 3:00 p.m. October 10, 2003</u>	

~~((Gear))~~

(a) Drift gill net gear only. It is unlawful to use set net gear.

~~(b) ((Gill net gear shall be used as provided for in WAC 220-36-015, except no)) 6-inch maximum mesh restriction ((September 4 through September 6, 2001)), no more than 55 meshes deep.~~

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers, WAC 220-69-240.

(i) Fishers must be willing to take department observers when participating in these openings.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
<u>6:00 a.m. October 22 through 6:00 p.m. October 22</u>	<u>Area 2B</u>
<u>6:00 a.m. October 23 through 6:00 p.m. October 23</u>	
<u>6:00 a.m. October 29 through 6:00 p.m. October 29</u>	
<u>6:00 a.m. October 30 through 6:00 p.m. October 30, 2003</u>	

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers.

(d) Fishers must be willing to take department observers when participating in these fisheries.

AMENDATORY SECTION (Amending Order 02-173, filed 7/26/02, effective 8/26/02)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. (August 26) <u>September 14</u> through 6:00 p.m. (August 27, 2002) <u>September 26, 2003</u>	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H (west of Willapa Channel Marker 35), and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
(6:00 p.m. September 15 through 6:00 p.m. September 30, 2002)	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H west of Willapa Channel Marker 40 and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2))
6:00 p.m. September (15) <u>21</u> through 6:00 p.m. September (16) <u>22</u> and 6:00 p.m. September (22) <u>28</u> through 6:00 p.m. September (23, 2002) <u>29, 2003</u>	Area 2K
6:00 p.m. September (30) <u>28</u> through 6:00 p.m. October (9) <u>7</u> through 6:00 p.m. October (10, 2002) <u>8, 2003</u>	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Time
6:00 p.m. October 14 through 6:00 p.m. October (~~17 and~~) 16, 6:00 p.m. October (~~21~~) 19 through 6:00 p.m. October (~~23, 2002~~) 21, and 6:00 p.m. October 26 through 6:00 p.m. October 28, 2003

Area
Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and westerly of a line from Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
Areas 2G, 2H, 2J and 2M

Noon, November (~~6~~) 5 through noon November 30, (~~2002~~) 2003

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Prior to September 1, (~~2002~~) 2003 - No maximum mesh restrictions.

(c) September 1 through (~~September 30, 2002~~) 5:59 p.m. October 7, 2003 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(d) October (~~1~~) 7 through October 31, (~~2001~~) 2003 - 6-1/2 inch maximum mesh.

(e) November 1 through November 30, (~~2001~~) 2003 - 9-inch minimum mesh.

Other

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, (~~the species. The~~) total number for each species and the total weight for each species.

EXPEDITED

WSR 03-13-112
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 17, 2003, 4:28 p.m.]

Title of Rule: WAC 388-513-1364 Evaluating the transfer of an asset made on or after April 1, 2003, for long-term care (LTC) services.

Purpose: To (1) correct an outdated cross-reference to WAC 388-561-0100 in subsection (4)(d). The recent amendment to WAC 388-561-0100 Trusts, resulted in some of the subsections being renumbered; and (2) correct outline numbering in subsection (5)(b).

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: In subsection (4)(d), the cross-reference to WAC 388-561-0100 (5)(a) and (b) is being changed to WAC 388-561-0100 (6)(a) and (b). In subsection (5)(b) outline numbering of subsections (i) and (ii) are corrected without changing the effect of the rule.

Reasons Supporting Proposal: See Purpose and Summary above.

Name of Agency Personnel Responsible for Drafting: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344; Implementation and Enforcement: Mary Lou Percival, ADSA, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2318.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To correct an outdated cross-reference to WAC 388-561-0100 in subsection (4)(d). The recent amendment to WAC 388-561-0100 Trusts, resulted in some of the subsections being renumbered. Also, to correct outline numbering in subsection (5)(b).

Proposal Changes the Following Existing Rules: In subsection (4)(d), the cross-reference to WAC 388-561-0100 (5)(a) and (b) is being changed to WAC 388-561-0100 (6)(a) and (b). In subsection (5)(b) outline numbering of subsections (i) and (ii) are corrected without changing the effect of the rule.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Rules and Policies Assistance Unit, Department of Social and Health Services, mailed to P.O. Box 45850, Olympia, WA 98504-5850, delivered to 4500 10th Avenue S.E., Lacey,

WA, fax (360) 664-6185, or e-mail fernaax@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., August 19, 2003.

June 13, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-06-048, filed 2/28/03, effective 4/1/03)

WAC 388-513-1364 Evaluating the transfer of an asset made on or after April 1, 2003 for long-term care (LTC) services. This section describes how the department evaluates the transfer of an asset made on or after April 1, 2003, by a client who is applying or approved for LTC services. The department must consider whether a transfer made within a specified time before the month of application requires a penalty period in which the client is not eligible for these services. Refer to WAC 388-513-1365 for rules used to evaluate the transfer of an asset made before April 1, 2003.

(1) The department does not apply a penalty period to the following transfers by the client, if they meet the conditions described:

(a) Gifts or donations totaling one thousand dollars or less in any month;

(b) The transfer of an excluded resource described in WAC 388-513-1360 with the exception of the client's home, unless the transfer of the client's home meets the conditions described in subsection (1)(d);

(c) The transfer of an asset for less than fair market value (FMV), if the client can provide evidence to the department of one of the following:

(i) An intent to transfer the asset at FMV or other adequate compensation;

(ii) The transfer is not made to qualify for LTC services;

(iii) The client is given back ownership of the asset;

(iv) The denial of eligibility would result in an undue hardship.

(d) The transfer of ownership of the client's home, if it is transferred to the client's:

(i) Spouse; or

(ii) Child, who:

(A) Meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c); or

(B) Is less than twenty-one years old; or

(C) Lived in the home for at least two years immediately before the client's current period of institutional status, and provided care that enabled the client to remain in the home; or

(iii) Brother or sister, who has:

(A) Equity in the home; and

(B) Lived in the home for at least one year immediately before the client's current period of institutional status.

(e) The transfer of an asset, if the transfer meets the conditions described in subsection (4), and the asset is transferred:

(i) To another person for the sole benefit of the spouse;

(ii) From the client's spouse to another person for the sole benefit of the spouse;

EXPEDITED

(iii) To trust established for the sole benefit of the client's child who meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c);

(iv) To a trust established for the sole benefit of a person who is sixty-four years old or younger and meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c); or

(f) The asset is transferred to the client's spouse or to the client's child, if the child meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c).

(2) The department does not establish a period of ineligibility for the transfer of an asset to a family member prior to the current period of institutional status, if:

(a) The transfer is in exchange for care services the family member provided the client;

(b) The client has a documented need for the care services provided by the family member;

(c) The care services provided by the family member are allowed under the Medicaid state plan or the department's waived services;

(d) The care services provided by the family member do not duplicate those that another party is being paid to provide;

(e) The FMV of the asset transferred is comparable to the FMV of the care services provided;

(f) The time for which care services are claimed is reasonable based on the kind of services provided; and

(g) Compensation has been paid as the care services were performed or with no more time delay than one month between the provision of the service and payment.

(3) The department considers the transfer of an asset in exchange for care services given by a family member that does not meet the criteria as described under subsection (2) as the transfer of an asset without adequate consideration.

(4) The department considers the transfer of an asset or the establishment of a trust to be for the sole benefit of a person described in subsection (1)(e), if the transfer or trust:

(a) Is established by a legal document that makes the transfer irrevocable;

(b) Provides that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of the transfer or at any time during the life of the primary beneficiary; and

(c) Provides for spending all assets involved for the sole benefit of the individual on a basis that is actuarially sound based on the life expectancy of that individual or the term or the trust, whichever is less; and

(d) The requirements in subsection (4)(c) of this section do not apply to trusts described in WAC 388-561-0100 ~~((5))~~(6)(a) and (b).

(5) If a client or the client's spouse transfers an asset within the look-back period described in WAC 388-513-1365 without receiving adequate compensation, the result is a penalty period in which the client is not eligible for LTC services. If a client or the client's spouse transfers an asset on or after April 1, 2003, the department must establish a penalty period as follows:

(a) If a single or multiple transfers are made within a single month, then the penalty period:

(i) Begins on the first day of the month in which the transfer is made; and

(ii) Ends on the last day of the number of whole days found by dividing the total uncompensated value of the assets by the statewide average daily private cost for nursing facilities at the time of application.

(b) If multiple transfers are made during multiple months, then the transfers are treated as separate events and multiple penalty periods are established that ~~((~~

~~((A))~~ begin on the latter of:

~~((A))~~ (i) The first day of the month in which the transfer is made; or

~~((B))~~ (ii) The first day after any previous penalty period has ended and end on the last day of the whole number of days as described in subsection (5)(a)(ii).

(6) If an asset is sold, transferred, or exchanged, the portion of the proceeds:

(a) That is used within the same month to acquire an excluded resource described in WAC 388-513-1360 does not affect the client's eligibility;

(b) That remain after an acquisition described in subsection (6)(a) becomes an available resource as of the first day of the following month.

(7) If the transfer of an asset to the client's spouse includes the right to receive a stream of income not generated by a transferred resource, the department must apply rules described in WAC 388-513-1330 (6) through (8).

(8) If the transfer of an asset for which adequate compensation is not received is made to a person other than the client's spouse and includes the right to receive a stream of income not generated by a transferred resource, the length of the penalty period is determined and applied in the following way:

(a) The total amount of income that reflects a time frame based on the actuarial life expectancy of the client who transfers the income is added together;

(b) The amount described in subsection (8)(a) is divided by the statewide average daily private cost for nursing facilities at the time of application; and

(c) A penalty period equal to the number of whole days found by following subsections (5)(a) and (b) and (8)(a) and (b) is applied that begins on the latter of:

(i) The first day of the month in which the client transfers the income; or

(ii) The first day of the month after any previous penalty period has ended.

(9) A penalty period for the transfer of an asset that is applied to one spouse is not applied to the other spouse, unless:

(a) Both spouses are receiving LTC services; and

(b) A division of the penalty period between the spouses is requested.

(10) If a client or the client's spouse disagrees with the determination or application of a penalty period, that person may request a hearing as described in chapter 388-02 WAC.

WSR 03-13-129**EXPEDITED RULES****DEPARTMENT OF AGRICULTURE**

[Filed June 18, 2003, 10:12 a.m.]

Title of Rule: Chapter 16-600 WAC, Honey, which consists of two sections WAC 16-600-001 Promulgation and 16-600-010 Grades to be uniform with federal grades.

Purpose: This filing is the result of the department's ongoing commitment to review and revise, when necessary, as mandated by Executive Order 97-02. The purpose of this filing is to use the expedited rule-making process to repeal WAC 16-600-001 and 16-600-010. RCW 34.05.353(2) allows the department to use the expedited rule-making process to repeal rules that are no longer necessary because of changed circumstances (RCW 34.05.353 (2)(c)) or when other rules of the department or of another agency govern the same activity as the rule, making the rule redundant (RCW 34.05.353 (2)(d)). WAC 16-600-001 Promulgation, represents an outdated method of rule writing that is no longer used and is unnecessary so it should be repealed. The content of WAC 16-600-010 Grades to be uniform with federal grades, which was adopted in 1945 has been superseded by voluntary United States Standards for Grades of Comb Honey (32 F.R. 7565, effective May 24, 1967) and United States Standards for Grades of Extracted Honey (50 F.R. 15861, effective May 23, 1985). The department recognizes both of these federal standards.

Statutory Authority for Adoption: Chapters 69.28 and 34.05 RCW.

Statute Being Implemented: Chapter 69.28 RCW.

Summary: The department is proposing to use the expedited rule-making process to repeal WAC 16-600-001 because its content is outdated and not needed and WAC 16-600-010 because its content is regulated by federal grades and standards making it redundant and, therefore, unnecessary.

Reasons Supporting Proposal: WAC 16-600-001 and 16-600-010 are unnecessary and the "need" criteria of Executive Order 97-02 directs the department to repeal rules that are either obsolete or duplicative.

Name of Agency Personnel Responsible for Drafting: George Huffman, Olympia, Washington, (360) 902-1802; Implementation and Enforcement: Claudia Coles, Olympia, Washington, (360) 902-1905.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department proposes repealing chapter 16-600 WAC, Honey, which consists of two sections: WAC 16-600-001 Promulgation and 16-600-010 Grades to be uniform with federal grades. The expedited rule-making process will be used to repeal WAC 16-600-001 because its content is outdated and not needed and WAC 16-600-010 because its content is regulated by federal grades and standards making it redundant and, therefore, unnecessary. The department's proposal is authorized by RCW 34.05.353 (2)(c) and (d).

Proposal Changes the Following Existing Rules: The proposed change would repeal chapter 16-600 WAC, which is no longer needed.

NOTICE

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June 18, 2003

Kathryn Kravit-Smith
Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-600-001	Promulgation.
WAC 16-600-010	Grades to be uniform with federal grades.

WSR 03-13-130**EXPEDITED RULES****DEPARTMENT OF AGRICULTURE**

[Filed June 18, 2003, 10:14 a.m.]

Title of Rule: Chapter 16-100 WAC, Refrigerator locker establishments—Recording thermometers, which consists of three sections: WAC 16-100-001 Promulgation, 16-100-010 Specifications and use, and 16-100-020 Penalty.

Purpose: This filing is the result of the department's ongoing commitment to review and revise, when necessary, as mandated by Executive Order 97-02. The purpose of this filing is to use the expedited rule-making process to repeal WAC 16-100-001, 16-100-010, and 16-100-020. RCW 34.05.353(2) allows the department to use the expedited rule-making process to repeal rules that are no longer necessary because of changed circumstances (RCW 34.05.353 (2)(c)) or when other rules of the department or of another agency govern the same activity as the rule, making the rule redundant (RCW 34.05.353 (2)(d)).

- WAC 16-100-001 Promulgation, represents an outdated method of rule writing that is no longer used and is unnecessary so it should be repealed.
- WAC 16-167-050 covers the temperature requirements contained in WAC 16-100-010 Specifications and use, by adopting Title 21 Code of Federal Regulations (21

C.F.R.) part 110. 21 C.F.R. addresses good manufacturing practices and food storage temperature requirements. Department food storage temperature requirements are also addressed in RCW 19.32.100, 69.04.915, WAC 16-142-170 and 16-165-130(29). For these reasons, the department considers WAC 16-100-010 redundant and proposes to repeal it.

The content of WAC 16-100-020 Penalty, is also redundant and should be repealed because the subject of penalties is covered in RCW 19.32.180, 69.04.060, 69.04.-070, 69.07.150, 69.10.050 and chapter 16-139 WAC, Penalties.

Statutory Authority for Adoption: Chapters 19.32, 69.04, 69.07, 69.10, and 34.05 RCW.

Statute Being Implemented: Chapters 19.32, 69.04, 69.07, and 69.10 RCW.

Summary: The department is proposing to repeal chapter 16-100 WAC.

Reasons Supporting Proposal: The three sections of chapter 16-100 WAC (WAC 16-100-001, 16-100-010, and 16-100-020) are outdated and redundant and should be repealed.

Name of Agency Personnel Responsible for Drafting: George Huffman, Olympia, Washington, (360) 902-1802; Implementation and Enforcement: Claudia Coles, Olympia, Washington, (360) 902-1905.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is proposing to repeal chapter 16-100 WAC because its three sections (WAC 16-100-001, 16-100-010 and 16-100-020) are outdated and redundant and should be repealed.

Proposal Changes the Following Existing Rules: The proposed change would repeal chapter 16-100 WAC, which is no longer needed.

NOTICE

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June 18, 2003

Kathryn Kravit-Smith
Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-100-001 Promulgation.
- WAC 16-100-010 Specifications and use.
- WAC 16-100-020 Penalty.

**WSR 03-13-144
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2003, 11:56 a.m.]**

Title of Rule: Recreational fishing rule.

Purpose: Adopt stationary gear restriction definition.

Other Identifying Information: This is a housekeeping measure to standardize the restriction on stationary gear.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establishes stationary gear restriction definition.

Reasons Supporting Proposal: Provide consistency.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Stationary gear is prohibited in certain waters as a salmon conservation tool. Rather than listing the stationary gear restrictions in each body of water, a new definition is established which can be more easily applied to rule making.

Proposal Changes the Following Existing Rules: Amends definitions.

NOTICE

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June 18, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-100 Definitions—Personal use fishing.

The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary

residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached below or less than twelve inches above a buoyant lure, and all hooks must be attached within three inches of the bait or lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

((27)) (28) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

WSR 03-13-145
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 18, 2003, 11:57 a.m.]

Title of Rule: Commercial fishing rules.

Purpose: Amend Puget Sound commercial salmon net rules.

Other Identifying Information: These rules are the result of the North of Falcon process. Gill net seasons are being filed separately for commission consideration.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Amend salmon purse seine, reef net and gill net seasons.

Reasons Supporting Proposal: Provide commercial fishing opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Each year the North of Falcon proceedings establish ocean salmon seasons, which, in turn establish the Puget Sound escapements and provide guidelines for establishing the Puget Sound commercial salmon seasons. These rules provide fishing opportunity for the gill net, purse seine and reef net fleets in Puget Sound while preventing harvest on threatened and endangered salmon stocks.

Proposal Changes the Following Existing Rules: Amends Puget Sound 2003 commercial salmon seasons.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY August 18, 2003.

June 18, 2003
 Evan Jacoby
 Rules Coordinator

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) Lawful drift gill net salmon gear in Puget Sound shall

not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) It (~~shall be~~) is unlawful to take or fish for salmon with gill net gear (~~(beginning in 1998)~~) in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October 20 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of not less than 39 1/2 inches nor more than 48 inches, an inside width measurement of not less than 8 inches nor more than 10 inches, and an inside height measurement of not less than 14 inches nor more than 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW ((75.12.140)) 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink seasonal closure: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 7PM	((10/14)) 10/16
	7AM - 6PM	((10/22)) 10/23
	6AM - 5PM	((10/28)) 10/29
7B, 7C	7AM - 5PM	11/6
	6AM - 9PM	8/20
7B:	6AM ((9/10)) 9/8	- 8PM ((9/12)) 9/10
	6AM ((9/17)) 9/15	- 8PM ((9/19)) 9/17
	7AM ((9/22)) 9/21	- ((8PM-10/26)) 7PM 10/25
	((7AM-10/28)) 6AM 10/27	- 4PM ((11/1)) 10/31
	((7AM-11/4)) 6AM 11/3	- 4PM ((11/8)) 11/7
	7AM ((11/12)) 11/10	- 4PM ((11/15)) 11/14
	7AM ((11/18)) 11/17	- 4PM ((11/22)) 11/21
	7AM ((11/25)) 11/24	- 4PM ((11/29)) 11/28
	8AM ((12/2)) 12/1	- 4PM ((12/6)) 12/5

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.

AREA	TIME	DATE	
8:	6AM - ((5PM)) 8PM	((10/31, 11/1)) 8/28	
	6AM - 8PM	9/3	
	7AM - 5PM	11/6((, 11/7, 11/8, 11/13, 11/14, 11/15))	
8A:	((7AM-6PM)) 6AM - 9PM	((10/21, 10/22)) 8/18, 8/20	
	6AM - 8PM	8/26, 8/28	
	7AM - 7PM	10/6, 10/13, 10/20	
	6AM - 5PM	((10/30, 10/31)) 10/27, 10/29	
	7AM - 5PM	((11/4,)) 11/5, 11/10, 11/12, 11/19, 11/24, 11/26	
	((7AM-5PM)) 7AM - 5PM	11/13, 11/14	
	7AM - 5PM	11/18, 11/19	
	7AM - 5PM	11/25, 11/26, 11/27))	
	8D:	7AM - 7PM	9/25, 10/2, 10/6, 10/13, 10/20
		6AM - 5PM	((10/30, 10/31)) 10/27, 10/29
7AM - 5PM		((11/4, 11/5)) 11/3, 11/10, 11/12, 11/19, 11/24, 11/26	
((7AM-5PM)) 7AM - 5PM		11/12, 11/13, 11/14, 11/15	
7AM - 5PM		11/18, 11/19, 11/20, 11/21, 11/22	
7AM - 5PM		11/25, 11/26, 11/27, 11/29))	
10, 11:		7AM - 7PM	((10/15)) 10/13, 10/20
		((7AM-6PM)) 6AM - 5PM	10/21))
		6AM - 5PM	((10/28, 10/29)) 10/27
		7AM - 5PM	((11/4)) 11/5, 11/10
	((7AM-5PM)) 7AM - 5PM	11/13))	
12, 12B:	7AM - ((6PM)) 7PM	((10/21)) 10/20	
	6AM - 5PM	10/27, 10/29	
	7AM - 5PM	((11/4)) 11/5, 11/10	
12C:	((7AM-5PM)) 7AM - 5PM	11/13, 11/14	
	7AM - 5PM	11/18, 11/19))	
	7AM - 5PM	((11/13, 11/14)) 11/10, 11/17, 11/24	

It is unlawful to retain ~~((the chinook))~~ the following salmon species taken with purse seine gear ~~((in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B and 12C. It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1))~~ within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 8 in Area 7B

Sockeye salmon - prior to September 8 in Area 7B

Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel

EXPEDITED

operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) ~~((During Fraser sockeye and pink salmon species seasons))~~ In Areas 7 and 7A and prior to September 8 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM Daily	((9/22-11/16)) <u>9/16 - 11/15</u>

(2) It is unlawful to take, fish for, or possess salmon taken with reef net gear during the period September 16 through September 30 unless the reef net license holder provides the department with 24-hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

(a) Fax transmission to 360-902-2949;

(b) E-mail to psfishtickets@dfw.wa.gov; or

(c) Toll-free telephone call to 1-866-791-1279.

(3) It is unlawful to retain chinook salmon taken with reef net gear ~~((-))~~ at all times, and it is unlawful to retain ((ehum)) wild coho salmon taken with reef net gear prior to October 1 ((or wild coho prior to October 6)). All other salt-water and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five ~~((Quileene Bay))~~ salmon beach seine experimental fishery permits ~~((Quileene permits))~~.

(3) The following is the selection process the department will use to offer a ~~((Quileene))~~ salmon beach seine experimental permit.

(a) Persons who held a ~~((Quileene Bay))~~ salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on ~~((September 9, 1996))~~ August 13, 2002. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the ~~((Quileene Bay))~~ salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the ~~((Quileene))~~ salmon beach seine experimental permit being aboard the designated vessel in the open fishery area two days each week during the open fishing period.

(b) If the ~~((Quileene))~~ salmon beach seine experimental permit holder fails to participate, the ~~((Quileene))~~ salmon beach seine experimental permit issued to that fisher will be void and a new ~~((Quileene))~~ salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in ~~((1996))~~ 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering with state ~~((-federal or tribal))~~ officials each day the ~~((Quileene))~~ salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a ~~((Quileene))~~ salmon beach seine experimental permit, will have the permit voided and a new ~~((Quileene))~~ salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quileene Bay, chum salmon may not be retained by a ~~((Quileene))~~ salmon beach seine experimental permit holder. Chum salmon in Quileene Bay must be released alive, or, at the direction of federal or state officials, submitted for broodstock purposes.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a ~~((Quileene))~~ salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE(S)
7B	7AM - 7PM Daily	<u>10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31, 11/3, 11/4, 11/5, 11/6, 11/7, 11/10, 11/11, 11/12, 11/13, 11/14</u>
12A	7AM - 7PM Daily	<u>8/25, 8/26, 8/27, 8/28, 8/29, ((8/30)) 9/1, 9/2, 9/3, 9/4, 9/5, ((9/6)) 9/8, 9/9, 9/10, 9/11, 9/12, ((9/13)) 9/15, 9/16, 9/17, 9/18, 9/19, ((9/20)) 9/22, 9/23, 9/24, 9/25, 9/26, ((9/27)) 9/29, 9/30, 10/1, 10/2, 10/3((10/4))</u>

Note: By condition of the salmon experimental beach seine permit, only the following waters of Area 7B and Area 12A are open to beach seine fishing for salmon during the open dates designated in WAC 220-47-428: Area 7B - Those waters of Area 7B lying northerly and easterly of a line extending from Governors Point to the Red #2 bell buoy to the point where the pipeline from Tilbury Cement Pier contacts the shore.

Area 12A - Those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

It is unlawful to retain chinook (~~or chum~~) taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-430 Puget Sound commercial salmon—Log book required. It is unlawful for any licensed commercial salmon fisher fishing for salmon in Puget Sound SMCRA 7 and 7A during the Fraser Panel-controlled sock-eye and pink salmon seasons promulgated by ~~((the National Marine Fisheries Service))~~ National Oceanic and Atmospheric Administration Fisheries, or SMCRA 9A during the coho fishery set out in WAC 220-47-411, to fail to possess and maintain a department-approved Puget Sound Commercial Salmon Log Book as provided for in this section:

(1) The log book must be kept aboard the vessel while it is fishing in SMCRA 7, 7A and 9A, or while in possession of fish caught in these areas. The fisher must submit the com-

pleted log book for inspection immediately upon request by authorized department representatives.

(2) In each purse seine log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the fisher shall record the Puget Sound Commercial Salmon Log Book Location Code, the time of the retrieval, and the number of chinook, coho and chum salmon in the net upon retrieval.

(3) In each gill net log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the vessel operator shall record the Puget Sound Commercial Salmon Log Book Location Code where the net is retrieved, the start and end time of the set when fishing in SMCRA 7 and 7A the number of chinook, coho and chum salmon in the net upon retrieval must be recorded for each retrieval of the net. When fishing in SMCRA 9A the number of chinook and chum in the net upon retrieval must be recorded for each retrieval of the net.

(4) The following are the Puget Sound Commercial Salmon Log Book Location Codes that are required entries in purse seine log books and gill net log books as provided for in this section:

(a) Location Code 1: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A northerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(b) Location Code 2: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A southerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(c) Location Code 3: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 easterly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line and easterly of a line projected from Point Colville on Lopez Island to Smith Island.

(d) Location Code 4: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 westerly and northerly of a line projected from Point Colville on Lopez Island to Smith Island and thence to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, 38th ed., Oct. 31/92) and southerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island.

(e) Location Code 5: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 southerly of a line projected from Smith Island to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, 38th ed., Oct. 31/92).

(f) Location Code 6: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 northerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island and westerly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line.

(5) Location Code 7: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area

EXPEDITED

9A southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian reservation.

(6) In each reef net log book the fisher shall record the fisher's name and license number and the location of the fishing site. For each day fished the fisher shall record the date and the total number of chinook, coho and chum salmon caught.

(7) All log books used in SMCRA 7 and 7A must be sent to the department no later than October 10 of each year. All log books used in SMCRA 9A must be sent to the department no later than November 22 of each year.

EXPEDITED

WSR 03-13-002
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-111—Filed June 4, 2003, 2:31 p.m.]

Date of Adoption: June 3, 2003.

Purpose: Amend sardine emerging commercial fishery rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-88C-020, 220-88C-030, 220-88C-040, and 220-88C-050.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-08-100 on April 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-88C-030:

Subsection (1)(a), change "two hundred" to "forty"; change "coastal pilchard trial fishery permit" to "emerging commercial fishery license"; at end add, "or can demonstrate by valid Washington fish receiving tickets that pilchard were landed under the person's emerging commercial fishery license during two of the three calendar years (2000, 2001, or 2002)."

Subsection (1)(c), at beginning, add "As of July 1, 2003, (h)as..."

Delete subsections (2)(b) and (e).

Subsection (2)(c), at beginning, add "As of April 1, 2004, (h)as..."

Insert the following new subsection:

(3) Beginning 2005, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year;

(b) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;

(c) Has purchased an emerging commercial fisheries license by April 1st; and

(d) As of April 1st of each licensing year has no outstanding observer fees owed to the department.

Renumber subsection (3) to (4), and after, "revoked by the director", add, ", and future permits denied by the director,"; after "specified in the permits" add "or violation of other commercial fishing rules".

Renumber subsection (4) as (5), and change to read "If less than twenty permits are issued to persons who meet the permit renewal requirements specified in subsections (2) and (3) of this section, the director may offer replacement permits, provided that:"

Subsection (5)(a), change "twenty" to "twenty-five."

Subsection (5)(b), change "on order from highest to lowest cumulative landing total for that period" to "by random drawing."

Renumber subsection (5) as (6).

Renumber subsection (6) as (7), delete text, and insert, "Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery by May 31 of each year. Permit holders may not change vessel designation

between June 1 and October 1, except in an emergency and then only if allowed by the director."

WAC 220-88C-040:

Delete subsection (3) and renumber.

WAC 220-88C-050:

Restore last sentence in subsection (3).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 3, 2003

J. P. Koenings

Director

by Larry Peck

AMENDATORY SECTION (Amending Order 01-36, filed 3/13/01, effective 4/13/01)

WAC 220-88C-020 Designation of the coastal pilchard fishery as an emerging commercial fishery. (1) The director designates the coastal pilchard fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful for any person to fish for, possess, or deliver pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone unless the fisher has a valid emerging commercial fishery license and a valid coastal pilchard ~~(trial)~~ experimental fishery permit, or except as otherwise provided.

(2) ~~((After the effective date of this section,))~~ The following fishery licenses may not be used to take pilchard from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone: Baitfish lampara; baitfish purse seine; Columbia River smelt; food fish trawl—non-Puget Sound; herring dip bag net; herring gill net; herring lampara; herring purse seine; smelt dip bag net; smelt gill net, except as provided for in chapter 220-44 WAC.

(3) ~~((After the effective date of this section,))~~ Pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone may not be delivered into a Washington port under a nonlimited entry delivery license, and may not be delivered under the licenses provided for in RCW 77.65.210.

AMENDATORY SECTION (Amending Order 01-36, filed 3/13/01, effective 4/13/01)

WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery. (~~((1) All persons who are eligible to purchase a commercial fishery license may obtain a coastal pilchard trial fishery permit and purchase an emerging commercial fishery license.~~)

(2) ~~Persons who violate the terms of the coastal pilchard trial fishery permit will have the permit revoked, pursuant to appeal rights under chapter 34.05 RCW, and will be ineligible to obtain a coastal pilchard trial fishery permit for the remainder of the calendar year for which the emerging commercial fishery license is valid.~~ (1) For 2003, a coastal pilchard experimental fishery permit will be issued only to a person who:

(a) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous three calendar years (2000, 2001, and 2002) or can demonstrate by valid Washington fish receiving tickets that pilchard were landed under the person's emerging commercial fishery license during two of the three calendar years (2000, 2001, or 2003);

(b) Has purchased an emerging commercial fisheries license by July 1, 2003; and

(c) As of July 1, 2003, has no outstanding observer fees owed to the department for the 2000, 2001, or 2002 coastal pilchard trial fisheries.

(2) Beginning 2004, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year;

(b) Has purchased an emerging commercial fisheries license by April 1st; and

(c) As of April 1st has no outstanding observer fees owed to the department.

(3) Beginning 2005, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year;

(b) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;

(c) Has purchased an emerging commercial fisheries license by April 1st; and

(d) As of April 1st of each licensing year has no outstanding observer fees owed to the department.

(4) Coastal pilchard experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violation of other commercial fishing rules, and shall be revoked if the emerging commercial fishery license is suspended. A coastal pilchard experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) If less than twenty permits are issued to persons who meet the permit renewal requirements specified in subsec-

tions (2) and (3) of this section, the director may offer replacement permits, provided that:

(a) The total number of permits issued by the director, including replacement permits, shall not exceed twenty-five.

(b) Replacement permits shall be issued to persons who had landed a minimum of five metric tons (cumulative round weight) of pilchard taken from Pacific Ocean waters in 2000, 2001, and 2002, by random drawing.

(c) If less than twenty permits are issued to persons who meet the minimum landing requirements specified in (b) of this subsection, the director may offer a replacement permit by random drawing.

(6) Coastal pilchard experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(7) Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery by May 31 of each year. Permit holders may not change vessel designation between June 1 and October 31, except in an emergency and then only if allowed by the director.

AMENDATORY SECTION (Amending Order 01-36, filed 3/13/01, effective 4/13/01)

WAC 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch. (1) The coastal pilchard fishery season is open to purse seine fishing (~~(only)~~) May 15 through October 31 (~~(, or until 15,000 metric tons of pilchard have been taken, whichever is earlier)~~) only. Fishing under (~~(a trial)~~) an experimental commercial fishery permit for pilchard is closed within three miles of shore.

(2) It is unlawful to retain any species taken incidental to pilchard in the coastal pilchard fishery except anchovy, mackerel, and squid. Incidental landings of Pacific mackerel cannot exceed forty-five percent, by weight, of the total landing. Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing (~~(vessel's deck)~~) vessel.

(3) The transfer of catch from one vessel to another is prohibited.

(4) Legal purse seine gear must be aboard the vessel making the landing.

(5) Pilchard landings must be delivered to a shoreside processing facility.

AMENDATORY SECTION (Amending Order 01-36, filed 3/13/01, effective 4/13/01)

WAC 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

(1) As a condition of the (~~(trial)~~) experimental commercial fishery permit, participants in the coastal pilchard fishery are required to have on-board observers for any pilchard fishing effort, and are required to have observer coverage for one-half of the vessel trips. Fishers may elect to use either department-provided observers, or (~~(NMFS)~~) National Marine Fisheries-certified observers, but must notify the department of their irrevocable decision on which type of observer to use at least 48 hours before their first pilchard fishing trip of the

season. NMFS-certified observers must have completed a department training session. Department-provided observer coverage will be made available to fishers who agree to reimburse the department at a rate of \$100 per landing, whether or not the vessel trip was observed. Payment for department-provided observer coverage is due by the tenth day of the following month for the previous month's landings, and failure to make timely payment will result in revocation of the ~~((trial))~~ experimental commercial fishery permit.

(2) In order to allow sufficient time for observer coverage and sampling efforts, fishers must notify the department's ~~((marine fish division))~~ sardine hotline during normal business hours at least 48 hours before the first vessel trip and at least 24 hours before each subsequent trip. Fishers must provide name and contact phone number, time and location of departure, and estimated time and location of landing. Up to 500 sardine per vessel trip may be retained by WDFW samplers for biological information.

(3) All persons who obtain ~~((a trial))~~ an experimental commercial fishery permit for the coastal pilchard fishery must complete a department-issued logbook, and the logbook is required to be returned to the department by November 15th of the year of issuance. Failure to submit the logbook will cause the person to be ineligible for a permit in the following season.

WSR 03-13-005

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 4, 2003, 3:47 p.m.]

Date of Adoption: June 4, 2003.

Purpose: The purpose of the rule amendment is to correct a WAC reference in WAC 16-603-010(2). The adopted amendment replaces the reference to a Department of Health rule, WAC 248-58-070, with the recodified number, WAC 246-282-080.

Citation of Existing Rules Affected by this Order: Amending WAC 16-603-010.

Statutory Authority for Adoption: Chapters 15.85 and 34.05 RCW.

Adopted under notice filed as WSR 03-08-088 on April 2, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 4, 2003

Valoria H. Loveland

Director

AMENDATORY SECTION (Amending Order 2086, filed 6/10/91, effective 1/1/92)

WAC 16-603-010 Aquaculture identification requirements. (1) Any sale or movement of private sector cultured aquatic products made by an aquatic farmer, other than retail sale for personal use by the purchaser or rendering or unmarketable solid waste disposal, shall:

(a) Be accompanied by a shipping document showing:

(i) The aquatic farmer's name;

(ii) The aquatic farm mailing address;

(iii) The aquatic farm registration number required by RCW 75.58.040;

(iv) The date of transfer by the aquatic farmer;

(v) The quantity of each species; and

(b) Be labeled, showing the name of the aquatic farmer and the farmer's aquatic farm registration number on each container of cultured aquatic products.

(c) The shipping documents and labeling required under this section shall be retained and maintained by the purchaser while the private sector cultured aquatic products are under the purchaser's possession or control.

(2) The provisions of this section do not apply to shellfish if the shellfish comply with rules enacted under the labeling requirements for the Sanitary Control of Shellfish Act (WAC ~~((248-58-070))~~ 246-282-080), or to live finfish or their reproductive tissues, if the finfish comply with rules enacted under the Washington department of fisheries transfer procedure set forth in chapter 220-77 WAC.

WSR 03-13-027

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed June 10, 2003, 10:08 a.m.]

Date of Adoption: April 9, 2003.

Purpose: The purpose of this rule is to set criteria for reporting suspicious transactions involving ephedrine, pseudoephedrine, and phenylpropanolamine. These drugs are used to manufacture the illicit drug, methamphetamine.

Citation of Existing Rules Affected by this Order: Amending chapter 246-889 WAC.

Statutory Authority for Adoption: RCW 69.43.035.

Other Authority: RCW 18.64.005(7).

Adopted under notice filed as WSR 03-06-002 on February 19, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 10, 2003

Susan Teil Boyer
Chair

NEW SECTION

WAC 246-889-050 Suspicious transactions. Any manufacturer or wholesaler who sells, transfers, or furnishes any substance specified in RCW 69.43.010(1) or WAC 246-889-020 to any person shall report any suspicious transaction in writing to the state board of pharmacy. For the purpose of this rule, a "suspicious transaction" is defined as:

(1) Any sale or transfer that would lead a reasonable person to believe that the substance is likely to be used for the purpose of unlawfully manufacturing a controlled substance under chapter 69.50 RCW, based on such factors as:

- (a) The amount of the substance involved;
- (b) The method of payment;
- (c) The method of delivery; or
- (d) Any past dealings with any participant in the transaction.

(2) The transaction involves payment for any substance specified in RCW 69.43.010(1) or WAC 246-889-020 in cash or money orders in a total amount of more than two hundred dollars.

(3) Any sale or transfer of any substance specified in RCW 69.43.010(1) or WAC 246-889-020 that meets the criteria identifying suspicious orders in Appendix A of the U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Program Report of the Suspicious Orders Task Force. Copies of the publication are available upon request from the state board of pharmacy.

(4) In addition to the above suspicious transaction criteria, the following requirements shall apply to over-the-counter wholesalers and full-line wholesalers:

(a) An over-the-counter wholesaler shall also use the following formula to identify a suspicious transaction:

(i) Any wholesaler whose individual sale or transfer of any product specified in RCW 69.43.010(1) or WAC 246-889-020 exceeds ten percent of the seller's distribution, during the same calendar month, shall be considered a suspicious transaction (e.g., if a wholesaler sells one thousand dollars' worth of pseudoephedrine tablets during a month in which less than ten thousand dollars of other goods are sold to its

customers). In this case, the sales to each of the customers must be reported to the board.

(ii) Any time the value of a sale to a single customer of any product listed in RCW 69.43.010(1) or WAC 246-889-020 exceeds ten percent of the value of the full order shipped to the customer (e.g., if a wholesaler sells an order to a customer which contains one hundred dollars' worth of the pseudoephedrine tablets either alone or along with twenty-five dollars' worth of aspirin tablets).

(b) A full-line wholesaler shall also use the formula listed in Appendix E-3 of the U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Program Report of the Suspicious Orders Task Force to identify a suspicious transaction.

(5) The written report of a suspicious transaction shall contain, at a minimum, the following information:

- (a) Name, address and phone number of the manufacturer and/or wholesaler making the report;
- (b) Name and address of the person or firm receiving the suspicious transaction;
- (c) Quantity of substance purchased, transferred, or furnished;
- (d) Date of purchase, transfer, or furnish; and
- (e) Method of payment of the substance.

WSR 03-13-028

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 10, 2003, 10:10 a.m.]

Date of Adoption: June 16, 2003.

Purpose: The purpose of this rule is to revise the fee schedule for the Division of Drinking Water to raise water system plan review fees and drinking water operator certification fees by the fiscal growth factor for fiscal year 2003 of 3.29%.

Citation of Existing Rules Affected by this Order: Amending WAC 246-290-990 and 246-292-160.

Statutory Authority for Adoption: RCW 43.70.250 and 43.20B.020.

Other Authority: RCW 70.119.160 and 43.70.250 respectively.

Adopted under notice filed as WSR 03-08-036 on March 27, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 02-01-065, filed 12/14/01, effective 1/14/02)

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the

review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, 246-294, and 246-295 WAC shall be as follows:

(a) Water system plans required under WAC 246-290-100, 246-290-105, 246-291-140, 246-293-220, 246-293-230, and 246-294-060.

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	\$((126)) 130	\$((447)) 461	\$((1,095)) 1,131	\$((2,070)) 2,138	\$((3,363)) 3,473	\$((4,978)) 5,141
Minor water system plan alteration	\$30	\$((106)) 109	\$((268)) 276	\$((515)) 531	\$((835)) 862	\$((1,225)) 1,265

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

Project Type	Total Active or Approved Services					
	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services	
SMA plan for ownership (New and Updated)	\$((447)) 461	\$((1,095)) 1,131	\$((2,070)) 2,138	\$((3,363)) 3,473	\$((4,978)) 5,141	
SMA approval amendment	\$((93)) 96 per hour or appropriate fee from category above, whichever is less					
SMA plan for operation only (New and Updated)	\$((1,095)) 1,131	\$((1,095)) 1,131	\$((1,095)) 1,131	\$((1,095)) 1,131	\$((1,095)) 1,131	

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-105, 246-290-125, 246-290-132, 246-290-135, 246-290-691, and 246-291-140 including:

(i) Conservation; and

(ii) Wellhead protection, shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on

((~~ninety-three~~)) ninety-six dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110 and design reports required under WAC 246-291-120.

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	\$((317)) 327	\$((645)) 666	\$((1,002)) 1,034	\$((1,452)) 1,499	\$((2,001)) 2,066	\$((2,653)) 2,740
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	\$((93)) 96	\$((187)) 193	\$((317)) 327	\$((478)) 493	\$((675)) 697	\$((904)) 933
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	\$((187)) 193	\$((447)) 461	\$((707)) 730	\$((1,033)) 1,066	\$((1,421)) 1,467	\$((1,872)) 1,933
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	\$((126)) 130	\$((317)) 327	\$((515)) 531	\$((774)) 799	\$((1,095)) 1,131	\$((1,477)) 1,525

Note: In accordance with WAC 246-290-125, project reports are not required for minor projects that are described in sufficient detail in an approved water system plan, and have been reviewed as part of the process for approving the water system plan.

PERMANENT

(e) Special reports or plans required under WAC 246-290-230, 246-290-235, 246-290-250, 246-290-470, 246-290-636, 246-290-640, 246-290-654, 246-290-676, 246-291-230 including:

- (i) Corrosion control recommendation report;
- (ii) Corrosion control study;
- (iii) Plan to cover uncovered reservoirs;
- (iv) Predesign study;
- (v) Uncovered reservoir plan of operation;
- (vi) Tracer study plan;

(vii) Surface water or GWI treatment facility operations plan;

(viii) Filtration pilot study; or

(ix) GWI determination reports, shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ((~~ninety-three~~) ninety-six dollars per hour.

(f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

Group A

Project Type	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	\$((317) <u>327</u>)	\$((645) <u>666</u>)	\$((1,002) <u>1,034</u>)	\$((1,452) <u>1,499</u>)	\$((2,001) <u>2,066</u>)	\$((2,653) <u>2,740</u>)
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	\$((93) <u>96</u>)	\$((187) <u>193</u>)	\$((317) <u>327</u>)	\$((478) <u>493</u>)	\$((675) <u>697</u>)	\$((904) <u>933</u>)
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	\$((256) <u>264</u>)	\$((576) <u>594</u>)	\$((835) <u>862</u>)	\$((1,162) <u>1,200</u>)	\$((1,552) <u>1,603</u>)	\$((2,001) <u>2,066</u>)
New source only (an additional fee shall be assessed for review of treatment facility, if any)	\$((187) <u>193</u>)	\$((348) <u>359</u>)	\$((478) <u>493</u>)	\$((645) <u>666</u>)	\$((835) <u>862</u>)	\$((1,064) <u>1,099</u>)
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	\$((126) <u>130</u>)	\$((220) <u>227</u>)	\$((348) <u>359</u>)	\$((515) <u>531</u>)	\$((707) <u>730</u>)	\$((934) <u>964</u>)
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping-valving, controls or storage reservoirs as determined by the department where such projects:						
Comply with design standards established by the department;						
Are prepared by a professional engineer in accordance with WAC 246-290-040; and						
Do not require a detailed evaluation by the department.	\$((60) <u>61</u>)	\$((109) <u>112</u>)	\$((182) <u>187</u>)	\$((256) <u>264</u>)	\$((355) <u>366</u>)	\$((466) <u>481</u>)

(g) Existing system approval required under WAC 246-290-140 and 246-291-130. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Group A

Project Type	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	\$((244) <u>252</u>)	\$((490) <u>506</u>)	\$((737) <u>761</u>)	\$((984) <u>1,016</u>)	\$((1,231) <u>1,271</u>)	\$((1,477) <u>1,525</u>)
NONEXPANDING system requiring a detailed evaluation as determined by the department	\$((367) <u>379</u>)	\$((737) <u>761</u>)	\$((1,117) <u>1,153</u>)	\$((1,477) <u>1,525</u>)	\$((1,847) <u>1,907</u>)	\$((2,217) <u>2,289</u>)

PERMANENT

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
EXPANDING system not requiring a detailed evaluation by the department	\$((490)) <u>506</u>	\$((984)) <u>1,016</u>	\$((1,477)) <u>1,525</u>	\$((1,970)) <u>2,034</u>	\$((2,464)) <u>2,545</u>	\$((2,956)) <u>3,053</u>
EXPANDING system requiring a detailed evaluation as determined by the department	\$((614)) <u>634</u>	\$((1,231)) <u>1,271</u>	\$((1,847)) <u>1,907</u>	\$((2,464)) <u>2,545</u>	\$((3,079)) <u>3,180</u>	\$((3,696)) <u>3,817</u>

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	\$((82)) <u>84</u> per source	\$((113)) <u>116</u> per source	\$((142)) <u>146</u> per source	\$((172)) <u>177</u> per source	\$((202)) <u>208</u> per source
Organic chemical monitoring waiver	Not applicable	\$((148)) <u>152</u> per source	\$((207)) <u>213</u> per source	\$((269)) <u>277</u> per source	\$((328)) <u>338</u> per source	\$((388)) <u>400</u> per source
Use waiver	Not applicable	\$((177)) <u>182</u> per source	\$((238)) <u>245</u> per source	\$((304)) <u>314</u> per source	\$((358)) <u>369</u> per source	\$((418)) <u>431</u> per source
Area wide waiver renewal	Not applicable	\$((177)) <u>182</u> per source	\$((219)) <u>226</u> per source	\$((262)) <u>270</u> per source	\$((304)) <u>314</u> per source	\$((335)) <u>346</u> per source
Inorganic chemical monitoring waiver renewal	Not applicable	\$((45)) <u>46</u> per source	\$((58)) <u>59</u> per source	\$((69)) <u>71</u> per source	\$((82)) <u>84</u> per source	\$((93)) <u>96</u> per source
Organic chemical monitoring waiver renewal	Not applicable	\$((88)) <u>90</u> per source	\$((123)) <u>127</u> per source	\$((161)) <u>166</u> per source	\$((196)) <u>202</u> per source	\$((232)) <u>239</u> per source
Use waiver renewal	Not applicable	\$((123)) <u>127</u> per source	\$((166)) <u>171</u> per source	\$((207)) <u>213</u> per source	\$((249)) <u>257</u> per source	\$((292)) <u>301</u> per source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	\$((377)) <u>389</u>	\$((466)) <u>481</u>	\$((593)) <u>612</u>	\$((755)) <u>779</u>	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	\$((118)) <u>121</u>	\$((118)) <u>121</u>	\$((118)) <u>121</u>	\$((118)) <u>121</u>	Not applicable

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Well-site evaluation and approval including the site inspection and hydrogeologic information review.	\$((187)) <u>193</u>	\$((281)) <u>290</u>	\$((332)) <u>342</u>	\$((411)) <u>424</u>	\$((515)) <u>531</u>	\$((645)) <u>666</u>
Regulatory monitoring plan ¹	No plan required	\$((182)) <u>187</u>	\$((244)) <u>252</u>	\$((306)) <u>316</u>	\$((367)) <u>379</u>	\$((428)) <u>442</u>
Unfiltered system annual comprehensive report	Not applicable	\$((367)) <u>379</u>	\$((614)) <u>634</u>	\$((861)) <u>889</u>	\$((1,107)) <u>1,143</u>	\$((1,353)) <u>1,397</u>
Water system compliance report	\$((106)) <u>109</u>	\$((106)) <u>109</u>	\$((106)) <u>109</u>	\$((106)) <u>109</u>	\$((106)) <u>109</u>	\$((106)) <u>109</u>

¹A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300.

PERMANENT

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or meetings with elected officials, the department is authorized to charge additional fees at the rate of ~~((ninety-three))~~ ninety-six dollars per hour;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of ~~((ninety-three))~~ ninety-six dollars per hour.

Examples of these services include, but are not limited to:

- (i) Review and inspection of water reuse projects;
- (ii) Collection of water quality samples requested by purveyor;

(iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;

(iv) Sanitary surveys, including the time spent as part of the annual on-site inspections for systems under WAC 246-290-690(3) that is in addition to the time necessary to assess watershed control and disinfection treatment;

(v) Well field designations; or

(vi) Transfers of ownership under WAC 246-290-035 or 246-294-060.

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099, or such successor organization or address as designated by the department. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

AMENDATORY SECTION (Amending WSR 02-01-065, filed 12/14/01, effective 1/14/02)

WAC 246-292-160 Water works certification fees. (1)

Operator fees:

- (a) Applicable fees are listed in Table 2 of this section;

Table 2

WATER WORKS OPERATOR FEES

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	\$((64.00)) <u>66.00</u>	\$((31.00)) <u>32.00</u>	\$((31.00*)) <u>32.00*</u>	\$27.00**
WDM	\$((64.00)) <u>66.00</u>	\$((31.00)) <u>32.00</u>	\$((31.00*)) <u>32.00*</u>	\$27.00**
WDS	\$((64.00)) <u>66.00</u>	\$((31.00)) <u>32.00</u>	\$((31.00*)) <u>32.00*</u>	\$27.00**
CCS	\$((38.00)) <u>39.00</u>	\$((31.00)) <u>32.00</u>	\$((31.00*)) <u>32.00*</u>	\$27.00**
BAT	\$((38.00)) <u>39.00</u>	\$((31.00)) <u>32.00</u>	\$((31.00)) <u>32.00</u>	\$27.00
BTO	\$((38.00)) <u>39.00</u>	\$((31.00)) <u>32.00</u>	\$((31.00)) <u>32.00</u>	\$27.00

* The annual renewal fee for a WTPO, WDM, WDS and CCS certification shall be ~~((thirty-one))~~ thirty-two dollars regardless of the number of classifications held.

** The annual late fee for a WTPO, WDM, WDS, and CCS certification shall be twenty-seven dollars regardless of the number of classifications held.

(b) A late fee shall be assessed to operators failing to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity is one hundred ~~((thirty))~~ thirty-four dollars per classification.

(2) Group A system fees:

- (a) Applicable fees are listed as indicated in Table 3 of this section.

PERMANENT

Table 3
ANNUAL SYSTEM CERTIFICATION FEES

SYSTEM SIZE* (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	\$ ((97.00)) <u>100.00</u>
601 through 6,000 Services	\$ ((295.00)) <u>304.00</u>
6,001 through 20,000 Services	\$ ((393.00)) <u>405.00</u>
More than 20,000 Services	\$ ((591.00)) <u>610.00</u>

* Systems designated by the department as approved satellite management agencies (SMAS) shall pay a fee based on total services in all systems owned by the SMA.

(b) Group A system fees shall be paid in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) A late fee shall be assessed against any system for failing to submit the applicable fee to the department within the designated time period. The late fee shall be based on the water system's classification and shall be an additional ten percent of the applicable system fee or twenty-seven dollars, whichever is greater.

(d) The system fee for issuance of a temporary certification shall be ~~((sixty-four))~~ sixty-six dollars for each temporary position.

(3) Fees are nonrefundable and transfers of fees are not allowable.

(4) Payment of fees required under this chapter shall be in the form of a check or money order made payable to the department of health and shall be mailed to Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099, or such successor organization or address as designated by the department.

WSR 03-13-029
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed June 10, 2003, 10:12 a.m.]

Date of Adoption: June 10, 2003.

Purpose: The establishment of the collection and maintenance of hospital patient discharge data including data necessary for identification of discharge by diagnosis-related groups.

Citation of Existing Rules Affected by this Order: Amending chapter 246-455 WAC.

Statutory Authority for Adoption: RCW 43.70.040 and [43.]70.170.

Adopted under notice filed as WSR 03-09-127 on April 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 3, 2003

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-001 Purpose. This chapter is adopted by the Washington state department of health pursuant to RCW ~~((70-170-100))~~ 43.70.040 relating to the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-010 Definitions. As used in this chapter, unless the context requires otherwise,

(1) "Department" means department of health.

(2) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria.

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

(4) Uniform Billing "UB-92/UB-02 data set" means the data element specifications developed by the ~~((Washington state))~~ National Uniform Billing Committee ~~((and set forth in the state of Washington UB-92 Procedure Manual, which is available to the public upon request))~~ which can be found at www.NUBC.org.

(5) "Patient discharge" means the termination of an inpatient admission or stay, including an admission as a result of a birth, in a Washington hospital.

(6) "HMO" means a health maintenance organization.

(7) "SNF" means a skilled nursing facility.

(8) "HCF" means a health care facility.

(9) ~~((("ICF" means an intermediate care facility.~~

~~((10)))~~ (10) "HHA" means a home health agency.

~~((11)))~~ (11) "IV" means intravenous.

~~((12)))~~ (12) "UPIN" means unique physician identification number.

PERMANENT

((43)) (12) "CHARS" means comprehensive hospital abstract reporting system.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-020 Reporting of UB-92 data set information. (1) Effective with all hospital patient discharges on or after April 1, 1994, hospitals shall collect and report the following UB-92 or UB-02 data set elements to the department:

(a) Patient control number

Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification.

(b) Type of bill

This three-digit code requires 1 digit each, in the following sequence form: Type of facility, bill classification, frequency.

Digit #1 must be "1" to indicate a hospital.

Digit #2 must be a "1," a "2" or an "8" to indicate an inpatient.

Digit #3 must be a "1" to indicate admit through discharge claim.

(c) Medicare provider number

This is the number assigned to the provider by Medicare.

(d) Patient identifier

The patient identifier shall be composed of the first two letters of the patient's last name, the first two letters of the patient's first name, or one or two initials if no first name is available, or when the last name is a single letter add three letters of first name, and the patient's birthdate.

(e) ZIP Code

Patient's five or nine digit ZIP Code. In the case of a foreign country, enter the first nine characters of the name.

(f) Birthdate

The patient's date of birth in MMDDYYYY format.

(g) Sex

Patient's sex in M/F format.

(h) Admission date

Admission date in MMDDYY format.

(i) Type of admission

This field is filled with one of the following codes:

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn

(j) Source of admission

This field is completed with one of the following codes:

- 1 Physician referral
- 2 Clinic referral
- 3 HMO referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF

- 6 Transfer from another HCF
- 7 Emergency room
- 8 Court/law enforcement
- 9 Other

When type of admission is a "4 newborn," enter one of the following for source of admission:

- 1 Normal delivery
- 2 Premature delivery
- 3 Sick baby
- 4 Extramural birth
- 5 Multiple birth

(k) Patient status

Patient discharge disposition in one of the following codes:

- 01 Discharged home or self care
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 08 Discharged/transferred to home under care of home IV provider
- 20 Expired

(l) Statement covers period

This is the beginning and ending dates for which the UB-92 covers.

(m) Revenue code

The Medicare required revenue code (as defined in the *UB-92 Procedure Manual*), which identifies a specific accommodation, ancillary service or billing calculation.

(n) Units of service

The Medicare required units of service (as defined in the *UB-92 Procedure Manual*) which provide a quantitative measure of services rendered by revenue category to or for the patient. Where no units of service are required by Medicare, the units of service may be those used by the hospital.

(o) Total charges by revenue code category

Total charges pertaining to the related revenue code.

(p) Payer identification #1

Enter the three-digit code that identifies the primary payer. The required code options include:

- 001 for Medicare
- 002 for Medicaid
- 004 for health maintenance organizations
- 006 for commercial insurance
- 008 for workers' compensation which includes state fund, self-insured employers, and labor and industries crime victims claims
- 009 for self pay

PERMANENT

610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service

625 for other sponsored patients, e.g., CHAMPUS, Indian health

630 charity care, as defined in chapter 70.170 RCW

(q) Payer identification #2

Same requirements as in payer identification #1. This field should only be completed when a secondary payer has been identified.

(r) Principal diagnosis code

ICD-9-CM code describing the principal diagnosis (the condition established after study to be chiefly responsible for causing the admission of the patient for care).

(s) Other diagnoses codes

ICD-9-CM codes identifying up to eight additional conditions that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay).

(t) Principal procedure code

The ICD-9-CM code that identifies the principal procedure performed during the patient admission.

(u) Other procedure codes

ICD-9-CM codes identifying up to five significant procedures other than the principal procedure performed during the admission.

(v) Attending physician identification

The UPIN number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used.

(w) Other physician identification

The UPIN number of the licensed physician who performed the principal procedure. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used. If no principal procedure was performed, this field should be left blank.

(2) The hospital shall report all inpatients discharge data described in WAC 246-455-020. Each patient discharge must carry a separate, unique patient control number on a separate UB-92 record. For example, a mother and her newborn require separate UB-92s, each with a separate, unique patient control number.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-455-030 Reporting of E-Codes. Effective with hospital patient discharges occurring on or after January 1, 1989, hospitals shall collect and report ~~((up to two))~~ one ICD-9-CM codes identifying the external cause of injury and poisoning (E-Codes), when applicable.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-040 Acceptable media for submission of data. Hospitals shall submit data in the form prescribed by the department in the *CHARS Procedure Manual*. A copy of the *CHARS Procedure Manual* may be obtained by contacting the department or on the department's website.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-080 Confidentiality of data. The department and any of its contractors or agents shall maintain the confidentiality of any information which may in any manner identify individual patients~~(-)~~ per RCW 70.170.090 and federal Health Insurance Portability and Accountability Act standards.

The following confidential data elements are not public data: Patient control number, patient identifier, patient birthdate, admission date, discharge day, and nine-digit ZIP Code. The following data elements are public data: Patient's age at admission, discharge month and year, length of stay, and a five-digit ZIP Code.

Records containing confidential data elements may be disclosed for research purposes after approval from the ~~((human research))~~ Washington state institutional review board in accordance with RCW 42.48.020.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-100 Penalties for violation. RCW 70.170.070 describes the penalty for violation of any valid orders, rules, regulations, and reporting requirements. The department may grant extensions of time to file the information~~((, in which cases))~~. If such an extension is granted, failure to file the information shall not ~~((constitute))~~ be considered a violation until the extension period has expired.

WSR 03-13-045

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 11, 2003, 4:33 p.m., effective August 1, 2003]

Date of Adoption: June 6, 2003.

Purpose: Adopting amended WAC 388-450-0080 What is self-employment income? and 388-450-0085 How we count your self-employment income?, to clarify what activities qualify as self-employment, what deductions the department allows for self-employed individuals, and rewrite the text of the rule to be more easily understood.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0080 and 388-450-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510.

PERMANENT

Adopted under notice filed as WSR 03-09-073 on April 15, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: August 1, 2003.

June 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-19-020, filed 9/11/01, effective 10/1/01)

WAC 388-450-0080 What is self-employment income? This section applies to TANF/SFA, GA, RCA, Basic Food ((assistance)), and medical programs for children, pregnant women and families.

(1) Self-employment income is income you earn from operating a business ((you own or operate rather than income from an employer. It does not have to be a licensed business to qualify as self-employment. Some examples of self-employment include:

- (a) Childcare;
- (b) Operating an adult family home;
- (c) Farming/fishing;
- (d) Driving a taxi cab;
- (e) Selling self-produced or supplied items;
- (f) Working as a subcontractor; and
- (g) Operating a lodging for roomers and/or boarders.

Roomer income includes money paid to you for shelter costs by someone who lives with you if you:

- (i) Own your residence; or
- (ii) Rent your residence and charge the other people more than the total rent), performing a service, selling items you make, or re-selling items to make a profit.

(2) ((Most self-employment income is considered earned income as described in WAC 388-450-0030.

(3)) You are self-employed if you earn income without having an employer/employee relationship with the person who pays you. Your self-employment does not have to be a licensed business for your business or activity to qualify as self-employment. Some examples of self-employment include:

- (a) Childcare;
- (b) Driving a taxi cab;
- (c) Farming/fishing;

(d) Odd jobs such as mowing lawns, house painting, gutter cleaning, or car maintenance;

(e) Operating a lodging for roomers and/or boarders. Roomer income includes money paid to you for shelter costs by someone who lives with you if you:

(i) Own your residence; or
(ii) Rent all or a part of your residence and the total rent you charge all others in your home is more than your total rent.

(f) Operating an adult family home;
(g) Providing services such as a massage therapist or a professional escort;

(h) Retainer fees to reserve a bed for a foster child;
(i) Selling self-produced or supplied items;
(j) Selling or donating your own biological products such as blood, plasma, eggs, sperm, or hair; and
(k) Working as a subcontractor.

(3) If you are an employee of a company or individual who performs the activities listed in subsection (2) above as a part of your job, we do not count the activity as self-employment. If the person or company who pays you must report your income using IRS form W-2, you are an employee.

(4) Most self-employment income is considered earned income as described in WAC 388-450-0030.

(5) For TANF/SFA and Basic Food ((assistance)) there are special rules about renting or leasing out property or real estate that you own.

(a) We count the income you get as unearned income unless you spend at least twenty hours per week managing the property.

(b) For TANF/SFA, we count the income as unearned income unless the use of the property is a part of your approved individual responsibility plan.

AMENDATORY SECTION (Amending WSR 01-19-020, filed 9/11/01, effective 10/1/01)

WAC 388-450-0085 How we count your self-employment income? This section applies to TANF/SFA, GA, RCA, Basic Food ((assistance)), and medical programs for children, pregnant women and families.

(1) We decide how much of your self-employment income to count by:

(a) Adding together your gross self-employment income and ((your capital gains (all of the income you receive from the sale of)) any profit you make from selling your business property or equipment(());

(b) Subtracting your business expenses as described in subsection (2) below; and

(c) Dividing the remaining amount of self-employment income by the number of months over which the income will be averaged.

(2) We automatically subtract one hundred dollars as a business expense even if your costs are less than this. If you want to claim more than one hundred dollars, you must itemize and provide proof of your expenses in order for us to count them. We never allow the following expenses:

- (a) Federal, state, and local income taxes;
- (b) Money set aside for retirement purposes;

- (c) Personal work-related expenses (such as travel to and from work);
 - (d) Net losses from previous periods;
 - (e) Depreciation; or
 - (f) Any amount that exceeds the payment you get from a boarder for lodging and meals.
- (3) If you have worked at your business for less than a year, we figure your gross self-employment income by averaging:
- (a) The income over the period of time the business has been in operation; and
 - (b) The monthly amount estimated for the coming year.

WSR 03-13-046
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed June 11, 2003, 4:36 p.m.]

Date of Adoption: June 11, 2003.

Purpose: Amending WAC 388-02-0215 What is the authority of the ALJ? The amended rule clarifies agency hearing procedures concerning the types of cases where the DSHS Board of Appeals may review an initial order entered by an Office of Administrative Hearings administrative law judge. This permanent rule supersedes and replaces the emergency rule filed as WSR 03-07-043.

Citation of Existing Rules Affected by this Order: Amending WAC 388-02-0215.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: Chapter 34.05 RCW, Parts IV and V.

Adopted under notice filed as WSR 03-09-116 on April 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: As a result of comments received, new subsection (4)(ee) of the rule was revised for clarify as follows (new text is underlined, deleted text is lined through): (ee) ~~Other cases~~ cases for which a right to a hearing exists, if the a request was received by OAH or DSHS on or before November 14, 2002, and WAC 388-740-0060 and 388-891-0275 did not apply ~~other rules do not require the ALJ to enter a final order.~~

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 11, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-21-061, filed 10/15/02, effective 11/15/02)

WAC 388-02-0215 What is the authority of the ALJ?

- (1) The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.
 - (2) As needed, the ALJ may:
 - (a) Determine the order for presenting evidence;
 - (b) Issue subpoenas or orders directing witnesses to appear or bring documents;
 - (c) Rule on objections, motions, and other procedural matters;
 - (d) Rule on an offer of proof made to admit evidence;
 - (e) Admit relevant evidence;
 - (f) Impartially question witnesses to develop the record;
 - (g) Call additional witnesses and request exhibits to complete the record;
 - (h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;
 - (i) Keep order during the hearing;
 - (j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;
 - (k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;
 - (l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;
 - (m) Decide whether a party has a right to a hearing;
 - (n) Issue protective orders;
 - (o) Consider granting a stay if authorized by law or DSHS rule; and
 - (p) Take any other action necessary and authorized under these or other rules.
 - (3) The ALJ administers oaths or affirmations and takes testimony.
 - (4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge. Cases where the parties may request review of an initial order by a review judge are those relating to:
 - (a) Adult family home licenses under chapter 388-76 WAC;
 - (b) Boarding home licenses under chapter 388-78A WAC;
 - (c) Resident protection program findings under WAC 388-97-077;
 - (d) Nursing home licenses under WAC 388-97-550 through 388-97-695;
 - (e) Placement of personal aides providing self-directed care on a state registry under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155;
 - (f) Where the client has requested a hearing under WAC 388-71-0560, the termination of a provider for placing clients

PERMANENT

in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;

(g) Where the client has requested a hearing under WAC 388-71-0560, the termination of a provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;

(h) Where the client has requested a hearing under WAC 388-71-0560, the denial of a contract to a provider due to inability of the provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

(i) Where the client has requested a hearing under WAC 388-71-0560, the denial or termination of a contract and subsequent denial of payment to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710(5) and WAC 388-71-0540 (3) through (5);

(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-0202, and 388-71-0203, and under chapter 388-72A WAC, except for WAC 388-72A-0055(2), 388-72A-0060(1), and 388-72A-0065 (4) through (6);

(k) Domestic violence perpetrator treatment program certification under chapter 388-60 WAC;

(l) Licensing or certification of child foster care homes, programs, facilities, and agencies under chapter 74.15 RCW and chapters 388-140, 388-145, 388-148 and 388-160 WAC;

(m) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;

(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;

(o) Child day care licenses under chapter 74.15 RCW and chapters 388-150, 388-151, and 388-155 WAC;

(p) Background checks of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;

(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;

(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);

(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;

(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;

(u) Chemical dependency treatment provider certification under chapter 388-805 WAC;

(v) Community residential services and support certification, for which a hearing has been held under WAC 388-820-920;

(w) Denial or termination of eligibility for services under WAC ((~~388-825-100~~) 388-825-030 and 388-825-035, for which a hearing has been held under WAC 388-825-120 (1)(a);

(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120 (1)(b);

(y) Authorization, denial, reduction, or termination of services under WAC ((~~388-825-100~~) 388-825-055, for which a hearing has been held under WAC 388-825-120 (1)(c);

(z) Licensed community facilities under RCW 74.15.210 and WAC 388-730-0090;

(aa) Community mental health and involuntary treatment program licenses under WAC 388-865-0480;

(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;

(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17); or

(dd) Background checks under WAC 388-06-0110 that result in denial of authorization for unsupervised access to children or to individuals with developmental disabilities, for which a hearing has been held under WAC 388-06-0240(1); or

(ee) Cases for which a right to a hearing existed, if the request for a hearing was received by OAH or DSHS on or before November 14, 2002, and WAC 388-740-0060 and WAC 388-891-0275 did not apply.

(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4) of this section.

(6) A review judge has the same authority as an ALJ when presiding at a hearing.

WSR 03-13-047

PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-129—Filed June 12, 2003, 8:10 a.m.]

Date of Adoption: April 11, 2003.

Purpose: To amend WAC 232-28-515, 232-12-068, 232-28-273, 232-28-291, 232-28-272, 232-12-051, 232-12-054 and 232-28-248; to adopt WAC 232-28-341, 232-12-045, 232-28-337, 232-28-351 and 232-28-352; and to repeal WAC 232-28-276, 232-28-02220, 232-28-02240, 232-28-278, and 232-28-279.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-276, 232-28-02220, 232-28-02240, 232-28-278 and 232-28-279; amending WAC [232-28-515, 232-12-068, 232-28-273, 232-28-291, 232-28-272, 232-12-051, 232-12-054 and 232-28-248; and new sections] WAC 232-28-341, 232-12-045, 232-28-337, 232-28-351, and 232-28-352.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-06-107, 03-06-106, 03-06-105, 03-06-104, 03-06-112, 03-06-108, 03-06-113, and 03-06-114 on March 5, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 3

Under Eastern Washington ring-necked pheasant regular season:

- Change the dates to read Oct. 18-2003-Dec. 31, 2003; Oct. 16, 2004-Dec. 31, 2004; Oct. 15, 2005-Dec. 31, 2005. This change was made because pheasant hunting occurs primarily on private lands and there was concern regarding the impact pheasant hunters may have with farming in early October. This change was also made to avoid conflicts with deer hunters and pheasant hunters on opening day of the deer season.

Page 4

Under Western Washington ring-necked pheasant, subsection (3) 3-day option:

- Change the word "during" to "harvested over." This change clarifies the intent to limit harvest to four birds.

Page 5

Under fall permit only turkey seasons:

- Add GMU 108 to the list of areas open for permit only turkey hunting. GMU 108 is part of the table showing fall permit allocations but was omitted from the list of GMUs in the preceding paragraph.
- Change the date from "Sept. 25-Sept 30, 2005" to "Sept. 24-Sept. 30, 2005." The intended recommendation was a 7-day season that begins on a Saturday. The 25th of September 2005 is a Sunday, which would result in a 6-day season.

Under official hunting hours/bag limits for wild turkey:

- Delete "One (1) wild turkey per day" and begin sentence with "Only two (2) turkeys may be...." This change is to provide hunting opportunity to commensurate with turkey population levels.

WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Changes, if any, from the text of the proposed rule and reasons for difference:

Pages 1-3

Under "Who may apply" for moose, bighorn sheep and mountain goat:

Hunt Name	Permit Season	Permit Hunt Boundary Description
Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12
Quilomene	Sept. 15-Oct. 10	Sheep Unit 13
Swakane	Sept. 15-Oct. 10	Sheep Unit 14

- Language now reads:

Hunt Name	Permit Season	Permit Hunt Boundary Description
<u>Umtanum/ Selah Butte A</u>	Sept. 15-Oct. ((40)) <u>5</u>	Sheep Unit 4 <u>and 5</u>

- Language as filed in CR-102: (Waived for...)
- Language now reads: (~~Except~~ waived for...)

This change was made to increase clarity.

Page 1

Under 2003 moose permit hunts "Who may apply":

- Language as filed in CR-102:

An individual may only harvest one moose (~~((permit will be issued))~~) during (~~((an individual's))~~) their lifetime (waived for Mt. Spokane youth hunt, 49 Degrees North B hunt, and raffle and auction hunts).

- Language now reads:

An individual may only harvest one moose (~~((permit will be issued))~~) during (~~((an individual's))~~) their lifetime (~~except waived for ((Mt. Spokane youth hunt,))~~) antlerless only hunts, and raffle and auction hunts).

This change is because the department recommends waiving the lifetime harvest restriction for all antlerless only moose hunts.

Under 2003 moose bag limit:

- Add Hangman B to list of antlerless only moose hunts. This change is because the department wants to increase antlerless moose harvest in the Hangman unit.

Under 2003 moose permit hunts:

- Language as filed in CR-102:

<u>Hangman</u>	Oct. 1- Nov. 30	GMU 127, 130	((Any Legal Weapon)) <u>Any Moose</u>	((5)) 8
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- Language now reads:

<u>Hangman A</u>	Oct. 1- Nov. 30	GMU 127, 130	((Any Legal Weapon)) <u>Any Moose</u>	5
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<u>Hangman B</u>	<u>Oct. 1- Nov. 30</u>	<u>GMU 127, 130</u>	<u>Antlerless only</u>	3
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This change is because the department wants to increase antlerless moose harvest in the Hangman unit.

Page 2

Under 2003 Mountain sheep (bighorn) permit hunts:

- Language as filed in CR-102:

Special Restrictions	((2002)) 2003 Permits
Any Legal Weapon	((3)) <u>6</u>
Any Legal Weapon	4
Any Legal Weapon	3
Any Legal Weapon	((9)) <u>1</u>
Any Legal Weapon	1
Any Legal Weapon	((8)) <u>7</u>
Any Legal Weapon	1

Special Restrictions	((2002)) 2003 Permits
Any Legal Weapon	((3)) <u>4</u>

PERMANENT

Umtanum/ Selah Butte B	((Sept. 15-Oct. 10)) Nov. 3-30	Sheep Unit 4 and 5	Any Legal Weapon	((4)) 3
Cleman Mountain A	Sept. 15-Oct. ((40)) 5	Sheep Unit 7	Any Legal Weapon	3
Cleman Mountain B	Nov. 3-30	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	((9)) 1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. ((40)) 5	Sheep Unit 13	Any Legal Weapon	((8)) 4
Quilomene B	Nov. 3-30	Sheep Unit 13	Any Legal Weapon	3
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

This change is to reduce hunter crowding in bighorn sheep units with six or more permits.

WAC 232-28-291 Special hunting season permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 1

- Delete subsection 1(C) to make this WAC consistent with deer and elk regulations.
- Under subsection 2(A) in the last sentence of subsection (A):

Change from language as filed in CR-102: This lifetime ~~((permit holder))~~ harvest restriction does not apply to ~~((mountain goat permits acquired before 1999,))~~ individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, persons of disability moose hunts, or youth only moose hunts.

Language now reads: This lifetime ~~((permit holder))~~ harvest restriction does not apply to ~~((mountain goat permits acquired before 1999,))~~ individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or ~~((youth only))~~ antlerless only moose hunts.

This is because the department recommends waiving the lifetime harvest restriction for all antlerless only moose hunts.

- Under subsection 2(B), change the first sentence to read: "Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department." This change is to help clarify the time-frame for hunters purchasing required licenses.

Page 3

- Under subsection 7, change the sentence to read: "Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department." This change is to help clarify the time-frame for hunters purchasing required licenses.

WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 2

Under 2003, 2004, and 2005 Black bear seasons:

- Change Northeastern to Northeastern A and change the GMUs to 101-117.

- Add a Northeastern B hunt, the hunt dates should be August 1-November 15 and the GMUs should be 121-130, 204.

This change was made to retain similar seasons as 2002 in the Northeast Bear Management Unit.

Page 4

Under cougar seasons:

- Remove GMU 133 from the Columbia Basin Cougar Management Unit (CMU) and add it to the Northeastern CMU. Remove GMU 157 from the Blue Mountains CMU. These are corrections in CMU boundaries.

WAC 232-12-045 Hunting equipment restrictions.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 1

- Change the text to read "It is unlawful to hunt deer or elk with the aid..." instead of "...deer and elk with the aid..." This change was made to increase clarity of the WAC.
- Change the spelling of the word "sites" to "sights."

WAC 232-28-337 Deer and elk area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 2

- In the first section of the description of Elk Area No. 3028, the section number should be 16 not 15 to correct an error.

Page 3

- For better clarity the description should read, "Beginning at the intersection of the BPA Powerlines in T20N, R14E, SEC. 36 and I90 east along the power lines..."
- Under Elk Area No. 3911, add an "a" to the name Teanaway to correct a typo.

Page 6

- Elk Area No. 5060 Merwin (Cowlitz Co.) should be revised to read: "Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning." This boundary will be easier to find and understand.

PERMANENT

Page 7

- Under Elk Area No. 6064, it should read: "That portion of GMU 638 (Quinault) within the Quinault River watershed." The remaining language was not correct and should be deleted.

WAC 232-28-248 Special closures and firearm restriction areas.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 3

- Within the list of firearm restriction areas add under Clark County, GMU 564 (Battle Ground), "That portion of GMU 554 in Clark County." This was added due to recent changes in GMU boundaries.

Page 4

- Within the list of firearm restriction areas add under Skamania County "That portion of GMU 564 (Battle Ground) in Skamania County." This was added due to recent changes in GMU boundaries.

WAC 232-28-351 2003-2005 Deer general seasons and 2003 special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Rationale: Most of the following adjustments are due to WDFW settling on a recommendation of not changing the antler point regulations in northeast Washington. Other adjustments are corrections of omissions, clarifications, or updates on permit levels using the allocation formula.

Page 1

Western Washington Blacktail Deer	Nov. 19-Dec. 31	Nov. 24-Dec. 31	Nov. 23-Dec. 31	407, 410, 454, 505, 603, 624, 627, 612, 652, 660 through 672	Any deer
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- Under Late Archery, Eastern Washington Mule Deer, GMUs 145, 163, and 178, change to 3 pt. min. or antlerless.
- Under Late Archery, Eastern Washington Whitetail Deer, add GMU 105 and then change the dates for all GMUs in that line to Nov. 20-Dec. 15.
- Under General Season, Late Archery Deer Seasons, Eastern Washington Whitetail Deer:
 - Separate GMU 127 from GMUs 145, 163, and 178 in order to correct the dates. The section should read as follows:

Eastern Washington Whitetail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Nov. 10-Dec. 15	101	Any whitetail deer
	Nov. 20-Dec. 15	Nov. 20-Dec. 15	Nov. 20-Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20-Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
				204, 209, 215, 233, 243, 247, 250, 272	Any whitetail deer

Page 4

- Under Early Muzzleloader, Eastern Washington White-tail Deer, GMUs 101, 108, 111, 117, 121, 124, change to Any Whitetail Deer. Option language deleted.
- Under Early Muzzleloader, Eastern Washington Mule Deer, Oct. 4-10 add GMU 330.
- Under Late Muzzleloader, Eastern Washington White-tail Deer, GMU 113, change to Any Whitetail Deer. Option language deleted.

- Under Private Lands Wildlife Management Areas, should read "...are closed to hunting, except by permit and/or written permission from the landowner."

Page 2

- Under Modern Firearm, Eastern Washington Whitetail Deer, GMUs 101-124 change to any whitetail buck. Option language deleted.
- Under Modern Firearm, Eastern Washington Whitetail Deer, Oct. 11-19, delete PLWMA 201.
- Under Modern Firearm, Late Buck Hunts, Eastern Washington Whitetail Deer, GMUs 105-124 change to any whitetail buck. Option language deleted.
- Under Modern Firearm Late Buck Hunts, Eastern Washington Whitetail Deer, GMUs 127 through 142, change to Nov. 3-19 (for 2003), Nov. 8-19 (for 2004), and Nov. 7-19 (for 2005), for Whitetail 3 pt. min.
- Under Advanced Hunter Education, replace Graduate with Master Hunter. This change is made throughout the entire WAC.
- Under Western Washington Blacktail Deer, Eastern Washington Mule Deer, and Eastern Washington Whitetail Deer Early Archery Deer Seasons, change all of dates that start on September 2, 6, or 7 to start on September 1.

Page 3

- Under Early Archery, Eastern Washington Whitetail Deer, GMUs 101-124, change to any whitetail deer. Option language is deleted.
- Under General Season, Late Archery Deer Seasons, Western Washington Blacktail Deer:
 - Add GMU 672 as a legal GMU for the Nov. 19-Dec. 31 hunt. GMU 672 was inadvertently omitted, the line should read as follows:

PERMANENT

- Under Late Muzzleloader, Eastern Washington Mule Deer, add Deer Area 3081 and GMU 130, Nov. 20-Dec. 8, Mule deer, 3 pt. min. or antlerless.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the "A" after Kelly Hill.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the Kelly Hill B hunt.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the "A" after Douglas.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the Douglas B hunt.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the "A" after Aladdin.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the Aladdin B hunt.

Page 5

- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the Spokane hunt.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the Lincoln hunt.
- Under Special Deer Permit Hunting Seasons Modern Firearm, delete the Whitman hunt
- Under Special Deer Permits Modern Firearm, change Desert A to Nov. 1-15 to avoid a three-day overlap with Desert D Archery hunt. Also change permits to 15.
- Under Special Deer Permits Modern Firearm, change Quilomene A to 78 permits.
- Under Special Deer Permits, change the Alkali A hunt to 77 permits.
- Change the hunt name for Whitman B to Whitcomb to correct an error.

Page 6

- Delete the Skokomish hunt.
- Under Muzzleloader Only Deer Permits, change Chiwawa B to Dec. 9-31.

- Under Muzzleloader Only Deer Permits, change Ritzville B to Nov. 19-30.
- Under Muzzleloader Only Deer Permits, change Alkali C to 12 permits.

Page 7

- Archery only deer permits change Desert D to 21, Quilomene C to 82, and Alkali E to 80 permits.
- Under Title Special Deer Permit Hunts add the words Modern Firearm for clarity.
- Under Special Modern Firearm Deer Permits, change North Douglas A and South Douglas A to Bridgeport A and Palisades A respectively.
- Under Special Modern Firearm Deer Permits, change North River B to North River C.
- Under Disabled Hunter Deer Permits, change North Douglas B and South Douglas B to Bridgeport B and Palisades B respectively.

Pages 7-9

- Change the word weapon to tag under Disabled Hunter Deer Permits and Special Deer Permits-Second Deer "B" Tag.

Page 9

- Under Special Permit Second Deer "B" tag change Mica Peak B from all weapon types to modern firearm and archery only because there is no general season muzzleloader hunt in this unit.
- Under Special Deer permits Second Deer "B" Tag:
- Change the name of the Vashon hunt to South Sound, add Anderson Islands to the Boundary Descriptions, and increase the number of permits to 125. This change will help address similar land owner damage and nuisance problems that exist on Vashon and Maury Islands, the line should now read:

South Sound	Restricted to General, Early Season by Tag Choice	Antlerless	Vashon, Maury, and Anderson Islands	125
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WAC 232-28-352 2003-2005 Elk general seasons and 2003 special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Rationale: Most of these adjustments are corrections of omissions, clarifications, or updates on permit levels using the allocation formula.

Page 2

Under Eastern Washington elk tag areas:

- Delete, "except permit only in GMUs 127 and 130." These are modern firearm general season hunts now.

Under Western Washington elk tag areas:

- Add GMU 621 to the list of permit only units.

Page 3

- Under Early Archery Elk Seasons, change the dates for all three years to Sept. 8-21.

Page 4

Under Eastern Washington late archery elk seasons:

- Add GMU 105 for any elk, Nov. 20 - Dec. 8. This reinstates a hunt that was deleted due to modification of deer hunting recommendations in this area.

Under Western Washington late archery elk seasons:

- Add Elk Area 6064 to the areas open for 3 point minimum or antlerless.
- Add GMU 638 to the units open for 3 point minimum.

Under Eastern Washington late muzzleloader elk seasons:

- Delete the Elk Area 3944 hunt. This hunt was inadvertently included in the CR-102 filing from an old version of the elk regulations. The hunt was modified to a permit only hunt several years ago and is functioning well under the permit-controlled regulations.

PERMANENT

Page 5

- Change special permit numbers for Naneum A from 20 to 19.
- Change special permit numbers for Peaches Ridge A from 101 to 98.
- Change special permit numbers for Observatory A from 35 to 51.
- Change special permit numbers for Goose Prairie A from 212 to 205.
- Change special permit numbers for Bethel A from 135 to 130.
- Change special permit numbers for Rimrock A from 122 to 125.
- Change special permit numbers for Cowiche A from 35 to 33.
- Change special permit numbers for Margaret A from 19 to 18.
- Change special permit numbers for Toutle A from 92 to 89.
- After Toutle A and before Olympic A add new hunt Matheny Oct. 1-10; 3 pt. min.; WA, WF, WM; GMU 618; 3 permits. This hunt was inadvertently omitted.
- Change special permit numbers for Olympic A from 22 to 21.

Page 6

Under Eastern Washington special elk hunts open to specified tag holders:

- Replace the list of counties with GMUs 203-248, 250, 254-290, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties.
- Move Capitol Peak A hunt from Modern Firearm Elk Permit Hunts to before Capitol Peak B (Muzzleloader Bull Permit Hunts on Page 7). This change is to address equity between user groups and increase opportunity for muzzleloaders.
- Change special permit numbers for Naneum B from 1 to 4.
- Change special permit numbers for Quilomene B from 2 to 5.
- Change special permit numbers for Teanaway C from 1 to 3.
- Change special permit numbers for Peaches Ridge B from 14 to 15.
- Change special permit numbers for Observatory B from 15 to 14.
- Change special permit numbers for Goose Prairie B from 18 to 35.
- Change special permit numbers for Bethel C from 11 to 23.
- Change special permit numbers for Rimrock C from 16 to 20.
- Change special permit numbers for Cowiche C from 8 to 10.
- Change special permit numbers for Margaret C from 3 to 4.
- Change special permit numbers for Toutle C from 16 to 18.
- Change special permit numbers for Olympic B from 3 to 4.

Page 7

Under modern firearm bull permits:

- Change Mountain View A to 4 permits.
- Change Naneum A to 20 permits.
- Change Quilomene A to 20 permits.
- Change Teanaway to 12 permits.
- Change Peaches Ridge A to 101 permits.
- Change Goose Prairie A to 212 permits.
- Change Bethel A to 135 permits.
- Change Rimrock A to 129 permits.
- Change Cowiche A to 35 permits.
- Change Margaret A to 19 permits.
- Change Toutle A to 92 permits.
- Change Olympic A to 22 permits.

Under Archery Permit Hunts:

- Change the hunt dates for all of the Sept. 2-15 hunts, except Dungeness E, to be Sept. 8-21.
- Change special permit numbers for Naneum C from 14 to 44.
- Change special permit numbers for Quilomene C from 12 to 35.
- Change special permit numbers for Teanaway E from 30 to 61.
- Change special permit numbers for Peaches Ridge C from 129 to 122.
- Change special permit numbers for Observatory C from 73 to 65.
- Change special permit numbers for Goose Prairie C from 244 to 419.
- Change special permit numbers for Bethel E from 62 to 120.
- Change special permit numbers for Rimrock D from 106 to 113.
- Change special permit numbers for Cowiche E from 22 to 27.
- Change special permit numbers for Toutle E from 57 to 58.

Page 8

- Change date for Dungeness G from Jan. 1-15, 2004 to Nov. 19-Dec. 15 to avoid a season overlap.
- Change date for Dungeness H from Feb. 1-15, 2004 to Dec. 16-31 to avoid a season overlap.

Page 9

Under muzzleloader bull permits:

- Change Peaches Ridge B to 14 permits.
- Change Goose Prairie B to 18 permits.
- Change Cowiche C to 8 permits.
- Change Margaret C to 3 permits.
- Change Toutle C to 16 permits.

Page 11

Under archery permits:

- Change Mountain View C to 4 permits.
- Change Naneum C to 14 permits.
- Change Teanaway E to 30 permits.
- Change Peaches Ridge C to 129 permits.
- Change Observatory C to 73 permits.

- Change Goose Prairie C to 244 permits.
- Change Rimrock D to 106 permits.
- Change Cowiche E to 22 permits.
- Change Margaret E to 7 permits.
- Change Toutle E to 57 permits.
- Change Olympic C to 6 permits.

Throughout the WAC:

- Replace "Advanced Hunter Education Graduate" with "Advanced Hunter Education Master Hunter" to reflect a name change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 8, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 9, 2003

Susan Yeager
for Will Roehl
Chairman

NEW SECTION

WAC 232-12-045 Hunting equipment restrictions. It is unlawful to hunt deer or elk with the aid of infrared night vision equipment or with laser sights (not to include range finders) capable of projecting a beam onto the target, while in possession or control of a firearm, bow and arrow, or cross-bow.

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-12-051 Muzzleloading firearms. (1) It is unlawful to carry or possess any firearm during ((special)) muzzleloading seasons which does not meet the following specification for a muzzleloader. A muzzleloading firearm is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms. A muzzleloading firearm has a single or double barrel of at least 20 inches, rifled or smooth-bored. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be open, peep or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited. It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(2) A muzzleloading firearm used for deer must fire a single, nonjacketed lead projectile of nominal 40 caliber or larger, except that buckshot size #1 or larger may be used in a smoothbore of 60 caliber or larger.

(3) A muzzleloading firearm used for all other big game must fire a single, nonjacketed lead projectile of nominal 50 caliber or larger, or fire a single, nonjacketed lead projectile of at least 170 grains.

(4) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.

(5) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(6) Only one barrel of a double barrel muzzleloader may be charged with a load at any one time while hunting in a muzzleloading season except in specified firearm restricted areas.

AMENDATORY SECTION (Amending Order 01-167, filed 8/15/01, effective 9/15/01)

WAC 232-12-054 Archery requirements—Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may, during deer and elk archery seasons, use a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow.

(f) It is unlawful to hunt big game animals with any arrow that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) Archery special use permits. An archery special use permit is available to a person who holds a valid big game combination package which includes deer or elk as a species option and who presents an archery special use permit application signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt deer or elk.

AMENDATORY SECTION (Amending Order 01-157, filed 8/20/01, effective 9/20/01)

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tin shot (99.9 percent tin with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- Bridgeport Bar segment of the Well's Wildlife Area
- Cowlitz Wildlife Area
- Lake Terrell Wildlife Area (including Tennant Lake and other segments)
- Shillapoo Wildlife Area
- Skagit Wildlife Area (all segments)
- Snoqualmie Wildlife Area (all segments)
- Sunnyside Wildlife Area
- The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area
- Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

- Chehalis River pheasant release site
- Dungeness Recreation Area
- Hunter Farms pheasant release site
- Raymond Airport pheasant release site
- Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
- ~~All Whidbey Island ((Seaplane Base, OLF Coupeville, and Bayview))~~ pheasant release sites.

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

WAC 232-28-248 Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.
The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.
2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.

6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) <u>That portion of GMU 554 in Clark County.</u>
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning. The Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point onemile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

PERMANENT

COUNTY	AREA
	The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
<u>Skamania</u>	<u>That portion of GMU 564 (Battle Ground) in Skamania County.</u>
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

AMENDATORY SECTION (Amending Order 01-198, filed 9/20/01, effective 10/21/01)

WAC 232-28-272 ((2000-2001, 2001-2002 and 2002-2003)) 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Fall Black Bear Seasons:

((Hunt Name	2000 Season	Hunt Area
General Eastern	Aug. 1—Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5—Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5—Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1—Nov. 12	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1—Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15—Nov. 12	PLWMA's 401, 600
Long Island	Sept. 1—Nov. 12	Long Island
Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1—Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4—Nov. 4	GMUs 101-117
Blue Mt.	Sept. 4—Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1—Nov. 11	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1—Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15—Nov. 11	PLWMA's 401, 600
Long Island	Sept. 1—Nov. 11	Long Island
Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1—Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3—Nov. 3	GMUs 101-117
Blue Mt.	Sept. 3—Nov. 3	GMUs 145-154, 162-186
General Western	Aug. 1—Nov. 10	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1—Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15—Nov. 10	PLWMA's 401, 600
Long Island	Sept. 1—Nov. 10	Long Island))

PERMANENT

2003 Black bear seasons:

<u>Black Bear Management Unit</u>	<u>Season</u>	<u>Hunt Area</u>
<u>Coastal</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684</u>
<u>Puget Sound</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 418-450, 460</u>
<u>South Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654</u>
<u>Okanogan</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 203, 209-243</u>
<u>East Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588</u>
<u>Northeastern A</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMUs 101-117</u>
<u>Northeastern B</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 121-130, 204</u>
<u>Blue Mountains</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381</u>
<u>West Side PLWMA's</u>	<u>July 15 - Nov. 15</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMU 699</u>

2004 Black bear seasons:

<u>Black Bear Management Unit</u>	<u>Season</u>	<u>Hunt Area</u>
<u>Coastal</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684</u>
<u>Puget Sound</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 418-450, 460</u>
<u>South Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654</u>
<u>Okanogan</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 203, 209-243</u>
<u>East Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588</u>
<u>Northeastern A</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMUs 101-117</u>
<u>Northeastern B</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 121-130, 204</u>

<u>Black Bear Management Unit</u>	<u>Season</u>	<u>Hunt Area</u>
<u>Blue Mountains</u>	<u>Sept. 7 - Nov. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381</u>
<u>West Side PLWMA's</u>	<u>July 15 - Nov. 15</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 7 - Nov. 15</u>	<u>GMU 699</u>

2005 Black bear seasons:

<u>Black Bear Management Unit</u>	<u>Season</u>	<u>Hunt Area</u>
<u>Coastal</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684</u>
<u>Puget Sound</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 418-450, 460</u>
<u>South Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654</u>
<u>Okanogan</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 203, 209-243</u>
<u>East Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588</u>
<u>Northeastern A</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMUs 101-117</u>
<u>Northeastern B</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 121-130, 204</u>
<u>Blue Mountains</u>	<u>Sept. 6 - Nov. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381</u>
<u>West Side PLWMA's</u>	<u>July 15 - Nov. 15</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 6 - Nov. 15</u>	<u>GMU 699</u>

((License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species

PERMANENT

~~option. A second black bear transport tag must be purchased to take a second bear.))~~

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

~~((Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.~~

~~Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.))~~

Spring Permit Black Bear Seasons:

Permit quotas for each license year:

Hunt Name	Permit Hunt Boundary	Permit Level
Blue Creek	GMU 154	15
Dayton	GMU 162	15
Tucannon	GMU 166	10
Wenaha	GMU 169	30
Mt. View	GMU 172	15
Lick Creek	GMU 175	15
Grande Ronde	GMU 186	5

Who May Apply: Anyone with a valid Washington big game license, which includes black bear.

Bag Limit: One (1) black bear per black bear special permit season.

Permit Season: April 15 - May 31. Permits are valid for the license year they are issued.

Requirements for Spring and Fall Black Bear Seasons:

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Seasons:

~~((General Statewide Season: Aug. 1, 2000 - Mar. 15, 2001; Aug. 1, 2001 - Mar. 15, 2002; and Aug. 1, 2002 - Mar. 15, 2003.))~~

Seasons for each license year, 2003-2005:

<u>Cougar Management Unit</u>	<u>Season</u>	<u>Hunt Area</u>
<u>Coastal</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699</u>
<u>Puget Sound</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 407, 410, 454, 624-633, 652, 666</u>
<u>North Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 418, 426, 437, 448, 450, 460, 466, 485</u>
<u>South Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 505, 510-520, 524, 550-574, 653, 654, 667</u>
<u>East Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 203, 209-247, 249-251, 328, 329, 334-340</u>
<u>North Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 342-368, 382, 578, 588</u>
<u>Blue Mountains</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 101-133, 204</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>North Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 136-142, 248, 254-290, 330, 371, 372, 381</u>

Requirements for Cougar Seasons:

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and loca-

PERMANENT

tion of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

WAC 232-28-273 ((2002)) 2003 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

((2002)) 2003 Moose Permit Hunts

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) 2003 Permits
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	Any ((Legal-Weapon)) <u>Moose</u>	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any ((Legal-Weapon)) <u>Moose</u>	((18)) <u>20</u>
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Any ((Legal-Weapon)) <u>Moose</u>	((15)) <u>10</u>
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	((Any-Legal-Weapon)) <u>Antlerless Only</u>	((15)) <u>12</u>
Mt. Spokane Youth Only((*) ^a)	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	((Any-Legal-Weapon)) <u>Antlerless Only</u>	((10)) <u>8</u>
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any ((Legal-Weapon)) <u>Moose</u>	22
<u>49 Degrees North B^b</u>	<u>Oct. 1-Nov. 30</u>	<u>GMU 117</u>	<u>Antlerless Only</u>	<u>3</u>
Three Forks	Oct. 1-Nov. 30	((GMU 109)) <u>GMUs 108, 111</u>	Any ((Legal-Weapon)) <u>Moose</u>	6
Hangman <u>A</u>	Oct. 1-Nov. 30	GMU 127, 130	Any ((Legal-Weapon)) <u>Moose</u>	5
<u>Hangman B</u>	<u>Oct. 1-Nov. 30</u>	<u>GMU 127, 130</u>	<u>Antlerless Only</u>	<u>3</u>
Huckleberry <u>Range</u>	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	Any ((Legal-Weapon)) <u>Moose</u>	((2)) <u>4</u>

((*)) ^aApplicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

((2002)) 2003 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who ((draw)) harvested a bighorn ((permit)) sheep previously in Washington state. ((Only)) An individual may only harvest one bighorn sheep ((permit will be issued)) during ((an individual's)) their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) 2003 Permits
<u>Umtanum/Selah Butte A</u>	Sept. 15-Oct. ((40)) <u>5</u>	Sheep Unit 4 <u>and 5</u>	Any Legal Weapon	((3)) <u>4</u>
<u>Umtanum/Selah Butte B</u>	((Sept. 15-Oct. 10)) <u>Nov. 3-30</u>	Sheep Unit <u>4 and 5</u>	Any Legal Weapon	((4)) <u>3</u>

Who May Apply: Anyone may apply; EXCEPT those who ((draw)) harvested a moose ((permit)) previously in Washington state. ((Only)) An individual may only harvest one moose ((permit will be issued)) during ((an individual's)) their lifetime (except waived for ((Mt. Spokane youth hunt,)) antlerless only hunts and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with disabilities hunt, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon Restrictions: Permit holders may use any legal weapon.

PERMANENT

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) 2003 Permits
Cleman Mountain <u>A</u>	Sept. 15-Oct. ((40)) <u>5</u>	Sheep Unit 7	Any Legal Weapon	3
<u>Cleman Mountain B</u>	<u>Nov. 3-30</u>	<u>Sheep Unit 7</u>	<u>Any Legal Weapon</u>	<u>3</u>
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	((0)) <u>1</u>
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene <u>A</u>	Sept. 15-Oct. ((40)) <u>5</u>	Sheep Unit 13	Any Legal Weapon	((8)) <u>4</u>
<u>Quilomene B</u>	<u>Nov. 3-30</u>	<u>Sheep Unit 13</u>	<u>Any Legal Weapon</u>	<u>3</u>
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the

Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

~~((2002))~~ 2003 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who ~~((drew))~~ harvested a mountain goat ~~((permit))~~ in Washington state after 1998. ~~((Starting in 1999, only one mountain goat permit will be issued during an individual's lifetime.))~~ An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. ~~((Except waived for raffle and auction hunts.))~~

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) 2003 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass	Sept. 15-Oct. 31	Goat Unit 3-6	Any Legal Weapon	((2)) <u>1</u>
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
((Tieton River	Sept. 15-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3))
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	1
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	((4)) <u>0</u>
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Corral Pass	Sept. 15-Oct. 31	Goat Unit 4-38	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	3
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/ <u>Tieton River</u>	Sept. 15-Oct. 31	Goat Units <u>3-9, 5-4</u>	Any Legal Weapon	((3)) <u>6</u>

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan

(Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of

PERMANENT

Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; **EXCEPT** Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

AMENDATORY SECTION (Amending Order 02-301, filed 12/20/02, effective 1/20/03)

WAC 232-28-291 Special hunting season permits.

The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

~~((C. A holder of a deer, elk, cougar, or black bear special hunting season permit may hunt only with a weapon in compliance with the special hunting season.))~~

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously ~~((drawn and accepted a special hunting season permit for Washington))~~ harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime ~~((permit holder))~~ harvest restriction does not apply to individuals who harvested a mountain goat ((permits acquired)) before 1999, raffle or auction hunt authorizations, or ~~((youth only))~~ antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 2.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 2.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

7. In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk "B" tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.

NEW SECTION

WAC 232-28-337 Deer and elk area descriptions.

ELK AREAS

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north

of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 3010 Nile (Yakima County): That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near The Woodshed Restaurant) and north and east of the Nile elk fence.

Elk Area No. 3028 Cooke Creek (Kittitas County): Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

Elk Area No. 3031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; west along Umtanum Road to Manastash Road; west on Manastash Road to Cove Road; south and west on Cove Road to Hanson Road and Umtanum Creek; east (downstream) along

Umtanum Creek to the Yakima River; north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 3036 Riverbottom (Kittitas County): Beginning at the junction of Umtanum Road and State Route 821; south on State Route 821 and the Yakima River to Umtanum Creek; west up Umtanum Creek to Umtanum Road; north on Umtanum Road to State Route 821 and the point of beginning.

Elk Area No. 3368 Jump Off (Yakima County): That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek; west along South Fork Cowiche Creek to Road A 5500; east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road; south and west on North Fork Ahtanum Creek Road to A 2000; A 2000 to A 2400 Road; A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east and south along the power lines to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umptaneum Road; north on Umptaneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the power lines in T13N, R16E, Section 34; south along the power lines approximately 3/4 of a mile to the irrigation ditch; west along the irrigation ditch to the town-

ship line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

Elk Area No. 3944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

Elk Area No. 4041 Grandy Creek (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road, west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 4941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along State Highway 505 to Eden Road; east along Eden Road to the Evans Road; east along the Evans Road to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1890 Road; south along the Weyerhaeuser 1890 Road to State Highway 504; west along State Highway 504 to Tower Road; north along Tower Road to the Weyerhaeuser 1522 Road; north along the Weyerhaeuser 1522 road to Salmon Creek; west along Salmon Creek to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of Tower Road and State Highway 504; north along Tower Road to the Toutle River; north along the Toutle River to the North Fork of the Toutle River; east along the North Fork of the Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; south along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork of the Toutle River to the South Toutle River Road; west along the South Toutle River Road to State Highway 504; west along State Highway 504 to the junction of Tower Road and the point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to the Winlock/Vader Road; south along said road to the town of Vader and the point of beginning.

Elk Area No. 5055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 5056 Grays River Valley (Wahkiakum County): On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6054 Puyallup River (Pierce County): That part of GMU 654 south of the Puyallup River.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to west on Little Hanaford Road to north on Teitzel Road to west on Big Hanaford Road to north on Highway 507 to east on Skookumchuck Road to the first bridge over Skookumchuck River; east along the Skookumchuck River to the power line crossing immediately upstream of the confluence with Johnson Creek; southwest along the power line to east and south on the Big Hanaford Road to Weyerhaeuser Road E160 to Weyerhaeuser Road E240 to south on North Fork Road to west on Alpha-Centralia Road to the point of origin.

Elk Area No. 6071 Dungeness (Clallam County): That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River and that part of GMU 624 west of Jimmy Come Lately Creek and east of the Dungeness River.

DEER AREAS

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1020 Prescott (Columbia and Garfield counties): That portion of GMU 149 between Hwy 261 and Hwy 127.

Deer Area No. 2010 Benge (Adams County): That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road to Beckley Road; north on Beckley Road to Benge-Winona Road; west on Benge-Winona Road to Benge and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 2925 Ritzville (Adams County): Beginning at the junction of I-90 and SR 261 near the town of Ritzville; south along SR 261 to SR 26; east on SR 26 to the Whitman County line; north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; north along the Adams, Lincoln County line to I-90; west along I-90 to point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3081 (Franklin County): That part of GMU 381 that is west of Highways 395 and 17.

Deer Area No. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 5051 Fisher Island (Cowlitz County): The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except closed from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003; Oct. 16 - Dec. 31, 2004; Oct. 15 - Dec. 31, 2005.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

WESTERN WASHINGTON**RING-NECKED PHEASANT**

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation Area (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004; Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

(1) Full Season Option: Allows the harvest of eight (8) pheasants.

(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.

(3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 13-14, 2004; April 12-13, 2005; April 11-12, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and turkeys with visible beards only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either sex.

Permit Only: GMUs 101, 105, 108, 111, 113, 117, 121, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Area	Number of Permits
GMU 101	200
GMU 105	100
GMU 108	200
GMU 111	100
GMU 113	100
GMU 117	400
GMU 121	800
GMU 133	150
GMUs 145-186	
GMUs 382, 568-588	75

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of Section 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

PERMANENT

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005

Daily Bag Limit: 2 band-tailed pigeons

Possession Limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005.

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006.

FALCONRY SEASONS**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

MOURNING DOVE - FALCONRY

Daily Bag Limit: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag Limit: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

NEW SECTION**WAC 232-28-351 2003-2005 Deer general seasons and 2003 special permits.**

Bag Limit: One (1) deer per hunter during the 2003 hunting season except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point minimum GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; whitetail deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

Private Lands Wildlife Management Areas (PLWMA's): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit and/or written permission from the landowner.

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail buck
				203 through 247, and 249 through 251	Any whitetail buck
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186	Whitetail, 3 pt. min.
				248, 254 through 381 except closed in GMUs 290, 329, 371 Deer Area 3081	Any whitetail buck Any white-tailed deer
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	All 100 and 300 series GMUs, 248, and 254 through 284, except closed in GMUs 157, 329, and 371 Deer Area 3081	3 pt. min. Any mule deer
	Oct. 11-24	Oct. 16-29	Oct. 15-28	203 through 247 and 249 through 251	Mule deer, 3 pt. min.
	LATE BUCK HUNTS				
Western Washington Blacktail Deer	Nov. 13-16	Nov. 18-21	Nov. 17-20	All 400, 500, and 600 series GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 3-19	Nov. 8-19	Nov. 7-19	105 through 124	Any whitetail buck
				127-142	Whitetail, 3 pt. min.
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 25-Nov. 2	Oct. 30-Nov. 7	Oct. 29-Nov. 6	105 through 124	Whitetail, antlerless only
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					

PERMANENT

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail deer
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 142, 145 through 154, 162, 163, and 172 through 181	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	142	Mule deer, 3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only
Eastern Washington Mule Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMU 142	Mule deer, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment.

PERMANENT

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs 503, 506, 530, 550, 568, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 243 through 247, 249 through 251, 260, 262	3 pt. min.
				142 through 154, and 162 through 186, 328, 334 through 340, 346 through 368, 372	3 pt. min. or antlerless
				381	Any mule deer
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min.
Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	437, 588, 654	2 pt. min. or antlerless
	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	636, 681	2 pt. min. or antlerless
				558	2 pt. min.
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, and 699	Any deer, except buck only in GMUs 506, 530
Nov. 19 - Dec. 31	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer	

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	209, 215, 233, 243, 247, 250	3 pt. min.
				145, 163, 178	Antlerless
				272, 346, 352, 364, 368	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any whitetail deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
				204, 209, 215, 233, 243, 247, 250, 272	Any whitetail deer

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284	Whitetail, any buck
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min. or antlerless
				101, 108, 111, 117, 121, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	101, 108, 111, 117, 121, 124, 133, 204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284, 328, 330 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.
				142, 145, 149, 181, 381	Mule deer, 3 pt. min. or antlerless
Late Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	578	Any buck
Eastern Washington Whitetail Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	113	Whitetail, any deer

PERMANENT

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
				130, 139, 172, 181	Whitetail, 3 pt. min. or antlerless
Eastern Wash- ington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	381, 382	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, Deer Area 3081	3 pt. min. or antlerless

FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	410, Vashon and Maury Islands	Any deer
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 13	Nov. 23 - Dec. 31	564	Any deer
	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Indian Island Restricted Access*	Any deer
*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at 360-396-5353.					

SPECIAL DEER PERMIT HUNTING SEASONS

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. 11-24	Whitetail, antlerless	GMU 101	100
Kelly Hill	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 105	150
Douglas	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 108	250
Aladdin	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 111	100
Selkirk	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 117	200
Huckleberry A	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 121	700
Mt. Spokane A	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. 11-24	Whitetail, antlerless	GMU 127	200
Cheney A	Oct. 11-24	Antlerless	GMU 130	200
Roosevelt	Oct. 11-24	Antlerless	GMU 133	400
Harrington	Oct. 11-24	Antlerless	GMU 136	125
Steptoe	Oct. 11-24 & Nov. 10-19	Antlerless	GMU 139	300
Almota A	Oct. 11-24 & Nov. 10-19	Antlerless	GMU 142	250
Mayview A	Oct. 11-19	Antlerless	GMU 145	350
Mayview B	Nov. 3-16	Antlerless	GMU 145	350
Prescott A	Nov. 3-16	Antlerless	GMU 149	400
Prescott B	Nov. 3-16	Antlerless	Deer Area 1020	150
Blue Creek	Nov. 3-16	Whitetail, antlerless	GMU 154	225
Dayton A	Nov. 3-16	Whitetail, antlerless	GMU 162	350
Dayton B	Nov. 3-16	Antlerless	Deer Area 1010	50
Marengo A	Nov. 3-16	Whitetail, antlerless	GMU 163	250
Marengo B	Nov. 3-16	Antlerless	GMU 163	75
Peola	Nov. 3-16	Antlerless	GMU 178	75
Blue Mtns. Foothills A	Nov. 3-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100

PERMANENT

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Blue Mtns. Foothills B	Nov. 3-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. 3-16	Antlerless	GMU 181	50
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	100
West Okanogan	Nov. 1-18	Any whitetail	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Nov. 1-18	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any buck	GMU 218	15
Pearygin A	Nov. 1-18	Any buck	GMU 224	20
Gardner A	Nov. 1-18	Any buck	GMU 231	15
Pogue A	Nov. 1-18	Any buck	GMU 233	10
Chiliwist A	Nov. 1-18	Any buck	GMU 239	15
Alta A	Nov. 1-18	Any buck	GMU 242	15
Manson	Nov. 1-18	Any buck	GMU 243	5
Chiwawa A	Nov. 1-18	Any buck	GMU 245	40
Slide Ridge A	Nov. 1-18	Any buck	GMU 246	15
Entiat A	Nov. 1-18	Any buck	GMU 247	50
Big Bend A	Oct. 11-19	Antlerless	GMU 248	75
Big Bend B	Nov. 1-18	Antlerless	GMU 248	75
Swakane A	Nov. 1-18	Any buck	GMU 250	45
Mission A	Nov. 1-18	Any buck	GMU 251	30
Mission B	Oct. 11-24	Antlerless	GMU 251	125
St. Andrews	Oct. 11-19	Antlerless	GMU 254	75
Foster Creek A	Oct. 11-19	Antlerless	GMU 260	150
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	150
Withrow A	Oct. 11-19	Antlerless	GMU 262	75
Badger	Nov. 1-18	Antlerless	GMU 266	100
Ritzville (Kahlotus) A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	30
Desert A	Nov. 1-15	Any deer	GMU 290	15
Desert B	Dec. 1-7	Antlerless	GMU 290	50
Lakeview A	Dec. 9 - Jan 31, 2004	Antlerless	Deer Area 2011	30
Naneum	Oct. 11-19	Antlerless	GMU 328	30
Quilomene A	Nov. 1-18	Any buck	GMU 329	78
Teanaway A	Oct. 11-19	Antlerless	GMU 335	30
Taneum	Oct. 11-19	Antlerless	GMU 336	20
Nile A	Oct. 11-19	Antlerless	GMU 352	20
Bethel A	Nov. 3-16	Any buck	GMU 360	10
Cowiche A	Oct. 11-19	Antlerless	GMU 368	20
Cowiche B	Nov. 3-16	Any buck	GMU 368	15
Alkali A	Nov. 27 - Dec. 6	Any buck	GMU 371	77
Alkali B	Nov. 27 - Dec. 6	Antlerless	GMU 371	80
Whitcomb B	Sept. 6-14	Antlerless	Deer Area 3071	5
East Klickitat A	Oct. 11-19	3 pt. min. or antlerless	GMU 382	40
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	2 pt. min.	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	Oct. 25-31	Any buck	GMU 485	10
Lincoln A	Oct. 11-31	Any deer	GMU 501	40
Stella A	Oct. 11-31	Any deer	GMU 504	35
Mossyrock A	Oct. 11-31	Any deer	GMU 505	85
Stormking A	Oct. 11-31	Any deer	GMU 510	30
South Rainier A	Oct. 11-31	Any deer	GMU 513	30
Packwood A	Oct. 11-31	Any deer	GMU 516	50
Winston A	Oct. 11-31	Any deer	GMU 520	50
Yale A	Oct. 11-31	Any deer	GMU 554	15
Toutle A	Oct. 11-31	Any deer	GMU 556	25

PERMANENT

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Marble A	Oct. 11-31	2 pt. min. or antlerless	GMU 558	20
Lewis River A	Oct. 11-31	Any deer	GMU 560	35
Siouxon A	Oct. 11-31	Any deer	GMU 572	35
Wind River A	Oct. 11-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. 13-16	2 pt. min.	GMU 574	35
West Klickitat A	Oct. 11-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. 13-16	2 pt. min.	GMU 578	45
Grayback A	Oct. 11-31	2 pt. min. or antlerless	GMU 588	125
Grayback B	Nov. 13-16	2 pt. min.	GMU 588	65
Pysht	Oct. 11-31	Any deer	GMU 603	15
Olympic	Oct. 11-31	Any deer	GMU 621	35
Kitsap	Oct. 11-31	Any deer	GMU 627	20
Wynoochee A	Oct. 11-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
North River A	Oct. 11-31	Any deer	GMU 658	70
Minot Peak	Oct. 11-31	Any deer	GMU 660	90
Capitol Peak A	Oct. 11-31	Any deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. 11-31	Any deer	GMU 666	80
Skookumchuck A	Oct. 11-31	Any deer	GMU 667	160
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
Cheney B	Nov. 20 - Dec. 8	Mule deer, 3 pt. min. or antlerless	GMU 130	75
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Green Bluff	Dec. 9-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Dec. 9-31	Any buck	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	200
Moses Coulee A	Nov. 1-18	Any buck	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville (Kahlotus) B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	30
Hooper	Dec. 1-31	Antlerless	Deer Area 2010	20
Lakeview B	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. 19-27	Any deer	GMU 290	6
Quilomene B	Oct. 4-10	Any buck	GMU 329	10
Teanaway B	Oct. 4-10	Antlerless	GMU 335	25
Manastash	Oct. 4-10	Antlerless	GMU 340	25
Cowiche C	Oct. 4-10	Antlerless	GMU 368	10
Alkali C	Dec. 7-14	Any buck	GMU 371	12
Alkali D	Dec. 7-14	Antlerless	GMU 371	15
Esquatzel A	Nov. 20 - Dec. 8	Any deer	GMU 381	100
East Klickitat B	Nov. 22-30	3 pt. min or antlerless	GMU 382	5
West Klickitat B	Nov. 19 - Dec. 8	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. 4-10	Any deer	GMU 505	10
Stormking B	Oct. 4-10	Any deer	GMU 510	5
South Rainier B	Oct. 4-10	Any deer	GMU 513	5
Packwood B	Oct. 4-10	Any deer	GMU 516	5
Winston B	Oct. 4-10	Any deer	GMU 520	5
Yale B	Oct. 4-10	Any deer	GMU 554	2
Toutle B	Oct. 4-10	Any deer	GMU 556	3

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Marble B	Oct. 4-10	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. 4-10	Any deer	GMU 560	5
Siouxon B	Oct. 4-10	Any deer	GMU 572	5
Wind River C	Oct. 4-10	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. 4-10	2 pt. min. or antlerless	GMU 588	15
North River B	Oct. 4-10	Any deer	GMU 658	5
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Chiwawa C	Nov. 20 - Dec. 8	Any buck	GMU 245	10
Big Bend C	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 16-30	Any deer	GMU 290	21
Quilomene C	Nov. 9 - Dec. 2	Any deer	GMU 329	82
Alkali E	Dec. 15-28	Any deer	GMU 371	80
Washougal A	Sept. 15-30	Any deer	GMU 568	30
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Blue Mtns. Foothills B	Oct. 11-19	3 pt. min. or antlerless	GMUs 145, 149	150
East Okanogan B	Oct. 11-24	Any deer	GMU 204	10
Wannacut B	Oct. 11-24	Any deer	GMU 209	10
Sinlahekin C	Oct. 11-24	Any deer	GMU 215	10
Chewuch B	Oct. 11-24	Any deer	GMU 218	10
Pearygin B	Oct. 11-24	Any deer	GMU 224	10
Gardner B	Oct. 11-24	Any deer	GMU 231	10
Pogue B	Oct. 11-24	Any deer	GMU 233	10
Chiliwist B	Oct. 11-24	Any deer	GMU 239	10
Alta B	Oct. 11-24	Any deer	GMU 242	10
Mission C	Oct. 11-24	Any deer	GMU 251	10
Bridgeport A	Oct. 11-19	Any deer	GMUs 248, 260	10
Palisades A	Oct. 11-19	Any deer	GMUs 266, 269	10
Quilomene D	Nov. 3-16	Antlerless	GMU 329	20
Umtanum A	Nov. 3-16	Antlerless	GMU 342	20
Bethel B	Oct. 11-19	Antlerless	GMU 360	10
Kiona A	Oct. 11-19	Antlerless	GMU 372	15
Esquatzel B	Oct. 11-19	Antlerless	GMU 381	10
East Klickitat C	Oct. 11-19	3 pt. min. or antlerless	GMU 382	15
Lincoln B	Oct. 11-31	Any deer	GMU 501	5
Stella B	Oct. 11-31	Any deer	GMU 504	5
Mossyrock C	Oct. 11-31	Any deer	GMU 505	15
Stormking C	Oct. 11-31	Any deer	GMU 510	5
South Rainier C	Oct. 11-31	Any deer	GMU 513	5
Packwood C	Oct. 11-31	Any deer	GMU 516	5
Winston C	Oct. 11-31	Any deer	GMU 520	5
Yale C	Oct. 11-31	Any deer	GMU 554	5
Toutle C	Oct. 11-31	Any deer	GMU 556	10
Marble C	Oct. 11-31	2 pt. min. or antlerless	GMU 558	5
Lewis River C	Oct. 11-31	Any deer	GMU 560	5
Washougal B	Oct. 11-19	Any deer	GMU 568	10
Siouxon C	Oct. 11-31	Any deer	GMU 572	5
Wind River D	Oct. 11-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat C	Oct. 11-31	2 pt. min. or antlerless	GMU 578	5
Grayback D	Oct. 11-31	2 pt. min. or antlerless	GMU 588	20
Williams Creek	Oct. 11-31	Any deer	GMU 673	20
Copalis	Oct. 11-31	Any deer	GMU 642	20
North River C	Oct. 11-31	Any deer	GMU 658	10
Disabled Hunter Deer Permits				
East Okanogan C	Restricted to general, early season by tag choice	Any deer	GMU 204	5

PERMANENT

PERMANENT

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Wannacut C		Any deer	GMU 209	5
Sinlahekin D		Any deer	GMU 215	5
Chewuch C		Any deer	GMU 218	5
Pearrygin C		Any deer	GMU 224	5
Gardner C		Any deer	GMU 231	5
Pogue C		Any deer	GMU 233	5
Chiliwist C		Any deer	GMU 239	5
Alta C		Any deer	GMU 242	5
Mission D	Oct. 11-24	Any deer	GMU 251	5
Bridge Port B	Restricted to general, early season by tag choice	Any deer	GMUs 248, 260	5
Palisades B		Any deer	GMUs 266, 269	5
Quilomene E	Nov. 3-16	Antlerless	GMU 329	10
Umtanum B	Nov. 3-16	Antlerless	GMU 342	10
Nile B	Restricted to general, early season by tag choice	Antlerless	GMU 352	5
Kiona B		Antlerless	GMU 372	10
Esquatzel C		Antlerless	GMU 381	5
East Klickitat D		3 pt. min. or antlerless	GMU 382	5
Green River B		Any deer	GMU 485	5
Lincoln C		Any deer	GMU 501	3
Stella C		Any deer	GMU 504	3
Mossyrock D		Any deer	GMU 505	5
Stormking D		Any deer	GMU 510	3
South Rainier D		Any deer	GMU 513	3
Packwood D		Any deer	GMU 516	3
Winston D		Any deer	GMU 520	3
Yale D		Any deer	GMU 554	3
Toutle D		Any deer	GMU 556	5
Marble D		2 pt. min. or antlerless	GMU 558	2
Lewis River D		Any deer	GMU 560	2
Washougal C		Any deer	GMU 568	2
Siouxon D		Any deer	GMU 572	3
Wind River E		2 pt. min. or antlerless	GMU 574	1
West Klickitat D		2 pt. min. or antlerless	GMU 578	3
Grayback E		2 pt. min. or antlerless	GMU 588	10
Capitol Peak C		Any deer	GMU 663	30
Skookumchuck C		Any deer	GMU 667	30
North River D		Any deer	GMU 658	5
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Modern Firearm				
Blue Mtns. Foothills E	Oct. 11-19	3 pt. min. or antlerless	GMUs 149, 154, 162-163	100
Blue Mtns. Foothills F	Oct. 11-19	3 pt. min. or antlerless	GMUs 145, 172-181	75
East Okanogan D	Oct. 11-24	Any deer	GMU 204	110
Wannacut D	Oct. 11-24	Any deer	GMU 209	20
Sinlahekin E	Oct. 11-24	Any deer	GMU 215	150
Chewuch D	Oct. 11-24	Any deer	GMU 218	200
Pearrygin D	Oct. 11-24	Any deer	GMU 224	100
Gardner D	Oct. 11-24	Any deer	GMU 231	60
Pogue D	Oct. 11-24	Any deer	GMU 233	60
Chiliwist D	Oct. 11-24	Any deer	GMU 239	60
Alta D	Oct. 11-24	Any deer	GMU 242	110
Mission E	Oct. 11-24	Any deer	GMU 251	100
Bridge Port C	Oct. 11-19	Any deer	GMUs 248, 260	100
Palisades C	Oct. 11-19	Any deer	GMUs 266, 269	100
Lakeview C	Oct. 11-19	Any deer	Deer Area 2011	10

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Wahluke A	Oct. 11-19	Any deer	GMU 278	50
Quilomene F	Nov. 3-16	Antlerless	GMU 329	75
Umtanum C	Nov. 3-16	Antlerless	GMU 342	75
Cowiche D	Oct. 11-19	Antlerless	GMU 368	15
Esquatzel D	Oct. 11-19	Antlerless	GMU 381	10
Paterson	Sept. 6-14	Antlerless	Deer Area 3072	5
East Klickitat E	Oct. 11-19	Any deer	GMU 382	20
Lincoln D	Oct. 11-31	Any deer	GMU 501	10
Stella D	Oct. 11-31	Any deer	GMU 504	10
Mossyrock E	Oct. 11-31	Any deer	GMU 505	10
Stormking E	Oct. 11-31	Any deer	GMU 510	10
South Rainier E	Oct. 11-31	Any deer	GMU 513	10
Packwood E	Oct. 11-31	Any deer	GMU 516	10
Winston E	Oct. 11-31	Any deer	GMU 520	10
Yale E	Oct. 11-31	Any deer	GMU 554	10
Toutle E	Oct. 11-31	Any deer	GMU 556	60
Marble E	Oct. 11-31	Any deer	GMU 558	10
Lewis River E	Oct. 11-31	Any deer	GMU 560	10
Washougal D	Oct. 11-19	Any deer	GMU 568	10
Siouxon E	Oct. 11-31	Any deer	GMU 572	10
Wind River F	Oct. 11-31	Any deer	GMU 574	15
West Klickitat E	Oct. 11-31	Any deer	GMU 578	15
Grayback F	Oct. 11-31	Any deer	GMU 588	30
Satsop B	Oct. 11-31	Any deer	GMU 651	10
Skookumchuck D	Oct. 11-31	Any deer	GMU 667	60
North River E	Oct. 11-31	Any deer	GMU 658	10

Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)

Muzzleloader

East Okanogan D	Oct 4-10	Any deer	GMU 204	25
Wannacut E	Oct 4-10	Any deer	GMU 209	25
Pogue E	Oct 4-10	Any deer	GMU 233	25
Chiliwist E	Oct 4-10	Any deer	GMU 239	25
Mission F	Oct 4-10	Any deer	GMU 251	20
Wahluke B	Oct 4-10	Any deer	GMU 278	50
Ritzville (Kahlotus) C	Oct 4-10	Any deer	GMU 284	50

Special Deer Permits - Second Deer "B" Tag

(Open to all tag types during specified season. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of notification by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)

Hunt Name	"B" Tag Season	Special Restrictions	Boundary Description	B-Tags
Huckleberry B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 121	150
Mt. Spokane B		Whitetail, antlerless	GMU 124	400
Almota B		Antlerless	GMU 142	300
Islands		Antlerless	GMU 410	100
South Sound		Antlerless	Vashon, Maury, and Anderson islands	125

(Open to modern firearm and archery tag types only. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)

Mica Peak B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 127	100
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PERMANENT

NEW SECTION

WAC 232-28-352 2003-2005 Elk general seasons and 2003 special permits.

Bag Limit: One (1) elk per hunter during the 2003 hunting season except where otherwise permitted by fish and wildlife commission rule.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but at least 2 antler points must be on the upper half of the main beam. All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of the beam. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 588, and Elk Area 4941.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), 485, 490, and 522.

Private Lands Wildlife Management Areas (PLWMA): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and

Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), 485, 490, 522, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, 636, and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any bull
		157, 371				Permit only
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Spike bull
		372	Sept. 2-15			Any elk
			Oct. 6-19			Any elk
			Oct. 25 - Nov. 2			Any elk
			Nov. 22 - Dec. 31			Any elk
101, 105, 108, 121 through 142, and 382	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any elk		

PERMANENT

Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, 627 through 633, 638 through 663, and 667 through 684. Except AHE master hunters only in Elk Area 6063	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min.
Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		501	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min. or antlerless
		564, 568, 574 through 588, 666	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any elk
		454	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any bull
		524, 556, 621, 636, and PLWMA 600	Nov. 1-9	Nov. 6-14	Nov. 5-13	Permit only
		Elk Area 6069. Hunters 65 and older, only	Jan. 1-10, 2004	Jan. 1-10, 2005	Jan. 1-10, 2006	Any elk
		Elk Area 6069. Hunters with disabilities, only	Jan. 15-20, 2004	Jan. 15-20, 2005	Jan. 15-20, 2006	Any elk

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

PERMANENT

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 149, 162, 163 through 186	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull
		154, Elk Area 1010, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, 624 through 633, 638 through 648, 651, 653, 658, and 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		372	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		178, 186	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		Elk Area 3010	Nov. 20 - Jan. 31, 2004	Nov. 20 - Jan. 31, 2005	Nov. 20 - Jan. 31, 2006	Antlerless only
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area 6063 in GMU 638	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min. or antlerless
		454, 564, 588, 666	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 19 - Dec. 7	Nov. 24 - Dec. 7	Nov. 23 - Dec. 7	3 pt. min. or antlerless
		506, 520, 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	111, 113, 247	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		172, 245, 250, 251, 335 through 342, 352 through 360, 368	Oct. 4-10	Oct. 2-8	Oct. 1-7	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660, 672	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 652, 663, 667	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
Western Washington	WM	501, 503, 505, 652	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		574, 578	Nov. 19-30	Nov. 24-30	Nov. 23-30	Any elk
		504, 550, 601, 667	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in firearm restriction areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, advanced hunter education master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk

PERMANENT

		203-248, 250, 254-290, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Any elk
	EA, EM, EF	Elk Areas 3911 and 3912 advanced hunter education master hunters only	Aug. 1 - Feb. 28, 2004	Aug. 1 - Feb. 28, 2005	Aug. 1 - Feb. 28, 2006	Antlerless only
Western Washington	WM	Elk Area 4941 (muzzleloader only)	Nov. 1 - Jan. 31, 2004	Nov. 1 - Jan. 31, 2005	Nov. 1 - Jan. 31, 2006	Any elk
	WA	Elk Area 4941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

**Special Elk Permit Hunting Seasons
(Open to Permit Holders Only)**

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Watershed	Nov. 1-9	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Wenaha A	Oct. 25 - Nov. 2	Any bull	EF	GMU 169	5
Mountain View A	Oct. 25 - Nov. 2	Any bull	EF	GMU 172	4
Mission	Oct. 25 - Nov. 2	Any bull	EF	GMU 251	5
Naneum A	Oct. 20 - Nov. 2	Any bull	EF	GMU 328	19
Quilomene A	Oct. 20 - Nov. 2	Any bull	EF	GMU 329	20
Teanaway A	Oct. 20 - Nov. 2	Any bull	EF	GMU 335	12
Peaches Ridge A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 336, 346	98
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	20
Observatory A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 340, 342	51
Goose Prairie A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 352, 356	205
Bethel A	Oct. 20 - Nov. 2	Any bull	EF	GMU 360	130
Rimrock A	Oct. 20 - Nov. 2	Any bull	EF	GMU 364	125
Cowiche A	Oct. 20 - Nov. 2	Any bull	EF	GMU 368	33
Margaret A	Nov. 1-9	3 pt. min.	WF	GMU 524	18
Toutle A	Nov. 1-9	3 pt. min.	WF	GMU 556	89
Matheny	Oct. 1-10	3 pt. min.	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	3 pt. min.	WF	GMU 621	21
Skokomish A	Nov. 1-9	3 pt. min.	WF	GMU 636	3
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	Oct. 25 - Nov. 2	Any elk	EF	GMU 111	10
Selkirk A	Oct. 25 - Nov. 2	Any elk	EF	GMU 113	10
49 Degrees North	Oct. 25 - Nov. 2	Any elk	EF	GMU 117	15
Blue Creek A	Oct. 25 - Nov. 2	Antlerless	EF	GMUs 149, 154	100
Dayton A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 149 and Elk Area 1012	75
Malaga A	Aug. 16 - Sept. 28	Antlerless	EF	Elk Area 2032	100
Malaga B	Sept. 6-21	Any elk	EF	Elk Area 2032	5
Malaga C	Nov. 3 - Jan. 31, 2004	Antlerless	EF	Elk Area 2032	150
Malaga D	Nov. 3-16	Any elk	EF	Elk Area 2032	5
Malaga E	Dec. 13-21	Any elk	EF	Elk Area 2032	5
Malaga F	Jan. 1-18, 2004	Any elk	EF	Elk Area 2032	5
Peshastin A	Aug. 16-25	Antlerless	EF	Elk Area 2033	20
Peshastin B	Aug. 18-25	Any elk	EF	Elk Area 2033	5
Peshastin C	Sept. 16 - Oct. 3	Antlerless	EF	Elk Area 2033	20
Peshastin D	Sept. 21-29	Any elk	EF	Elk Area 2033	5
Peshastin E	Nov. 30 - Jan. 31, 2004	Antlerless	EF	Elk Area 2033	20
Peshastin F	Dec. 15 - Jan. 31, 2004	Any elk	EF	Elk Area 2033	5
West Bar A	Oct. 25-29	Antlerless	EF	GMU 330	10

PERMANENT

PERMANENT

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
West Bar B	Oct. 30 - Nov.2	Antlerless	EF	GMU 330	10
Teanaway B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 335	30
Taneum A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 336	200
Manastash A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 340	400
Umtanum A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 342	400
Cleman	Dec. 9-31	Antlerless	EF	Elk Area 3944	100
Little Naches B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 346	250
Nile A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 352	160
Bumping B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 356	110
Bethel B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 360	100
Rimrock B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 364	200
Cowiche B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 368	200
Alkali A	Oct. 25 - Nov. 2	Any elk	EF	GMU 371	100
Willapa Hills A	Nov. 1-9	Antlerless	WF	GMU 506	35
Raymond A	Nov. 6-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-31, 2004	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6010	15
Winston A	Nov. 1-9	Antlerless	WF	GMU 520	12
Margaret B	Nov. 1-9	Antlerless	WF	GMU 524	20
Ryderwood A	Nov. 1-9	Antlerless	WF	GMU 530	32
Coweeman A	Nov. 1-9	Antlerless	WF	GMU 550	15
Toutle B	Nov. 1-9	Antlerless	WF	GMU 556	35
Marble A	Nov. 1-9	Antlerless	WF	GMU 558	50
Carlton	Oct. 1-10	3 pt. min.	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	3 pt. min.	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	3 pt. min.	WF	Elk Area 5059	5
Lewis River A	Nov. 1-9	Antlerless	WF	GMU 560	60
Siouxon A	Nov. 1-9	Antlerless	WF	GMU 572	40
Dungeness A	Oct. 1-15	Any elk	WF	Elk Area 6071	10
Dungeness B	Nov. 1-15	Any elk	WF	Elk Area 6071	10
Dungeness C	Jan. 5-20, 2004	Any elk	WF	Elk Area 6071	20
Dungeness D	Feb. 1-15, 2004	Any elk	WF	Elk Area 6071	20
Twin Satsop A	Dec. 1-15	Antlerless	WF	Elk Area 6061	30
Twin Satsop B	Jan. 5-15, 2004	Antlerless	WF	Elk Area 6061	10
Chehalis Valley A	Sept. 15-30	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley C	Nov. 6-10	Antlerless	WF	Elk Area 6066	30
Chehalis Valley D	Nov. 15-30	Antlerless	WF	Elk Area 6066	15
Chehalis Valley E	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6066	15
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, 2004	Antlerless	WF	GMU 666	10
Williams Creek	Nov. 5-9	Antlerless	WF	GMU 673	40
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Note: Fire closures may limit access during early October seasons.

Wenaha B	Oct. 4-10	Any bull	EM	GMU 169	1
Mountain View B	Oct. 4-10	Any bull	EM	GMU 172	1
Naneum B	Oct. 4-10	Any bull	EM	GMU 328	4
Quilomene B	Oct. 4-10	Any bull	EM	GMU 329	5
Teanaway C	Oct. 4-10	Any bull	EM	GMU 335	3
Peaches Ridge B	Oct. 4-10	Any bull	EM	GMUs 336, 346	15
Observatory B	Oct. 4-10	Any bull	EM	GMUs 340, 342	14
Goose Prairie B	Oct. 4-10	Any bull	EM	GMUs 352, 356	35
Bethel C	Oct. 4-10	Any bull	EM	GMU 360	23

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Rimrock C	Oct. 4-10	Any bull	EM	GMU 364	20
Cowiche C	Oct. 4-10	Any bull	EM	GMU 368	10
Margaret C	Oct. 4-10	3 pt. min.	WM	GMU 524	4
Toutle C	Oct. 4-10	3 pt. min.	WM	GMU 556	18
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621	4
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	2
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. 4-10	Any elk	EM	GMU 111	10
Selkirk B	Oct. 4-10	Any elk	EM	GMU 113	10
Blue Creek B	Dec. 1, 2003 - Jan. 31, 2004	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia B	Jan. 1-31, 2004	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	Dec. 20 - Jan. 31, 2004	Antlerless	EM	Elk Area 1012 and GMU 149	60
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	10
Teanaway D	Oct. 4-10	Antlerless	EM	GMU 335	50
Taneum B	Oct. 4-10	Antlerless	EM	GMU 336	150
Manastash B	Oct. 4-10	Antlerless	EM	GMU 340	150
Umtanum B	Oct. 4-10	Antlerless	EM	GMU 342	300
Nile B	Oct. 4-10	Antlerless	EM	GMU 352	50
Bumping B	Oct. 4-10	Antlerless	EM	GMU 356	100
Bethel D	Oct. 4-10	Antlerless	EM	GMU 360	50
Cowiche D	Oct. 4-10	Antlerless	EM	GMU 368	250
Alkali B	Oct. 4-10	Any elk	EM	GMU 371	50
Stella A	Nov. 26 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, 2004	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5029	30
Malaga G	Oct. 4-24	Antlerless	EM	Elk Area 2032	100
Malaga H	Oct. 4-24	Any elk	EM	Elk Area 2032	10
Mossyrock A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 19 - Dec. 14	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5051	30
Winston B	Nov. 19 - Dec. 14	Antlerless	WM	GMU 520	3
Margaret D	Nov. 19 - Dec. 14	Antlerless	WM	GMU 524	5
Ryderwood B	Oct. 4-10	Antlerless	WM	GMU 530	8
Coweeman B	Nov. 19 - Dec. 14	Antlerless	WM	GMU 550	5
Toutle D	Nov. 19 - Dec. 14	Antlerless	WM	GMU 556	10
Marble B	Oct. 4-10	Antlerless	WM	GMU 558	10
Lewis River B	Oct. 4-10	Antlerless	WM	GMU 560	15
Siouxon B	Oct. 4-10	Antlerless	WM	GMU 572	10
Yale	Nov. 26 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop C	Oct. 6-10	Antlerless	WM	Elk Area 6061	10
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 6-10	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley	Jan. 1-31, 2004	Antlerless	WM	Elk Area 6066	15
Capitol Peak A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10
Archery Permit Hunts (Only archery elk tag holders may apply.)					
Note: Fire closures may limit access during September seasons.					
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	2

PERMANENT

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Mountain View C	Sept. 8-21	Any bull	EA	GMU 172	4
Naneum C	Sept. 8-21	Any bull	EA	GMU 328	44
Quilomene C	Sept. 8-21	Any bull	EA	GMU 329	35
Teanaway E	Sept. 8-21	Any bull	EA	GMU 335	61
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	122
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	65
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	419
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	120
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	113
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	27
Peshastin G	Sept. 8-21	Any elk	EA	Elk Area 2033	20
Margaret E	Sept. 8-21	3 pt. min.	WA	GMU 524	7
Toutle E	Sept. 8-21	3 pt. min.	WA	GMU 556	58
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621	6
Mashel A	Jan. 1-15, 2004	Antlerless	WA	Elk Area 6054	40
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	3
Dungeness E	Sept. 2-15	Any elk	WA	Elk Area 6071	20
Dungeness F	Sept. 16-30	Any elk	WA	Elk Area 6071	20
Dungeness G	Nov. 19 - Dec. 15	Any elk	WA	Elk Area 6071	20
Dungeness H	Dec. 16-31	Any elk	WA	Elk Area 6071	20
Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts (only AHE master hunters may apply).					
Toledo B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5029	20
Colockum A	Oct. 4-10	Antlerless	EM	Elk Area 3028 excluding Arthur Coffin Game Reserve	40
Colockum B	Nov. 8-14	Antlerless	EF	Elk Area 3028 excluding Arthur Coffin Game Reserve	40
Mossyrock B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5053	15
Quinalt Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. 26 - Dec 15	Antlerless	Any elk tag	Elk Area 5055	10
Merwin B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5055	10
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	10
Grays River B	Oct. 1-15	Antlerless	Any elk tag	Elk Area 5056	10
Grays River C	Oct. 16-31	Antlerless	Any elk tag	Elk Area 5056	10
Grays River D	Dec. 16-31	Antlerless	Any elk tag	Elk Area 5056	10
Grays River E	Jan. 1-15, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Grays River F	Jan. 16-31, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Grays River G	Feb. 1-14, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Grays River H	Feb. 15-29, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Persons of Disability Only - Special Elk Permit Hunts					
Observatory D	Oct. 20 - Nov. 2	Any elk	EF or EM	GMUs 340, 342	6
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	6
Little Naches D	Oct. 29 - Nov. 2	Antlerless	EF, EM, EA	GMU 346	10
Centralia Mine A	Oct. 26-27	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	Nov. 2-3	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore D	Jan. 1-31, 2004	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, 2004	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley F	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-515 Trapping seasons and regulations.
Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depreddating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat, Red Fox, and Weasel	((November 18, 2000 November 17, 2001 November 15, 2003 November 20, 2004 November 19, 2005	((February 15, 2001 February 15, 2002 February 15, 2003 February 15, 2004 February 15, 2005 February 15, 2006
Marten, Mink, Muskrat, and Raccoon	((November 18, 2000 November 17, 2001 November 15, 2003 November 20, 2004 November 19, 2005	((January 31, 2001 January 31, 2002 January 31, 2003 January 31, 2004 January 31, 2005 January 31, 2006
Beaver and River Otter	((December 9, 2000 December 8, 2001 December 14, 2002 December 13, 2003 December 11, 2004 December 10, 2005	((February 15, 2001 February 15, 2002 February 15, 2003 February 15, 2004 February 15, 2005 February 15, 2006

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

Island County

The red fox season is closed.

Lewis County

Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

Skagit and Whatcom counties

Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.

Skamania County

The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
Badger, Beaver, Bobcat, Mink, Muskrat, Raccoon, Red Fox, and Weasel	((November 11, 2000 November 10, 2001 November 9, 2002 November 8, 2003 November 13, 2004 November 12, 2005	((February 28, 2001 February 28, 2002 February 28, 2003 February 28, 2004 February 28, 2005 February 28, 2006
Marten	((December 15, 2000 December 15, 2001 December 15, 2002 December 15, 2003 December 15, 2004 December 15, 2005	((January 31, 2001 January 31, 2002 January 31, 2003 January 31, 2004 January 31, 2005 January 31, 2006
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	((November 11, 2000 November 10, 2001 November 9, 2002 November 8, 2003 November 13, 2004 November 12, 2005	((February 28, 2001 February 28, 2002 February 28, 2003 February 28, 2004 February 28, 2005 February 28, 2006

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

Chelan County

Beaver season is closed in Swakane and Mudd Creek drainages.

PERMANENT

Columbia County

Trapping is not allowed on the Umatilla Tribes Rainwater Wildlife Area in Columbia County, as per their management plan.

Kittitas County

Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or kill traps **except** by permit under WAC 232-12-141.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pioneer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk and deer area descriptions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

REPEALER

The following section of the Washington Administrative Code is repealed, effective June 1, 2003:

WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-278 2000-2002 Deer general seasons and 2002 special permits.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits.

**WSR 03-13-049
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**
[Filed June 12, 2003, 9:40 a.m.]

Date of Adoption: June 11, 2003.

Purpose: This revision will update the language to reflect the current configuration of the state school bus fleet by eliminating references to previous depreciation schedules. The categories of school buses are being removed from the WAC and will be described in the annual state determined purchase prices for school bus categories bulletin. There is also clarification to reflect practices used to determine reimbursement payments for used buses and salvage recovery for buses entering the system prior to September 1, 1982.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-142-120, 392-142-140, 392-142-150, 392-142-170, 392-142-200, 392-142-230, and 392-142-235; and amending WAC 392-142-010, 392-142-125, 392-142-145, 392-142-155, 392-142-165, 392-142-180, 392-142-185, 392-142-190, 392-142-195, 392-142-212, 392-142-213, 392-142-225, 392-142-240, 392-142-245, 392-142-250, 392-142-255, 392-142-260, and 392-142-270.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 03-09-050 on April 11, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 18, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

PERMANENT

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 18, Repealed 8.

Effective Date of Rule: Thirty-one days after filing.

June 11, 2003

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-010 Purpose. The purpose of this chapter is to implement RCW 28A.160.200 by developing:

- (1) Student transportation vehicle categories;
- (2) State-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; and
- (6) ~~((Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982; and~~
- (7)) Competitive specifications for each category of school bus.

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-125 Definition—Student capacity. As used in this chapter, "student capacity" means the number of students designated by the school bus manufacturer that can be seated on a school bus ~~((For school buses equipped with a wheelchair lift, student capacity means the number of students that could be seated in a school bus))~~ if the vehicle ~~((was not lift equipped and))~~ had a maximum complement of seats.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-145 Definition—Useful life. As used in this chapter, "useful life" means the number of years that a school bus is expected to be in use as assigned to the category of school bus by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 01-17-005, filed 8/1/01, effective 9/1/01)

WAC 392-142-155 Definition—School bus categories ~~((for those buses purchased after September 1, 1982)).~~ As used in this chapter, "school bus categories ~~((for those buses purchased after September 1, 1982;))~~" means ((the following:)) those school bus categories determined annually by the superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, including student capacity, fuel type, and useful

life. The superintendent, in consultation with the regional transportation coordinators shall determine placement of buses into specific categories and lifetimes for those types of buses no longer available.

	((Student Capacity	Fuel- Type	Transmission- Type	Useful- Life	Bus- Type
(1)	10 to 24	Gas		8	A-1
(2)	10 to 24	Diesel	Automatic	8	A-1
(3)	10 to 34	Gas	Automatic	8	A-2
(4)	10 to 34	Diesel	Automatic	8	A-2
(5)	10 to 34	Gas	Automatic	8	B
(6)	10 to 34	Diesel	Automatic	8	B
(7)	35 to 48	Diesel	Automatic	13	C
(8)	35 to 48	Diesel	Automatic	13	D
(9)	49 to 60	Diesel	Automatic	13	C
(10)	49 to 60	Diesel	Automatic	13	D
(11)	61 to 77	Diesel	Automatic	13	C
(12)	61 to 84	Diesel	Automatic	13	D
(13)	Heavy 78 to 84	Diesel	Automatic	18	D
(14)	Heavy 85 to 90	Diesel	Automatic	18	D))

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-165 Definition—State-determined purchase price. As used in this chapter, "state-determined purchase price" means the state ~~((reimbursement rate for school bus))~~ replacement or depreciation rate for school buses which shall be based upon the lowest competitive price quote received from school bus dealers for each category of school bus ~~((es)),~~ documented in modified vendor bid proposals associated with meeting state-supported competitive specifications.

Included in the lowest competitive price quote are:

- (1) Freight to the school district; and
- (2) Cost associated with full payment within thirty days of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate in the state as provided annually by the department of revenue.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-180 Definition—Total school bus ~~((depreciation))~~ replacement payments. As used in this chapter, "total school bus ~~((depreciation))~~ replacement payments" means the sum of all state school bus ~~((depreciation))~~ replacement payments for prior school years made for an individual school bus.

PERMANENT

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-185 Definition—Imputed interest earnings. As used in this chapter, "imputed interest earnings" means the sum of interest which is assumed to be earned on moneys assumed to be available in the ~~((vehicle))~~ transportation vehicle fund from state payments and ~~((imputed))~~ accumulated interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-190 Definition—Salvage value. As used in this chapter, for those school buses purchased after September 1, 1982, "salvage value" means the state-determined ~~((school bus))~~ purchase price for the year the school bus was placed on the state ~~((depreciation))~~ replacement schedule divided by the useful life and multiplied by twenty-five percent.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-195 Definition—SPI Form 1020. As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition or disposition of a school bus ~~((or that the school bus has been taken out of service))~~.

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-212 Obtaining competitive price quotes. The superintendent of public instruction shall annually request competitive price quotations from school bus dealers for state-supported specifications for all school bus categories. The lowest price quote will be determined using only the base quote price as stated for the state-supported base bus without options. The request for price quotes will at least include:

(1) A modified vendor bid proposal for one representative state-supported school bus in each category as defined in WAC 392-142-155.

(a) A list of selected state-supported ~~((options))~~ specifications; and

(b) A list of ~~((school district))~~ vendor options which may be purchased at the school district's discretion and expense.

(2) A requirement that each school bus dealer submit a statement of assurance that school districts may purchase school buses at the quoted price for a period of one year.

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-213 Purchase of school buses by school districts. (1) School districts may purchase school buses directly from the school bus dealer who has provided the lowest competitive price quote in each school bus category without regard to RCW 28A.335.190 ~~((competitive bid law))~~.

(2) School districts that do not purchase school buses in accordance with subsection (1) of this section may conduct their own competitive bid process in accordance with RCW 28A.335.190. School districts that choose to conduct their own bid shall:

(a) Use vendor bid proposal forms provided by the superintendent of public instruction.

(b) Prepare a summary of all bids received for retention in school district files and submission to the superintendent of public instruction.

(3) School buses which have been acquired by school districts or educational service districts, in accordance with subsection (1) or (2) of this section, are entitled to reimbursement payments for school bus replacement in accordance with this chapter.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-225 Placement of used school buses on state replacement or depreciation schedules. A used school bus(es) shall be placed on the state replacement or depreciation schedule ~~((in effect at the time of the school bus' manufacture as follows:~~

~~((1) For those used school buses manufactured after September 1, 1982, state depreciation payments shall be calculated))~~ as if it had been ~~((purchased))~~ issued a school bus operation permit on the first of September in the year of manufacture, including an estimate by the superintendent of public instruction of:

~~((a))~~ (1) Prior school years total state replacement or depreciation payments;

~~((b))~~ (2) Imputed interest earnings (if purchased by a school district); and

~~((c))~~ (3) Salvage value (if purchased by a school district).

~~((2) For those used school buses purchased by a school district that were manufactured prior to September 1, 1982, they will be placed on the depreciation schedule with the following eligible purchase price:~~

(a) A school bus owned by one school district is purchased by another school district. Such a bus shall be placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A school bus purchased from a private party by a school district. Such a bus shall be placed on the purchasing school district's depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

~~The superintendent of public instruction shall establish that the purchase price of the school bus appropriately reflects its depreciable value.)~~

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-240 Calculation of annual state ~~(depreciation)~~ replacement payment for district-owned school buses ~~((purchased after September 1, 1982))~~. The superintendent of public instruction shall calculate each school district's annual state ~~(depreciation)~~ replacement payment for district-owned school buses ~~((purchased after September 1, 1982;))~~ as follows:

(1)~~((a))~~ For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155~~((;))~~;

~~(b) ((Add the state determined purchase price for the appropriate school bus category determined in (a) of this subsection to the state determined specialized equipment price if any;~~

~~(e))~~ Divide the ~~((result obtained in (b) of this subsection))~~ state determined purchase price by the useful lifetime in months as determined in (a) of this subsection; and

~~((d))~~ (c) Multiply the result obtained in ~~((e))~~ (b) of this subsection by the number of months remaining in the school year.

(2)~~((a))~~ For school buses issued a school bus operation permit prior to the current school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155~~((;))~~;

~~(b) ((Add the state determined purchase price for the appropriate school bus category determined in (a) of this subsection to the state determined specialized equipment price if any;~~

~~(e))~~ Divide the ~~((result obtained in (b) of this subsection))~~ state determined purchase price by the useful lifetime in months determined in (a) of this subsection;

~~((d))~~ (c) Multiply the result obtained in ~~((e))~~ (b) of this subsection by the total number of months the school bus has been on the ~~(depreciation)~~ replacement schedule including the months for the current school year;

~~((e))~~ (d) Subtract from the result obtained in ~~((d))~~ (c) of this subsection the total school bus ~~(depreciation)~~ replacement payments made in prior school years;

~~((f))~~ (e) Subtract from the result obtained in ~~((d))~~ (c) of this subsection the imputed interest earnings; and

~~((g))~~ (f) Subtract from the result obtained in ~~((f))~~ (e) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-245 Calculation of annual state depreciation payment for contractor-owned school buses ~~((purchased after September 1, 1982))~~. The superintendent of

public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses ~~((purchased after September 1, 1982, by))~~ as follows:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year ~~((, multiply the state determined purchase price for the appropriate school bus category by the remaining months of the current school year and divide by twelve and further divide by the useful lifetime for the appropriate school bus category; or))~~:

(a) Place each bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the state determined purchase price by the useful lifetime in months determined in (a) of this subsection; and

(c) Multiply the result obtained in (b) of this subsection by the number of months remaining in the school year.

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; and

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime for the appropriate school bus category set forth in WAC 392-142-155.

AMENDATORY SECTION (Amending Order 91-12, filed 7/26/91, effective 8/26/91)

WAC 392-142-250 Allocation of state replacement or depreciation payment ~~((support School buses purchased after September 1, 1982))~~. The superintendent of public instruction shall apportion school bus replacement or depreciation payments each school year calculated as follows:

(1) Pursuant to WAC ~~((392-142-235))~~ 392-142-240 in:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year; or

(2) Pursuant to WAC ~~((392-142-240))~~ 392-142-245 according to the schedule set forth in RCW 28A.510.250.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-255 Deposit of ~~((state support))~~ payments in transportation vehicle fund. School districts shall deposit proceeds for the rent, sale, or lease of school buses and ~~(depreciation)~~ replacement payments allocated pursuant to WAC ~~((392-142-235 and))~~ 392-142-240 in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments allocated pursuant to WAC 392-142-245 in the transportation vehicle fund. For school buses placed on the reimbursement system between September 1, 1975, and August 31, 1980, the superintendent of public instruction shall recover ninety percent of the net proceeds

of the sale of such vehicles by deduction from the next annual reimbursement allocation. For school buses placed on the reimbursement system between September 1, 1980, and August 31, 1982, the superintendent of public instruction shall recover one hundred percent of the net proceeds of the sale of such vehicles by deduction from the next annual reimbursement allocation.

AMENDATORY SECTION (Amending Order 25, filed 11/19/91, effective 12/20/91)

WAC 392-142-260 Allowable uses of transportation vehicle fund. School districts shall use moneys in the transportation vehicle fund for the following purposes:

- (1) The purchase of ~~((approved transportation vehicles))~~ school buses;
- (2) Performing major repairs of a school bus receiving prior approval by the superintendent of public instruction. Repairs costing less than twenty-five percent of the current state determined purchase price for that type and category of vehicle shall not be considered a major repair.
- (3) The transfer of moneys from the transportation vehicle fund to the debt service fund exclusively for the payment of debt and interest incurred by the transportation vehicle fund shall not be considered to be a transfer of moneys from the transportation vehicle fund to any other fund within the meaning of RCW 28A.160.130.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-270 Disposition of school buses. Each school district shall notify the superintendent of public instruction ~~((whenever a school bus is taken out of service as))~~ of the disposition of a school bus on SPI Form 1020 within thirty days of this action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-142-090 Definition—Washington state patrol inspection officer.
- WAC 392-142-120 Definition—Seating reference point.
- WAC 392-142-140 Definition—Transmission.
- WAC 392-142-150 Definition—School bus categories for those buses purchased before September 1, 1982, and after September 1, 1975.
- WAC 392-142-170 Definition—State-determined specialized equipment price.
- WAC 392-142-200 Definition—SPI Form 1029.

WAC 392-142-230

Calculation of annual state depreciation payment for buses purchased after September 1, 1975, and before September 1, 1982.

WAC 392-142-235

Allocation of state depreciation payment for school buses purchased after September 1, 1975, and before September 1, 1982.

**WSR 03-13-051
PERMANENT RULES
PERSONNEL RESOURCES BOARD**

[Filed June 12, 2003, 3:48 p.m., effective June 12, 2003]

Date of Adoption: June 12, 2003.

Purpose: The purpose of this rule is to reinstate, the exemption language for the State Board for Community and Technical Colleges and the board's definitions of student, part-time or temporary employees, and part-time professional consultants. This language was contained in WAC 251-04-040 that was repealed at the July board meeting. Since the language being proposed is not contained in chapter 41.06 RCW, there is a need for it to be reinstated.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 03-10-101 on May 7, 2003.

Changes Other than Editing from Proposed to Adopted Version: The board adopted Alternative #1 as filed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 41.06.070 exempts from coverage of chapter 41.06 RCW students, part-time, or temporary employees, and part-time professional consultants as defined by the Washington Personal Resources Board. Effective September 1, 2002, the board abolished WAC 251-04-040 which has historically defined these categories of employees. Without the permanent adoption of WAC 251-04-035 which reinstates the definitions of student, part-time, temporary employees and part-time professional consultants, the status of these employees may be in question.

PERMANENT

Effective Date of Rule: June 12, 2003.

June 12, 2003

E. C. Matt

Secretary

WSR 03-13-052
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 12, 2003, 4:23 p.m.]

NEW SECTION

WAC 251-04-035 Exemptions. The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2)(a) of this section.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

Date of Adoption: June 6, 2003.

Purpose: The purpose of these amendments is: (1) To amend rules within chapter 388-71 WAC and adopt new WAC 388-515-1540 to establish the medically needy residential waiver (MNRW) program; and (2) to amend, clarify, and reorganize COPEs rules to comply with the Governor's Executive Order 97-02 and the Secretary's Order on Regulatory Improvement; and reflect changes in program requirements and/or options.

SHB 1341 (chapter 269, Laws of 2001) authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legislation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and specific waiver services to be provided. This change is also necessary to reflect amendments to the COPEs waiver.

This amendment is necessary to implement two-year old legislation and will result in budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals. DSHS has been waiting for CMS approval to implement this program and just recently received it. We are not expecting any opposition to this rule and many clients have been waiting for this opportunity for years. When effective these permanent rules will supersede and replace emergency rules filed as WSR 03-13-007.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0194, 388-71-0202, 388-71-0203, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0430, 388-71-0435, 388-71-0442, 388-71-0445, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0600, 388-71-0605, and 388-71-0610.

Statutory Authority for Adoption: SHB 1341 (chapter 269, Laws of 2001), RCW 74.09.700 and chapter 74.39 RCW, RCW 74.08.090, 74.04.050, and 74.09.575.

Adopted under notice filed as WSR 03-09-042 on April 8, 2003.

Changes Other than Editing from Proposed to Adopted Version: Technical changes made to WAC 388-71-0410 and 388-71-0420. These changes do not alter the scope or purpose of the previous amendments, but clarify the language. Also, a cross-reference was added to WAC 388-71-0442 to include a portion of the CARE assessment tool WAC as a reference. Amended WAC 388-71-0460 was withdrawn from rules proposed as WSR 03-09-042.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 18, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 18, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

WSR 03-13-053
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed June 12, 2003, 4:26 p.m.]

Date of Adoption: June 6, 2003.

Purpose: (1) Clarifies that for inpatient hospital claims paid under the diagnosis-related (DGR) payment methodology, only a Medicaid claim that qualifies as a DRG high-cost outlier is paid 75% of the allowed charges above the outlier threshold, multiplied by the specific hospital's RCC rate, plus the applicable DRG payment. (2) Adds language that clarifies that DRG high-cost and low-cost claims for state-administered programs are paid according to WAC 388-550-4800.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-3700.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Adopted under notice filed as WSR 03-09-118 on April 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-16-142, filed 7/31/01, effective 8/31/01)

WAC 388-550-3700 DRG high-cost and low-cost outliers. This section applies to inpatient hospital claims paid under the diagnosis-related group (DRG) payment methodology.

(1) A Medicaid or state-administered claim qualifies as a ~~((diagnosis-related group-))~~ DRG((~~+~~)) high-cost outlier when:

(a) The client's admission date ~~((for))~~ on the claim is before January 1, 2001, the stay did not meet the definition of "administrative day," and the allowed charges exceed:

(i) A threshold of twenty-eight thousand dollars; and

(ii) A threshold of three times the applicable DRG payment amount.

(b) The client's admission date ~~((for))~~ on the ~~((ease))~~ claim is January 1, 2001, or after, the stay did not meet the definition of "administrative day," and the allowed charges exceed:

(i) A threshold of thirty-three thousand dollars; and

(ii) A threshold of three times the applicable DRG payment amount.

(2) If the claim qualifies as a DRG high-cost outlier, the high-cost outlier threshold, for payment purposes, is the amount in subsection (1)(a)(i) or (ii), whichever is greater, for an admission date before January 1, 2001; or subsection (1)(b)(i) or (ii), whichever is greater, for an admission date January 1, 2001 or after.

(3) The department determines payment for Medicaid claims ~~((qualifying))~~ that qualify as DRG high-cost outliers as follows:

(a) ~~((Payment-for))~~ All qualifying claims, except for claims in psychiatric DRGs 424-432 and in-state children's hospitals, are paid seventy-five percent of the allowed charges above the outlier threshold determined in subsection (2) of this section, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

(b) In-state children's hospitals are paid eighty-five percent of the allowed charges above the outlier threshold determined in subsection (2) of this section, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

(c) Psychiatric DRG high-cost outliers for DRGs 424-432 are paid one hundred percent of the allowed charges above the outlier threshold determined in subsection (2) of this section, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

Examples for DRG high-cost outlier claim qualification and payment calculation (admission dates are January 1, 2001, or after).

((DRG)) Allowed Charges	Applicable DRG Payment	Three times App. DRG Payment	((DRG)) Allowed Charges > \$33,000?	((DRG)) Allowed Charges > Three times App. DRG Payment?	DRG High-Cost Outlier Payment	Hospital's Individual RCC Rate
\$17,000	\$5,000	\$15,000	No	Yes	N/A	64%
*\$33,500	5,000	15,000	Yes	Yes	**\$5,240	64%
10,740	35,377	106,131	No	No	N/A	64%

Medicaid Payment calculation example for ((DRG)) allowed charges of:	Nonpsych DRGs/Nonin-state children's hospital (RCC is 64%)
*\$33,500	((DRG)) Allowed charges
- \$33,000 \$ 500	The greater amount of 3 x app. DRG pymt (\$15,000) or \$33,000
x 48%	75% of allowed charges x hospital RCC rate (nonpsych DRGs/nonin-state children's) (75% x 64% = 48%)
\$ 240	Outlier portion
+ \$ 5,000	Applicable DRG payment
**\$ 5,240	Outlier payment

(4) DRG high-cost outliers for state-administered programs are paid according to WAC 388-550-4800.

(5) A Medicaid or state-administered claim qualifies as a DRG low-cost outlier if:

(a) The client's admission date ((~~for~~)) on the claim is before January 1, 2001, and the ((~~and~~)) allowed charges are:

(i) Less than ten percent of the applicable DRG payment; or

(ii) Less than four hundred dollars.

(b) The client's admission date ((~~for~~)) on the claim is January 1, 2001, or after, and the allowed charges are:

(i) Less than ten percent of the applicable DRG payment; or

(ii) Less than four hundred fifty dollars.

((~~5~~)) (6) If the claim qualifies as a DRG low-cost outlier:

(a) For an admission date before January 1, 2001, the low-cost outlier amount is the amount in subsection ((~~4~~)) (5)(a)(i) or (ii), whichever is greater; or

(b) For an admission date on January 1, 2001, or after, the low-cost outlier amount is the amount in subsection ((~~4~~)) (5)(b)(i) or (ii), whichever is greater.

((~~6~~)) (7) The department((~~s~~)) determines payment for a Medicaid claim that qualifies as a DRG low-cost outlier ((~~is~~)) by multiplying the allowed charges for ((~~the~~)) each claim ((~~multiplied~~)) by the hospital's RCC rate.

((~~7~~)) ~~The department does not pay administrative days until the case exceeds the DRG high-cost outlier threshold for that claim.~~

(8) DRG low-cost outliers for state-administered programs are paid according to WAC 388-550-4800.

(9) The department makes day outlier payments to hospitals in accordance with section 1923 (a)(2)(C) of the Social Security Act, for clients who have exceptionally long stays that do not reach DRG high-cost outlier status. A hospital is eligible for the day outlier payment if it meets all of the following criteria:

(a) The hospital is a disproportionate share hospital (DSH) and the client served is under age six, or the hospital may not be a DSH hospital but the client served is a child under age one;

(b) The payment methodology for the admission is DRG;

(c) The allowed charges for the hospitalization are less than the DRG high-cost outlier threshold as defined in subsection ((~~4~~)) (2) of this section; and

(d) The client's length of stay exceeds the day outlier threshold for the applicable DRG payment amount. The day outlier threshold is defined as the number of days in an average length of stay for a discharge (for an applicable DRG payment), plus twenty days.

((~~9~~)) (10) The department bases the day outlier payment on the number of days that exceed the day outlier threshold, multiplied by the administrative day rate.

((~~10~~)) (11) The department's total payment for day outlier claims is the applicable DRG payment plus the day outlier or administrative days payment.

((~~11~~)) ~~The department pays day outliers only for claims that do not reach a DRG high-cost outlier status.~~

(12) A client's outlier claim is either a day outlier or a high-cost outlier, but not both.

WSR 03-13-054

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 12, 2003, 4:29 p.m.]

Date of Adoption: June 6, 2003.

Purpose: To incorporate into rule the disease management program, new chapter 388-557 WAC, Disease management program.

Statutory Authority for Adoption: RCW 74.08.090.

PERMANENT

Other Authority: Washington State Omnibus Operating Budget 2001-03 (section 209(6)), part II, chapter 7, Laws of 2001).

Adopted under notice filed as WSR 03-09-119 on April 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 7, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-557 WAC

DISEASE MANAGEMENT PROGRAM

NEW SECTION

WAC 388-557-5000 Disease management program—General. (1) The medical assistance administration's (MAA's) disease management program provides population case management and coordination activities for clients diagnosed with specific diseases. Disease management organizations (DMOs) contracted by MAA provide and/or coordinate services that optimize treatment, improve health outcomes for clients, and promote cost-effectiveness.

(2) Disease management program services do not:

- (a) Change the scope of services available to a client eligible under a Title XIX Medicaid program;
- (b) Interfere with the relationship between an enrolled client and the client's chosen MAA-enrolled provider(s);
- (c) Duplicate case management activities available to a client in the client's community; or
- (d) Substitute for established activities that are available to a client and provided by programs administered through other department of social and health services (DSHS) divisions or state agencies.

NEW SECTION

WAC 388-557-5050 Disease management program—Definitions. The following terms and definitions apply to the disease management program:

"Disease management organization (DMO)" - See "MAA-contracted disease management organization (DMO)."

"Disease management program services" are specialized services provided through medical assistance administration (MAA)-contracted disease management organizations (DMOs) to clients with multiple health, behavioral, and social needs. Disease management program services are aimed at care coordination, client education, and improved client self-care.

"Eligible client" means a medical assistance administration (MAA) client who has the disease management program's specified combination of eligibility and disease factors.

"Enrolled client" means an eligible client who has been notified in writing by the medical assistance administration (MAA) of enrollment in the disease management program and eligibility to receive disease management program services, and who has not declined to participate.

"Evidence-based healthcare practice" means a clinical approach to practicing medicine based on the clinician's awareness of evidence and the strength of that evidence to support the management of a disease treatment process.

"MAA-contracted disease management organization (DMO)" means a clinically-qualified disease management company that has a valid disease management program contract with the medical assistance administration (MAA).

NEW SECTION

WAC 388-557-5100 Disease management program—Client eligibility and assignment. (1) To receive disease management program services:

(a) A client must:

(i) Be a recipient of the temporary assistance for needy families (TANF) program or a children's medical program that is not a managed care program and be diagnosed with asthma; or

(ii) Be a recipient of the supplemental security income (SSI) program or general assistance with expedited medical categorically needy (GAX) program and be diagnosed with at least one of the following medical conditions:

- (A) Asthma;
- (B) Congestive heart failure;
- (C) Diabetes;
- (D) Chronic kidney disease; or
- (E) End stage renal disease.

(b) A client must not be:

(i) Receiving Medicare benefits;

(ii) Residing in an institution, as defined in WAC 388-71-0202, for more than thirty days;

(iii) Eligible for third party coverage that provides disease management program services or requires administrative controls that would duplicate or interfere with MAA's disease management program;

(iv) Enrolled with a managed care organization contracted with MAA; or

(v) Receiving case management services that disease management program services would duplicate.

(2) MAA may add other targeted diseases and client populations to the disease management program based on one or more of the following:

(a) The availability of a contractor to serve clients in a disease group;

(b) Cost-effectiveness;

(c) Available funding from the state legislature; and

(d) Other applicable criteria as determined by MAA.

(3) MAA selects and assigns a client to an appropriate disease management organization (DMO).

(4) A client meeting the eligibility requirements in this section:

(a) Is automatically enrolled in the disease management program;

(b) Is notified of the enrollment in writing by MAA;

(c) May request disenrollment at any time; and

(d) May request re-enrollment at any time.

(5) If an enrolled client who receives disease management program services subsequently becomes a mandatory enrollee in an MAA managed care program, the client:

(a) Is no longer eligible for disease management services through an MAA-contracted DMO;

(b) Is not eligible for an enrollment exemption from the managed care program because of their existing relationship with a DMO's contracted vendor(s); and

(c) May only be exempt from mandatory enrollment in the managed care program under the provisions of WAC 388-538-080(3).

(6) A client who does not agree with a decision regarding disease management program services has a right to a fair hearing under chapter 388-02 WAC.

NEW SECTION

WAC 388-557-5150 Requirements for becoming an MAA-contracted disease management organization (DMO). To become a medical assistance administration (MAA)-contracted disease management organization (DMO), a vendor must provide documentation to MAA that shows the vendor has all of the following:

(1) An appropriate method for using MAA healthcare data to identify populations with targeted diseases;

(2) An evidence-based healthcare practice guideline for each targeted disease;

(3) Existing collaborative healthcare practice models that include MAA's contracted providers, including physicians and support-service providers;

(4) Patient self-care management methods and education materials appropriate to each population with targeted diseases;

(5) Provisions for clients to access a nurse consultant twenty-four hours a day, seven days a week;

(6) Existing systems for process and outcomes measurement, evaluation, and management of the disease management program;

(7) Verifiable financial resources or backing that guarantee program savings and cost-effectiveness;

(8) Existing processes for routine reporting that support MAA's disease management program goals; and

(9) Successful and demonstrable experience in providing disease management program services to the targeted disease populations.

NEW SECTION

WAC 388-557-5200 MAA-contracted disease management organization (DMO)—Confidentiality and data sharing. (1) A medical assistance administration (MAA)-contracted disease management organization (DMO) must meet the confidentiality and data sharing requirements that apply to clients eligible under Title XIX Medicaid programs and as specified in the disease management program contract.

(2) MAA:

(a) Shares healthcare data with MAA-contracted DMOs under the provisions of RCW 70.02.050 and the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

(b) May limit provider participation:

(i) To protect the integrity of data collection; or

(ii) For other administrative or program reasons.

NEW SECTION

WAC 388-557-5250 Disease management program—Scope of services. (1) Disease management program services provided by a disease management organization (DMO) must meet:

(a) The conditions of the contract between the medical assistance administration (MAA) and the DMO;

(b) The scope of practice appropriate to the provider of the services; and

(c) Other applicable WAC and federal requirements.

(2) A DMO:

(a) Evaluates each client enrolled in the disease management program;

(b) May prioritize disease management program services provided to an enrolled client based on the client's need or other criteria, as appropriate; and

(c) May contact and coordinate with a department or department-authorized case manager(s) for planned service delivery to an enrolled client.

(3) Disease management program services must provide one or more of the following to each enrolled client:

(a) Assistance in locating an MAA-enrolled provider or source of routine outpatient preventive healthcare. (Refer to chapter 388-529 WAC for the scope of covered medical services available to eligible clients.)

(b) Educational materials.

(c) Instruction regarding self-managing the targeted condition(s).

(d) Assessment of available services, equipment, and supplies that might enhance the client's ability to manage the client's disease process(es).

(e) Coordination with a department or department-authorized case manager(s).

(4) MAA evaluates a request for a disease management program service that is in excess of the program's limitations or restrictions, or is not included in the disease management

program's scope of services, according to the provisions of WAC 388-501-0165.

NEW SECTION

WAC 388-557-5300 Disease management program services—Billing limits. Only a medical assistance administration (MAA)-contracted disease management organization (DMO) may bill and be reimbursed for providing disease management program services described in chapter 388-557 WAC. Billing requirements and payment methodology are described in the contract between the DMO and MAA.

WSR 03-13-055

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 12, 2003, 4:32 p.m.]

Date of Adoption: June 6, 2003.

Purpose: The rules clarify that MAA uses a prospective payment method to determine certain payments made through the disproportionate share hospital (DSH) program; clarify that MAA annually calculates weighted average in-state RCC rates, the weighted average in-state outpatient rate, and the outpatient adjustment factor; add a description of existing policy for proportionate share payments for inpatient and outpatient hospital services; and update language to reflect current department policy.

New WAC 388-550-6800 Proportionate share payments for inpatient hospital services and 388-550-6900 Proportionate share payments for outpatient hospital services, are adopted in this order.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-4500, 388-550-4900, 388-550-5000, 388-550-5100, 388-550-5150, 388-550-5200, 388-550-5400, and 388-550-5600.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500, 74.09.035(1), and 43.88.290.

Adopted under notice filed as WSR 03-06-111 on March 5, 2003.

Changes Other than Editing from Proposed to Adopted Version: The word "acute," inadvertently omitted from the proposed text, was added to WAC 388-550-5200 (2)(c) to read: "Be a small rural hospital with fewer than seventy-five acute licensed beds; and."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 8, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046 [01-16-142], filed 7/31/01, effective 8/31/01)

WAC 388-550-4500 Payment method—Inpatient RCC and administrative day rate and outpatient rate. (1) The inpatient ratio of costs-to-charges (RCC) payment is the hospital's allowable charges on a claim multiplied by the hospital's inpatient RCC rate. The department limits this RCC payment to the hospital's allowable usual and customary charges.

(a) The medical assistance administration (MAA) calculates a hospital's RCC by dividing allowable operating costs by patient revenues associated with these allowable costs.

(b) MAA bases these figures on the annual Medicare cost report data provided by the hospital.

(c) MAA updates a hospital's inpatient RCC rate annually with the submittal of new ((HCFA)) CMS 2552 Medicare cost report data. Prior to computing the ratio, MAA excludes increases in operating costs or total rate-setting revenue attributable to a change in ownership.

(2) The department limits a hospital's RCC payment to one hundred percent of its allowable charges.

(3) The department establishes the basic inpatient hospital RCC payment by multiplying the hospital's assigned RCC rate by the allowed charges for medically necessary services. MAA deducts client responsibility (spend-down) and third-party liability (TPL) from the basic payment to determine the actual payment due.

(4) The department uses the RCC payment method to reimburse:

(a) DRG-exempt hospitals as provided in WAC 388-550-4300; and

(b) Any hospital for DRG-exempt services described in WAC 388-550-4400.

(5) In-state and border area hospitals that lack sufficient ((HCFA)) CMS 2552 Medicare cost report data to establish a hospital specific RCC are reimbursed using the weighted average in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate as provided in WAC 388-550-6000.

(6) Out-of-state hospitals are also reimbursed for the respective services using the weighted average in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate for outpatient hospital services as provided in WAC 388-550-6000.

(7) MAA identifies all in-state hospitals that have hospital specific RCC rates, and calculates the weighted average in-state RCC rate annually (~~(on August 1,)~~) by dividing the total allowable operating costs of these hospitals by the total respective patient revenues.

(8) The department pays hospitals an all-inclusive administrative day rate for those days of hospital stay in which a client no longer needs an acute inpatient level of care, but is not discharged because an appropriate placement outside the hospital is not available.

(a) MAA sets payment for administrative days at the statewide average Medicaid nursing facility per diem rate. The administrative day rate is adjusted annually (~~(effective November 1)~~).

(b) Ancillary services provided during administrative days are not reimbursed.

(c) The department identifies administrative days for a DRG exempt case during the length of stay review process after the client's discharge from the hospital.

(d) The department pays the hospital at the administrative day rate starting the date of hospital admission if the admission is solely for a stay until an appropriate sub-acute placement can be made.

(9) MAA calculates the weighted average in-state outpatient rate annually (~~(on August 1,)~~) by multiplying the weighted average in-state RCC rate by the outpatient adjustment factor.

(10) For hospitals that have their own hospital specific inpatient RCC rate, MAA calculates the hospital's specific outpatient rate by multiplying the hospital's inpatient RCC rate by the outpatient adjustment factor.

(11) The outpatient adjustment factor:

(a) Must not exceed 1.0; and

(b) Is updated annually (~~(on November 1)~~). This update causes an additional update of the outpatient rate for each hospital (~~(on November 1 annually)~~).

(12) MAA establishes the basic hospital outpatient payment as provided in WAC 388-550-6000. MAA deducts client responsibility (spend-down) and third-party liability (TPL) from the basic payment to determine the actual payment due.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 99-14-040, filed 6/30/99, effective 7/1/99)

WAC 388-550-4900 Disproportionate share payments. ~~((†))~~ As required by section 1902 (a)(13)(A) of the Social Security Act, the medical assistance administration (MAA) gives consideration to hospitals (~~(which)~~) that serve a disproportionate number of low-income clients with special needs by making a payment adjustment to eligible hospitals per legislative direction and established prospective payment methods. MAA considers this adjustment a disproportionate share hospital (DSH) payment.

(1) To qualify for a DSH payment for each state fiscal year, an instate or border area hospital provider must submit to MAA by certified mail, the hospital's completed and final DSH application by the due date specified in that year's appli-

cation letter. The application due date will not be less than sixty days after MAA makes the application available.

(2) ~~((MAA considers))~~ A hospital is a disproportionate share hospital eligible for the low-income disproportionate share hospital (LIDSH) program for a specific state fiscal year (SFY) if the hospital submits a DSH application for that respective year in compliance with subsection (1) and if both the following apply:

(a) The hospital's Medicaid inpatient utilization rate (MIPUR) is at least one standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, or its low-income utilization rate (LIUR) exceeds twenty-five percent; and

(b) The hospital has at least two obstetricians who have staff privileges at the hospital and who have agreed to provide obstetric services to eligible individuals~~((†))~~. This requirement does not apply to a hospital:

(i) The inpatients of which are predominantly individuals under eighteen years of age; or

(ii) Which did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(3) For hospitals located in rural areas, "obstetrician" means any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

(4) MAA may consider a hospital a disproportionate share hospital ~~((if both of the following apply))~~ for programs other than the LIDSH program if the hospital submits a DSH application and complies with the following for the respective year:

(a) The hospital has a MIPUR of not less than one percent; and

(b) The hospital meets the requirement of subsection (2)(b) of this section.

(5) MAA administers the low-income disproportionate share (LIDSH) program and may administer any of the following DSH programs:

(a) Medically indigent disproportionate share hospital (MIDSH);

(b) General assistance-unemployable disproportionate share hospital (GAUDSH);

(c) Small rural hospital assistance program disproportionate share hospital (SRHAPDSH);

(d) Teaching hospital assistance program disproportionate share hospital (THAPDSH);

(e) State teaching hospital financing program disproportionate share hospital (STHFPDSH);

(f) County teaching hospital financing program disproportionate share hospital (CTHFPDSH); and

(g) Public hospital district disproportionate share hospital (PHDDSH).

(6) MAA allows a hospital to receive any one or all of the ~~((disproportionate share hospital-†))~~ DSH~~((†))~~ payment adjustments discussed in subsection (5) of this section when the hospital:

(a) ~~((Applies to MAA))~~ Meets the requirements in subsection (4) of this section; and

(b) Meets the eligibility requirements for the particular DSH payment program, as discussed in WAC 388-550-5000 through 388-550-5400.

PERMANENT

(7) MAA ensures each hospital's total DSH payments do not exceed the individual hospital's DSH limit, defined as:

(a) The cost to the hospital of providing services to Medicaid clients, including clients served under Medicaid managed care programs;

(b) Less the amount paid by the state under the non-DSH payment provision of the state plan;

(c) Plus the cost to the hospital of providing services to uninsured patients; and

(d) Less any cash payments made by uninsured clients.

(8) MAA's total annual DSH payments must not exceed the state's DSH allotment for the federal fiscal year.

If the ((~~DSH~~)) MAA statewide allotment is exceeded, MAA ((~~recoups overpayments from hospitals~~)) may adjust future DSH payments to each hospital to compensate for the amount overpaid. Adjustments will be made in the following program order:

- (a) PHDDSH;
- (b) THAPDSH;
- (c) CTHFPDSH;
- (d) STHFPDSH;
- (e) SRHAPDSH;
- (f) MIDSH;
- (g) GAUDSH; and
- (h) LIDSH.

AMENDATORY SECTION (Amending WSR 99-14-040, filed 6/30/99, effective 7/1/99)

WAC 388-550-5000 Payment method—LIDSH. (1)

A hospital serving the department's clients is eligible for a low-income disproportionate share hospital (LIDSH) payment adjustment if the hospital meets the requirements of WAC 388-550-4900(2).

(2) The medical assistance administration (MAA) pays hospitals considered eligible under the criteria in subsection (1) of this section. The total LIDSH payment amounts equal the funding set by the state's appropriations act for LIDSH. The amount that the state appropriates for LIDSH may vary from year to year.

(3) MAA distributes LIDSH payments to individual hospitals ((~~as follows by:~~

(~~a~~)) using the prospective payment method for each LIDSH-eligible hospital((~~, determining~~)). MAA determines the standardized Medicaid inpatient utilization rate (MIPUR)((~~. The MIPUR is standardized~~)) by:

(a) Dividing the hospital's MIPUR by the average MIPUR of all LIDSH-eligible hospitals; then

(b) ((~~Multiplies~~)) Multiplies the hospital's standardized MIPUR by the hospital's most recent DRG payment method rebased case mix index, and then by the hospital's most recent fiscal year Title XIX admissions((~~, and lastly by the hospital's profitability factor. MAA then multiplies~~)); then

(c) Multiplies the product by an initial random base amount; and then

((~~e~~)) Compares

(d) Comparing the sum of all annual LIDSH payments to the appropriated amount. If the amounts differ, MAA progressively selects a new base amount by ((~~trial and error~~)) successive approximation until the sum of the LIDSH pay-

ments to hospitals equals the legislatively appropriated amount.

(4) After each applicable state fiscal year, MAA will not make changes to the LIDSH payment distribution that has resulted from calculations identified in subsection (3)(c) of this section. However, hospitals may still submit corrected DSH application data to MAA after June 15 and prior to July 1 of the applicable state fiscal year to correct calculation of the MIPUR or low income utilization rate (LIUR) for historical record keeping. See WAC 388-550-5550 for rules regarding public notice for changes in Medicaid payment rates for hospital services.

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5100 Payment method—MIDSH. (1)

The medical assistance administration (MAA) considers a hospital eligible for the medically indigent disproportionate share hospital (MIDSH) payment if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);
- (b) Is an in-state or border area hospital;
- (c) Provides services to clients under the medically indigent program; and
- (d) Has a low-income utilization rate of one percent or more.

(2) MAA determines the MIDSH payment for each eligible hospital, using a prospective payment method, in accordance with WAC 388-550-4800.

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5150 Payment method—GAUDSH.

(1) The medical assistance administration (MAA) considers a hospital eligible for the general assistance-unemployable disproportionate share hospital (GAUDSH) payment if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);
- (b) Is an in-state or border area hospital;
- (c) Provides services to clients under the medical care services program; and
- (d) Has a low-income utilization rate (LIUR) of one percent or more.

(2) MAA determines the GAUDSH payment for each eligible hospital, using a prospective payment method, in accordance with WAC 388-550-4800, except that the payment is not reduced by the additional three percent specified in WAC 388-550-4800(4).

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5200 Payment method—SRHAP-

DSH. (1) ((~~MAA considers a hospital eligible for the~~)) The medical assistance administration (MAA) makes small rural hospital assistance program disproportionate share hospital (SRHAPDSH) ((~~payment if the hospital~~)) payments to quali-

fyng small rural hospitals through the disproportionate share (DSH) program.

(2) To qualify for a SRHAPDSH payment, a hospital must:

(a) ~~((Meets))~~ Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) ~~((Is))~~ Be an in-state hospital;

(c) ~~((Is))~~ Be a small ~~((;))~~ rural hospital ~~((, defined as a hospital))~~ with fewer than seventy-five acute licensed beds; and ~~((located in a city or town with a nonstudent population of thirteen thousand or less; and~~

~~((d) Provides at least one percent of its services to low-income patients in rural areas of the state.~~

~~((2)(a) MAA pays hospitals qualifying for SRHAPDSH payments from a legislatively appropriated pool.~~

~~((b) MAA determines each individual hospital's SRHAPDSH payment as follows: The total dollars in the pool will be multiplied by the percentage derived from dividing the Medicaid payments to the individual hospital during the fiscal year that is two years previous to the state fiscal year immediately preceded by the total Medicaid payments to all SRHAPDSH hospitals during the same hospital fiscal year))~~

~~((d) Be located in a city or town that meets the following criteria:~~

~~((i) For the SRHAPDSH program year to be implemented for state fiscal year (SFY) beginning July 1, 2002, the city or town must have a nonstudent population of fifteen thousand five hundred or less.~~

~~((ii) For each SRHAPDSH program year to be implemented for each SFY subsequent to July 1, 2002, the nonstudent population in (d)(i) of this subsection is increased cumulatively by two percent.~~

(3) MAA pays hospitals qualifying for SRHAPDSH payments from a legislative appropriated pool. MAA determines each hospital's individual SRHAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the SRHAPDSH payment is to be made, MAA identifies from historical data considered to be complete, each individual qualifying hospital's most current Medicaid reimbursement amount; then

(b) Divides the Medicaid reimbursement amount by the total Medicaid payments made to all qualifying hospitals during the same period.

(4) MAA's SRHAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for that hospital. MAA reallocates dollars as defined in the state plan.

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5400 Payment method—PHDDSH.

(1) The medical assistance administration (MAA) considers a hospital eligible for the public hospital district disproportionate share hospital (PHDDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is a public district hospital in Washington state or a border area hospital owned by a public corporation; and

(c) Provides at least one percent of its services to low-income patients.

(2) Using a prospective payment method, MAA pays hospitals considered eligible under the criteria in subsection (1) of this section a PHDDSH payment amount from the legislatively appropriated PHDDSH pool.

AMENDATORY SECTION (Amending WSR 99-16-070, filed 8/2/99, effective 9/2/99)

WAC 388-550-5600 ~~((Administrative appeal)) Dispute resolution process for hospital rate reimbursement.~~

The ~~((hospital appeals and))~~ dispute resolution process for hospital rate reimbursement follows the procedures as stated in WAC 388-502-0220 ~~((Administrative appeal for contractor/provider rate reimbursement)).~~

NEW SECTION

WAC 388-550-6800 Proportionate share payments for inpatient hospital services. (1) Each state fiscal year, per legislative direction and established prospective payment methods, the department creates a proportionate share pool that provides supplemental payments for inpatient hospital services to a hospital provider of Title XIX Medicaid services that is classified as either a:

(a) State-owned hospital; or

(b) Nonstate government-owned hospital.

(2) Prior to payment, proportionate share payments for inpatient hospital services are subject to:

(a) Federal approval for federal matching funds;

(b) A department analysis of the Medicare upper limit; and

(c) The federal Medicare upper payment limit for hospital payment.

(3) The medical assistance administration (MAA) determines each payment year's total proportionate share payment for inpatient hospital services by:

(a) Using the charge and payment data from MAA's Medicaid Management Information System (MMIS) for inpatient hospital services for the base years; and

(b) Calculating the cumulative difference between covered Title XIX inpatient charges, Title XIX payments, and third party liability payments for all eligible hospitals during the most recent federal fiscal year.

(4) Proportionate share payments for inpatient hospital services:

(a) Are determined and paid periodically to participating eligible hospitals during each federal fiscal year; and

(b) Must be used to improve health care services to low income patients.

NEW SECTION

WAC 388-550-6900 Proportionate share payments for outpatient hospital services. (1) Each state fiscal year, per legislative direction and established prospective payment methods, the department creates a proportionate share pool that provides supplemental payments for outpatient hospital

services to a hospital provider of Title XIX Medicaid services that is classified as either a:

- (a) State-owned hospital; or
 - (b) Nonstate government-owned hospital.
- (2) Prior to payment, proportionate share payments for outpatient hospital services are subject to:
- (a) Federal approval for federal matching funds;
 - (b) A department analysis of the Medicare upper limit; and
 - (c) The federal Medicare upper payment limit for hospital payment.
- (3) The medical assistance administration (MAA) determines each payment year's total proportionate share payment for outpatient hospital services by:
- (a) Using the charge and payment data from MAA's Medicaid Management Information System (MMIS) for outpatient hospital services for the base years; and
 - (b) Calculating the cumulative difference between covered Title XIX outpatient charges, Title XIX payments, and third party liability payments for all eligible hospitals during the most recent federal fiscal year.
 - (4) Proportionate share payments for outpatient hospital services:
 - (a) Are determined and paid periodically to participating eligible hospitals during each federal fiscal year; and
 - (b) Must be used to improve health care services to low income patients.

WSR 03-13-056
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed June 13, 2003, 10:23 a.m.]

Date of Adoption: June 12, 2003.

Purpose: To establish regulations for the administration of student residency status in higher education.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-18-040; and amending WAC 250-18-015, 250-18-020, 250-18-025, 250-18-030, and 250-18-035.

Statutory Authority for Adoption: RCW 28B.15.015.

Adopted under notice filed as WSR 03-09-145 on April 23, 2003.

Changes Other than Editing from Proposed to Adopted Version: Delete proposed new section WAC 250-18-070 Prospective application of amendments. Add phrase "or others" to proposed first sentence of WAC 250-18-035. The sentence will now read: "A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive significant financial assistance in any form directly or indirectly from his or her parents, relatives, ((€)) legal guardians, or others for the current calendar year and for the calendar year immediately prior to the year in which application is made."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 13, 2003

Nina Oman

Associate Director

Policy and Fiscal

AMENDATORY SECTION (Amending Order 10-82, Resolution No. 83-1, filed 9/8/82)

WAC 250-18-015 Definitions. (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "domicile" shall denote a person's true, fixed, and permanent home and place of habitation for other than educational purposes. It is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.

(3) The term "reside" shall mean the maintenance and occupancy of a primary residence in the state of Washington.

(4) The term "financially independent" shall be determined according to WAC 250-18-035.

(5) The term "dependent" shall mean a person who is not financially independent.

(6) The term "resident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(7) The term "nonresident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(8) The term "recovery of fees" shall apply to the amounts due to the institution or the student as a result of improper classification.

(9) The term "civil service" shall mean Washington state or federal government nonmilitary employment.

AMENDATORY SECTION (Amending WSR 98-08-004, filed 3/18/98, effective 4/18/98)

WAC 250-18-020 Student classification. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she ((shall)) must prove by evidence of a sufficient quantity and quality to satisfy the institution that he or she:

(a)(i) ((Have)) Has established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to

commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) ~~((Be))~~ Is financially independent; or

(b) ~~((Be))~~ Is a dependent student, ~~((with))~~ one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution~~((; or~~

~~((e)))~~ provided that any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who ~~((enrolls))~~ has enrolled in a public institution of higher education within six months of leaving high school, shall be considered a resident only for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

~~((d-Be))~~ (c) Is the spouse or dependent of an active duty military person stationed in the state of Washington;

~~((e-Be))~~ (d) Is a student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition program agreement under RCW 28B.15.725; or

~~((f-Be))~~ (e) Is a student domiciled for one year in one or a combination of the following states: Idaho, Montana, Oregon, or Washington, and ~~((be))~~ is a member of one of the following American Indian tribes:

- (i) Colville Confederated Tribes;
- (ii) Confederated Tribes of the Chehalis Reservation;
- (iii) Hoh Indian Tribe;
- (iv) Jamestown S'Klallam Tribe;
- (v) Kalispel Tribe of Indians;
- (vi) Lower Elwha Klallam Tribe;
- (vii) Lummi Nation;
- (viii) Makah Indian Tribe;
- (ix) Muckleshoot Indian Tribe;
- (x) Nisqually Indian Tribe;
- (xi) Nooksack Indian Tribe;
- (xii) Port Gamble S'Klallam Community;
- (xiii) Puyallup Tribe of Indians;
- (xiv) Quileute Tribe;
- (xv) Quinault Indian Nation;
- (xvi) Confederated Tribes of Salish Kootenai;
- (xvii) Sauk Suiattle Indian Nation;
- (xviii) Shoalwater Bay Indian Tribe;
- (xix) Skokomish Indian Tribe;
- (xx) Snoqualmie Tribe;
- (xxi) Spokane Tribe of Indians;
- (xxii) Squaxin Island Tribe;
- (xxiii) Stillaguamish Tribe;
- (xxiv) Suquamish Tribe of the Port Madison Reser-

vation;

(xxv) Swinomish Indian Community;

(xxvi) Tulalip Tribes;

(xxvii) Upper Skagit Indian Tribe;

(xxviii) Yakama Indian Nation;

(xxix) Coeur d'Alene Tribe;

(xxx) Confederated Tribes of Umatilla Indian Reser-

vation;

(xxxix) Confederated Tribes of Warm Springs;

(xxxix) Kootenai Tribe; and

(xxxix) Nez Perce Tribe.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she does not qualify as a resident student under the provisions of subsection (1) of this section. A nonresident student shall include a student if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit~~((; or))~~ or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"

(c) Is not a citizen of the United States of America, unless such person holds permanent or temporary resident immigration status, "refugee - parolee," or "conditional entrant" status or is not otherwise permanently residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore~~((;))~~ been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

AMENDATORY SECTION (Amending Order 2-83, Resolution No. 83-65, filed 6/17/83)

WAC 250-18-025 Classification procedure. (1) After a student has registered at any institution as a nonresident, such student's classification shall remain unchanged in the absence of ~~((satisfactory))~~ evidence of a sufficient quantity and quality to satisfy the institution to the contrary. The pro-

vision of such evidence to the contrary may be initiated by the student or the institution.

(2) Application for a change in classification shall be accepted up to the thirtieth calendar day following the first day of the instruction of the quarter or semester for which application is made. Applications made after that date in any quarter or semester shall be considered to have been filed as of the first day of the subsequent quarter or semester.

(3) Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution.

(4) Approval of an application for resident status shall be made only after satisfaction that the requirements of domicile and independency or dependency have been made in compliance with RCW 28B.15.012 and WAC 250-18-030 and 250-18-035. Reclassification from nonresident to resident status preliminarily approved sixty days or more prior to the satisfaction of a one-year durational domicile shall be supplemented with additional documented proof of domicile if deemed necessary by the institution prior to final approval.

(5) The burden of proof that a student, parent, or legally appointed guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) For any student classified as a resident or authorized to pay resident fees or exempted from the payment of the nonresident differential on a basis other than an established domicile in the state of Washington, the fee paying status of such student shall be subject to determination each term on the basis of chapter 28B.15 RCW.

AMENDATORY SECTION (Amending Order 2-83, Resolution No. 83-65, filed 6/17/83)

WAC 250-18-030 Establishment of a domicile. The domicile of any person shall be determined according to the individual's overall situation and circumstances (~~(rather than by marital status or sex. The establishment of a domicile))~~ and is not determined on the basis of a single factor; nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that (~~would reasonably~~) is of sufficient quantity and quality to negate the existence of a domicile in a state other than Washington.

A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered(=

~~(1) Registration or payment of taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is~~

~~required, for the one year immediately prior to commencement of the semester or quarter for which application is made;~~

~~(2) Valid Washington driver's license for the one year immediately prior to the commencement of the quarter or semester for which application is made;~~

~~(3) Permanent full-time employment in the state of Washington during the one year immediately prior to commencement of the semester or quarter for which application is made;~~

~~(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;~~

~~(5) Location of voter registration for the one year period immediately prior to commencement of the semester or quarter for which application is made;~~

~~(6) Purchase of primary residence, lease agreement, or monthly rental receipts for one year immediately prior to commencement of the semester or quarter for which application is made;~~

~~(7) Residence status of the student in schools attended outside the state of Washington;~~

~~(8) Location of checking account, savings account, and/or safety deposit box for one year immediately prior to commencement of the semester or quarter for which application is made.~~

Additional factors may be considered at the request of a student as supporting documentation of a one year durational domicile. Such factors may include, but are not limited to:

~~(1) Address of student listed on selective service registration;~~

~~(2) Location of membership in professional, business, civic or other organizations;)) for both the individual and his or her spouse. The weight assigned to any given factor should depend on the ease with which it might be established and the degree to which it demonstrates commitment to domicile as a matter of common sense and as part of the individual's overall circumstances.~~

(1) Location and duration of registration or payment of taxes or fees on any motor vehicle, mobile home, travel trailer, boat, or any other item or personal property owned or used by the person;

(2) State and duration of any driver's license for the previous one year;

(3) Location and duration of any continuous full-time employment of the previous one year;

(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;

(5) Location and duration of any voter registration for the previous one year;

(6) Location and duration of primary residence, evidenced by title, lease agreement, or monthly rental receipts for the previous one year;

(7) Residence status in all secondary and post-secondary schools attended outside the state of Washington;

(8) Location and duration of any checking accounts, savings accounts, and/or safety deposit boxes for the previous one year;

(9) Address listed on selective service registration;

(10) Location of membership in professional, business, civic or other organizations;

(11) Receipt of benefits under a public assistance program;

(12) State claimed as residence for obtaining eligibility to hold a public office or for judicial actions;

(13) State claimed as residence for obtaining state hunting or fishing licenses;

(14) State in which a custodial parent has a child attending public schools.

AMENDATORY SECTION (Amending Order 10-82, Resolution No. 83-1, filed 9/8/82)

WAC 250-18-035 Evidence of financial dependence or independence. A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive significant financial assistance in ~~((each or in kind of an amount equal to or greater than that which would qualify him or her to be claimed as an exemption for federal income tax purposes by any person except his or her spouse))~~ any form directly or indirectly from his or her parents, relatives, or legal guardians, or others for the current calendar year and for the calendar year immediately prior to the year in which application is made.

(1) To ~~((substantiate))~~ consider a ~~((reasonable presumption))~~ claim that a person is financially independent, the institution may require such documentation as deemed necessary, including but not limited to the following:

(a) That individual's sworn statement.

(b) A true and correct copy of the state and federal income tax return of the person for the calendar year immediately prior to the year in which application is made.

Should a person not have filed a state or federal income tax return because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income may be submitted.

(c) A true and correct copy of the person's W-2 forms filed for the previous calendar year.

(d) Other documented financial resources ~~((Such other resources)),~~ which may include but are not ~~((be))~~ limited to ~~((;))~~ the sale of personal or real property, inheritance, trust funds, state or financial assistance, gifts, loans, or statement of earnings of the spouse of a married student.

(e) A true and correct copy of the first and signature page of the state and federal tax returns of the parents, legally appointed guardians, or person or persons having legal custody of the student for the calendar year immediately prior to the year in which application is made.

The extent of the disclosure required concerning the parent's or legal guardian's state and federal tax returns shall be limited to the listing of dependents claimed and the signature of the taxpayer and shall not require disclosure of financial information contained in the returns.

(f) A student whose parents are both deceased or who has been made an official ward of the court may be required to provide documentation attesting to the fact of such circumstances.

(g) Evidence of coverage for medical, life, automobile, and property insurance.

(2) To aid institutions in determining the financial independence of a student whose parents, legally appointed guardian, or person having legal custody of the student do not provide the documentation because of total separation or other reasons from the student, documentation clearly stating the student's status and relationship with his or her parents or legal guardian from a responsible third person, e.g., family physician, lawyer, or social worker may be submitted.

(3) To be considered financially independent, a student must demonstrate by evidence satisfactory to the institution that he or she has met, through his or her income, the expenses associated with college tuition and living for the current calendar year and the calendar year immediately prior to the year in which application is made. Personal loans, PLUS loans (parent loan for undergraduate students), gifts, and cash earnings shall not be counted as income in this calculation. Financial aid grants, scholarships and loans authorized by the financial aid office in the student's name may be considered as personal income.

(4) A trust or other account available to the student shall be considered evidence of financial dependence. If the account was created before the student entered high school, there shall be a rebuttable presumption of dependence.

(5) Information submitted by the student to the institution on the Washington financial aid form may be used to affirm the authenticity of information submitted on an application.

~~((4))~~ (6) In all cases, the burden of proof that a student is financially independent lies with the student.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-18-040 Evidence of financial dependency.

WSR 03-13-073

PERMANENT RULES

HORSE RACING COMMISSION

[Filed June 13, 2003, 12:33 p.m.]

Date of Adoption: June 12, 2003.

Purpose: Repeal WAC 260-72-010 Communication systems, approval required—Closure during racing.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-72-010 Communication systems, approval required—Closure during racing.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 03-09-134 on April 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

PERMANENT

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 13, 2003

R. M. Leichner

Executive Secretary

Effective Date of Rule: Thirty-one days after filing.

June 13, 2003

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending WSR 98-01-145, filed 12/19/97, effective 1/19/98)

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with these rules;

(b) The stewards shall enforce these rules and the racing laws of this jurisdiction;

(c) The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards;

(e) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning, or at such other time as is necessary in the opinion of the ~~((commission))~~ executive secretary, of each meeting and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission.

(3) Disciplinary action:

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(b) The stewards shall have authority to charge any licensee with a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules;

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing;

(d) The stewards may at any time inspect license documents, registration papers and other documents related to racing;

(e) The stewards shall have the power to administer oaths and examine witnesses;

(f) The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation;

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-72-010 Communication systems, commission approval required—Closure during racing.

WSR 03-13-074

PERMANENT RULES

HORSE RACING COMMISSION

[Filed June 13, 2003, 12:37 p.m.]

Date of Adoption: June 12, 2003.

Purpose: Transfer the authority of setting the steward's period of authority from the commission to the executive secretary.

Citation of Existing Rules Affected by this Order: Amending WAC 260-24-510 Stewards.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 03-09-132 on April 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

PERMANENT

(g) The stewards may impose any of the following penalties on a licensee for a violation of these rules;

- (i) Issue a reprimand;
- (ii) Assess a fine;
- (iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;
- (iv) Place a licensee on probation;
- (v) Suspend a license or racing privileges;
- (vi) Revoke a license; or
- (vii) Exclude from grounds under the jurisdiction of the commission.

(h) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed \$2,500 per violation; or they may suspend and fine; or they may order that a person be ineligible for licensing. For violations covered by Chapter 260-70 Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690;

(i) A stewards' ruling shall not prevent the commission from imposing a more severe penalty;

(j) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter;

(k) Purses, prizes, awards and trophies shall be redistributed if the stewards or commission order a change in the official order of finish;

(l) All fines imposed by the stewards shall be paid to the commission within 48 hours after the ruling is issued, unless otherwise ordered.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track from 3 hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also

have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(10) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:

(a) He or she shall be summoned to a hearing before the stewards, called for that purpose;

(b) Adequate notice of said hearing shall be given to the summoned party. The stewards' decision as to what is adequate notice shall be final;

(c) No penalty shall be imposed until such hearing;

(d) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards;

(e) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in a stewards ruling to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.

(11) Nothing in this rule shall prohibit the stewards from taking necessary action to prevent or avoid the immediate danger to the public health, safety or welfare or the integrity of racing.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 03-13-079
PERMANENT RULES
STATE BOARD OF EDUCATION

{Filed June 16, 2003, 10:05 a.m.}

Date of Adoption: January 10 {February 4}, 2003.

Purpose: Adopt necessary language to be in compliance with state statute.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-38-065; and amending WAC 180-38-080.

Statutory Authority for Adoption: RCW 28A.210.160.

Adopted under notice filed as WSR 02-24-020 on January 10, 2003 [November 26, 2002].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

June 11, 2003

Larry Davis

Executive Director

NEW SECTION

WAC 180-38-080 Prehearing and hearing process.

(1) If a request for hearing is received by the school district, it shall schedule a hearing. The hearing must be scheduled within three school days of receiving the request. The hearing may be continued to a later date if the parent requests a longer period.

(2) The school district shall establish a hearing process consistent with the procedures set forth for disciplinary cases under chapter 180-40 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-38-065

Exclusion of students for failure to comply.

WSR 03-13-080
PERMANENT RULES
LAKE WASHINGTON
TECHNICAL COLLEGE

{Filed June 16, 2003, 11:40 a.m.}

Date of Adoption: June 11, 2003.

Purpose: Amend campus refund policy, simplifying it. Remove implementing procedures from the policy; they will reside separately in campus procedures.

Citation of Existing Rules Affected by this Order: Amending WAC 495D-135-040.

Statutory Authority for Adoption: RCW 28B.15.605 and 28B.50.140.

Adopted under notice filed as WSR 03-10-063 on May 6, 2003, at 8:29 a.m.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 12, 2003

L. Michael Metke, Ed.D

President

AMENDATORY SECTION (Amending WSR 00-03-030, filed 1/12/00, effective 2/12/00)

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. (~~Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:~~

~~(1) A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session.~~

PERMANENT

~~(2) A full refund will be made when courses or programs are cancelled by the college.~~

~~(3) Upon withdrawal or termination from a state supported course on or after the first day of instruction and prior to the sixth day of instruction of the regular quarter or registration period for which the tuition and fees have been paid or are due, an eighty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.~~

~~(4) Upon withdrawal or termination from a state supported course after the fifth day of instruction and up to the twentieth calendar day of the regular quarter or registration period for which the tuition and fees have been paid or are due, a fifty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.~~

~~(5) Refunds for withdrawals or terminations from state supported courses that start after the regular quarter begins, or from state supported short courses, shall be made in proportion to the amounts prescribed in subsections (3) and (4) of this section. However, the college will use the start date of the student's longest course or registration period during the regular quarter when calculating refunds upon the student's withdrawal from all courses. Refunds will be made prior to the second scheduled class meeting for self-supported courses, except that refunds will be made only prior to a single session self-supported course.~~

~~(6) Refund requests must be made in person or in writing. Refund requests may not be made by telephone.~~

~~(7) Refund processing procedures shall be established by the president.~~

~~(8) Exceptions may be made at the president's discretion for students who withdraw for bona fide medical reasons or when called into the military service.~~

~~(9) The college may charge a registration or transfer fee set by the president for registration or transfer processing.~~

~~(10) Refunds of less than five dollars will not be made.~~

~~(11) Students who have paid fees for equipment or material which have a return/refund value must obtain written verification and approval on an appropriate form from the instructor or staff person who is responsible for the return/refund.~~

~~(12) Fees which are nonrefundable and not subject to this policy will be set by the president and identified as such in the quarterly course schedule and/or course announcement.)) It shall be the policy of Lake Washington Technical College that students shall receive refunds of tuition and fees in a fair and equitable manner in accordance with policy expressed in state law. Further, all applicable federal laws and regulations will be observed and implemented when doing so is necessary to maintain eligibility for federal funding of programs, as allowed by state law.~~

WSR 03-13-091

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 16, 2003, 4:31 p.m.]

Date of Adoption: June 16, 2003.

Purpose: Amends and clarifies PACE (program for the all-inclusive care of elderly) requirements. Makes PACE program requirements consistent with federal PACE regulations (42 C.F.R. Part 460) and updates WAC references. Adds Medicaid covered mental health and substance abuse treatment services to the PACE service package.

Reasons Supporting Proposal: Adds clarity to rules and makes PACE program requirements consistent with federal PACE regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0800, 388-71-0805, 388-71-0810, 388-71-0815, 388-71-0820, 388-71-0825, 388-71-0835, 388-71-0840, and 388-71-0845.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, 74.09.520.

Adopted under notice filed as WSR 03-09-091 on April 18, 2003.

Changes Other than Editing from Proposed to Adopted Version: Technical changes were made to make the language more clear. These changes were made in WAC 388-71-0805 and 388-71-0845. In WAC 388-71-0805 the term changed "hospice care," to "End of life care." WAC 388-71-0845 was changed to add fair hearings to the list of rights. A cross-reference was also added to WAC 388-71-0820 to include the new CARE (comprehensive assessment reporting evaluation) tool information.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 9, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 13, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PERMANENT

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0800 What is PACE? (1) PACE, which stands for the program of all-inclusive care for the elderly, is a managed care program that provides:

(a) ~~All Medicaid and Medicare services in a comprehensive((s)) and coordinated ((acute medical and long-term care services)) manner~~ for a frail elderly population; and

(b) A home and community-based alternative to nursing facility care.

(2) PACE is ~~((a Medicare/Medicaid program,))~~ authorized under ~~((section))~~ sections 1934 and 1894 of the Social Security Act and is administered by the department. The laws allow the department to expand home and community-based care options for the frail elderly population.

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0805 What services does PACE cover? Under their contract with the department, the PACE provider develops ~~((a care))~~ an individualized plan of care, as defined in 42 CFR 460.106, that integrates necessary long-term care ~~((and acute)),~~ medical services, mental health services, and alcohol and substance abuse treatment services.

(1) The care plan includes, but is not limited to any of the following long-term care services:

(a) ~~((Case management, to access and monitor services))~~
Care coordination;

(b) Home and community-based services:

(i) Personal (in-home) care;

(ii) Residential care ~~((e.g., boarding home, adult family home))~~).

(c) And, if necessary, nursing facility care.

(2) The care plan may also include, but is not limited to the following medical services:

(a) ~~((Routine))~~ Primary medical care;

(b) Vision care;

(c) ~~((Hospice))~~ End of life care;

(d) Restorative therapies, including speech, occupational, and physical therapy;

(e) Oxygen therapy;

(f) Audiology (including hearing aids);

(g) Transportation;

(h) Podiatry;

(i) Durable medical equipment (e.g., wheelchair);

(j) Dental care;

(k) Pharmaceutical products;

(l) ~~((Shots))~~ Immunizations and vaccinations;

(m) Emergency room visits and inpatient hospital stays.

(3) The care plan may also include any other services determined necessary by the interdisciplinary team to improve and maintain the client's overall health status.

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0810 Who provides these services? (1) A PACE ~~((multidisciplinary))~~ interdisciplinary team, with

the help of the client, family, and ~~((caseworker))~~ department case manager, develops and delivers necessary long-term care ~~((and acute)),~~ medical services ~~((Members of the team may include)),~~ mental health services, and alcohol and substance abuse treatment services. The PACE interdisciplinary team is composed of at least the following members:

(a) Primary care ~~((physicians and nurses))~~ physician;

(b) Registered nurse;

(c) Social worker;

(d) Physical therapist((s));

~~((e))~~ Home care workers;

~~(d)~~ Social workers;

~~(e)~~ Transportation coordinators))

(e) Occupational therapist;

(f) Recreation therapist or activity coordinator;

(g) Dietitian;

(h) PACE center manager;

(i) Home care coordinator;

(j) Personal care attendant;

(k) Van driver or his or her representative.

(2) As needed, the PACE provider may subcontract with other qualified professionals to provide services.

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0815 Where are these services provided? In general, most of the covered services are offered at the PACE ~~((site, which is a licensed adult day health))~~ center. The PACE team may also provide care in homes, hospitals, ~~((and))~~ nursing facilities, and community-based residential settings including adult family homes, assisted living facilities, and boarding homes.

AMENDATORY SECTION (Amending WSR 02-15-138, filed 7/22/02, effective 8/22/02)

WAC 388-71-0820 How do I qualify for Medicaid-funded PACE services? To qualify for Medicaid-funded PACE services, you must apply for an assessment by contacting your local Home and Community Services office. A case ~~((worker))~~ manager will assess and determine whether you:

(1) Are age:

(a) Fifty-five or older, and blind or disabled as defined in WAC ~~((388-15-202, Long-term care services—Definitions))~~ 388-511-1105, SSI-related eligibility requirements; or

(b) Sixty-five or older.

(2) Need nursing facility level of care as defined in WAC 388-71-0435(4) or 388-72A-0055, titled Am I eligible for COPES-funded services? Note: If you are already enrolled, but no longer need nursing facility care, you ~~((might))~~ may still be eligible for PACE services if the case manager reasonably expects you to need nursing facility care within the next six months in the absence of continued PACE coverage;

(3) Live within the designated service area of the PACE provider ~~((currently the central Seattle area));~~ and

(4) Meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC

~~((388-513-1315, Eligibility determination—Institutional))
388-515-1505.~~

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0825 What are my appeal rights? If the department determines you are ineligible, but you disagree, you may appeal the department's decision. For more information on your appeal rights, refer to chapter ~~((388-08))~~ 388-02 WAC, ((Practice and procedures—Fair hearing)) DSHS hearing rules and 42 CFR 460.124, Additional appeal rights under Medicare or Medicaid.

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0835 How do I enroll into the PACE program? Once you qualify for PACE, enrollment into the program is voluntary. However, before you can ~~((join))~~ participate, you must:

(1) Contact your local PACE provider or local home and community services office.

(2) Not be enrolled in any other medical coverage plan that purchases services on a prepaid basis (e.g., ~~((HMO))~~ prepaid health plan); and

~~((2))~~ (3) Agree to receive services exclusively ((from)) through the PACE provider and the PACE provider's network of contracted providers.

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0840 How do I disenroll from the PACE program? (1) You may ~~((voluntarily))~~ choose to voluntarily disenroll from the PACE program without cause at any time. To do so, you must give the PACE provider written notice. If you give notice:

(a) Before the fifteenth of the month, disenrollment is effective at the end of the month.

(b) After the fifteenth, disenrollment is not effective until the end of the following month.

(2) You may also be involuntarily disenrolled from the program by the PACE provider ((may also end services)), if you:

(a) Move out of the designated service area or are out of the service area for more than thirty consecutive days, unless the PACE provider agrees to a longer absence due to extenuating circumstances;

(b) ~~((Exhibit violent or abusive behavior or fail to cooperate with the provider to the point where the provider cannot effectively or safely provide services))~~ Engage in disruptive or threatening behavior such that the behavior jeopardizes your health or safety, or the safety of others;

(c) ~~((Refuse services and/or do not participate in your agreed-upon care plan))~~ Fail to comply with your plan of care or the terms of the PACE enrollment agreement;

(d) Fail to pay or make arrangements to pay your part of the costs after the thirty-day grace period;

(e) Become financially ineligible for Medicaid services, unless you choose to pay privately; ~~((or))~~

(f) Are enrolled with a provider that loses its license and/or contract; or

(g) No longer meet the nursing facility level of care requirement as defined in WAC 388-71-0435(4) and are not deemed PACE eligible.

(3) For any of the above reasons, the PACE provider must give you written notice, explaining that they are terminating benefits. If the provider gives you notice:

(a) Before the fifteenth of the month, then you may be disenrolled at the end of the month.

(b) After the fifteenth, then you may be disenrolled at the end of the following month.

(4) Before the PACE provider can involuntarily disenroll you from the PACE program, the department must review and approve all proposed involuntary disenrollments.

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0845 What are my rights as a PACE ~~((participant))~~ client? You have a right to:

(1) Receive any information regarding your care under PACE;

(2) Participate in creating or changing your treatment plan;

(3) Receive confidential treatment;

(4) Disenroll at any time; ~~((and))~~

(5) ~~((Voice))~~ Express grievances when a disagreement exists~~((-))~~; and

(6) A fair hearing as described in Chapter 388-02 WAC.

For information on resolving a disagreement, refer to your contract with the PACE provider.

WSR 03-13-093

PERMANENT RULES

SECRETARY OF STATE

[Filed June 16, 2003, 4:39 p.m.]

Date of Adoption: June 16, 2003.

Purpose: Establish a uniform procedure for registering voters with nontraditional addresses and updating special absentee ballot and preliminary abstract of votes provisions.

Citation of Existing Rules Affected by this Order: Amending WAC 434-262-010, 434-262-020, and 434-240-010.

Statutory Authority for Adoption: RCW 29.04.080.

Adopted under notice filed as WSR 03-10-055 on May 21, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 16, 2004 [2003]

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-208-100 Registering to vote—Nontraditional address. No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because of a nontraditional physical address being used as a residence address. Nontraditional addresses may include shelters, parks or other identifiable locations which the voter deems to be his/her residence. Voters using such an address will be registered and precincted based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall or other public building near the area that the voter considers his/her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status provided the voter designates a valid mailing address.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-010 Definitions. As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) ~~("Preliminary abstract of votes" is that report prepared by the county auditor which lists registered voters, votes cast, and all vote totals by precinct, or by combination of precincts if applicable, but it shall not include any absentee ballot totals or any subtotals or county-wide totals.~~

(4)) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and which includes absen-

tee ballot totals, legislative district subtotals, if any, and county-wide totals. Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

~~((5) "Verification of the auditor's abstract of votes" is that process whereby the county canvassing board determines that all of the individual precinct and absentee ballot totals, as shown on the auditor's abstract of votes, have been correctly listed and that the various subtotals are an accurate reflection of the sum of those individual precinct and absentee ballot totals.~~

(6)) (4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29.62.040, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

((7)) (5) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an official county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

AMENDATORY SECTION (Amending WSR 02-07-028, filed 3/12/02, effective 4/12/02)

WAC 434-262-020 Preliminary abstract of votes. Following the election and prior to the official canvass, the county auditor shall prepare ~~((an))~~ a preliminary abstract of votes, listing the number of registered voters and votes cast, The preliminary abstract of votes must also list separately for votes cast by absentee ballot and those cast at the polls, votes cast for and against measures, votes cast for candidates, overvotes and undervotes, by precinct or groups of precincts in the event that precincts have been combined in accordance with RCW 29.04.055, for canvassing purposes. The county auditor shall inspect the ~~((report))~~ preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

AMENDATORY SECTION (Amending WSR 02-20-037, filed 9/24/02, effective 10/25/02)

WAC 434-240-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

- (c) Is a citizen of the United States;
- (d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;
- (e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;
- (2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;
- (3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(6) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

(7) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a health care facility on the day of a primary or election;

~~(8) ("Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;~~

~~(9))~~ "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

~~((10))~~ (9) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared

or processed by the county auditor or persons authorized by the county canvassing board;

~~((11))~~ (10) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

~~((12))~~ (11) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC 434-253-043.

~~((13))~~ (12) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

~~((14))~~ (13) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

WSR 03-13-098
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed June 17, 2003, 10:30 a.m.]

Date of Adoption: June 11, 2003.

Purpose: WAC 139-10-215, making this change will bring the corrections standard, for breaks in service, in line with the standard for the Basic Law Enforcement Academy. The current corrections statute does not address this issue. The current status equates to receiving lifetime certification upon completion of a basic correction academy. Requiring employees to update their status after a break in employment of two or more years will keep officers up to date on changes in law and best practices in a quickly changing and challenging field reducing liability for the commission and its stakeholders.

Corrections officers may achieve update training requirement status by: (a) Attending the Corrections Officers Academy, (b) attending the equivalency, or (c) being granted a waiver by the commission.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 03-09-010 on April 4, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

PERMANENT

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 16, 2003

Sharon M. Tolton

Deputy Director

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-10-215 Basic corrections academy equivalency certification. (1) A certificate of equivalent basic corrections training shall be issued only to corrections employees who successfully complete the equivalency process as required by the Washington state criminal justice training commission and shall be recognized in the same manner as the certificate of completion of a basic corrections academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time custody and case management employees of publicly funded corrections agencies within this state who have either:

(a) Obtained certification through successful completion of an accepted basic corrections training program in this or another state.

(b) Previously held certification in this state and incurred a break or interruption of corrections employment in excess of twenty-four months.

The determination of program acceptability shall be the responsibility of the commission's executive director or his/her designee and shall be based upon a description and/or curriculum specifying subject areas and hourly allocation thereto.

(3) The decision to request an employee's participation within the equivalency process shall be discretionary with the chief executive officer of the employing agency. Such request shall be made to the commission in the approved form, signed by the chief executive officer of the requesting agency and shall include:

(a) Documented certification of successful completion of a basic corrections training program accepted by the training commission for the purposes of equivalency participation pursuant to the provisions of section (2) above;

(b) Written curriculum detailing specific areas of training and hours of training in specific areas;

(c) Copies of current and valid basic cardiopulmonary resuscitation (CPR) card and current and valid basic or advanced first-aid card(s) taken within the past year;

(d) Statement of applicant's health and physical condition from a licensed physician giving clearance for participation in physical training and defensive tactics coursework.

(4) Following receipt and acceptance of the above by the training commission, the applicant may participate in the equivalency process which shall include written examinations of specific core material classes, practical testing in basic skill areas, and full participation in mock scenes.

(5) Upon completion of the examination process outlined in section (4) and evaluation of the applicant's performance, the training commission shall:

(a) Issue a certificate of equivalent basic training;

(b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require;

(c) Require completion of the appropriate basic corrections academy program.

(6) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the training commission if it is determined that sufficient justification exists for such action. Any action or determination by commission staff regarding a requestor or applicant for equivalency certification may, upon written request of the involved individual or agency, be appealed to the training commission executive director, or designee.

WSR 03-13-113

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 17, 2003, 4:30 p.m., effective August 1, 2003]

Date of Adoption: June 13, 2003.

Purpose: To amend WAC 388-561-0100 Trusts, to make the following changes and clarifications:

- Federal law allows transferring assets into a sole benefit trust for a spouse, blind or disabled child, or disabled individual without applying a penalty period. Although there is no penalty applied for transferring an asset to a spouse, sole benefit trusts established for a spouse not applying for long-term care benefits will be treated as resources available to the institutionalized spouse in determining Medicaid eligibility.
- Amending the WAC for special needs and pooled trusts to required the state to be repaid if the trust is terminated for any reason before the client dies.
- Clarifying that pooled trusts must be irrevocable, and established solely for the benefit of the disabled individual by:
 - The individual
 - The individual's spouse, where the spouse is acting in the place of or on behalf of the individual
 - The individual's parent, grandparent, legal guardian
 - A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse, or
 - A person, including a court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.
- Clarifying that special needs trusts established before the individual turns sixty-five continue to be considered an unavailable resource even after the individual turns sixty-five, but additional transfers made to the trust after the individual reaches age sixty-five would be considered available resources and would be subject to a transfer penalty.
- Clarifying that the department can apply a transfer penalty period to pooled trusts if the trust is established for a disabled individual age sixty-five or older.

- Clarifying that payments made from trusts to the client will be considered unearned income.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-561-0100.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Adopted under notice filed as WSR 03-09-117 on April 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-561-0100, substituted "August 1" for "July 1" in subsections (5) and (7); added the words, "or the client's spouse" at the end of (5)(a)(i); and added the words, "Except for trusts described in subsection (6)," to the beginning of the second sentence in subsection (10).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: August 1, 2003.

June 13, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-06-043, filed 3/5/01, effective 5/1/01)

WAC 388-561-0100 Trusts. (1) The department determines how trusts affect eligibility for medical programs.

(2) The department disregards trusts established, on or before April 6, 1986, for the sole benefit of a client who lives in an intermediate care facility for the mentally retarded (ICMR).

(3) For trusts established on or before August 10, 1993 the department counts the following:

(a) If the trust was established by the client, client's spouse, or the legal guardian, the maximum amount of money (payments) allowed to be distributed under the terms of the trust is considered available income to the client if all of the following conditions apply:

(i) The client could be the beneficiary of all or part of the payments from the trust;

(ii) The distribution of payments is determined by one or more of the trustees; and

(iii) The trustees are allowed discretion in distributing payments to the client.

(b) If an irrevocable trust doesn't meet the conditions under subsection (3)(a) then it is considered either:

(i) An **unavailable** resource, if the client established the trust for a beneficiary other than the client or the client's spouse; or

(ii) An **available** resource in the amount of the trust's assets that:

(A) The client could access; or

(B) The trustee distributes as actual payments to the client and the department applies the transfer of assets rules of WAC ~~388-513-1364~~ or 388-513-1365.

(c) If a revocable trust doesn't meet the description under subsection (3)(a):

(i) The full amount of the trust is an available resource of the client if the trust was established by:

(A) The client;

(B) The client's spouse, and the client lived with the spouse; or

(C) A person other than the client or the client's spouse only to the extent the client had access to the assets of the trust.

(ii) Only the amount of money actually paid to the client from the trust is an available resource when the trust was established by:

(A) The client's spouse, and the client did not live with the spouse; or

(B) A person other than the client or the client's spouse; and

(C) Payments were distributed by a trustee of the trust.

(iii) The department considers the funds a resource, not income.

(4) For trusts established on or after August 11, 1993:

(a) The department considers a trust as if it were established by the client when:

(i) The assets of the trust, as defined under WAC 388-470-0005, are at least partially from the client;

(ii) The trust is not established by will; and

(iii) The trust was established by:

(A) The client or the client's spouse;

(B) A person, including a court or administrative body, with legal authority to act in place of, or on behalf of, the client or the client's spouse; or

(C) A person, including a court or administrative body, acting at the direction of or upon the request of the client or the client's spouse.

(b) Only the assets contributed to the trust by the client are available to the client when part of the trust assets were contributed by any other person.

(c) The department does not consider:

(i) The purpose for establishing a trust;

(ii) Whether the trustees have, or exercise, any discretion under the terms of the trust;

(iii) Restrictions on when or whether distributions may be made from the trust; or

(iv) Restrictions on the use of distributions from the trust.

(d) For a revocable trust established as described under subsection (4)(a) of this section:

(i) The full amount of the trust is an available resource of the client;

(ii) Payments from the trust to or for the benefit of the client are income of the client; and

(iii) Any payments from the trust, other than payments described under subsection (4)(d)(ii), are considered a transfer of client assets.

(e) For an irrevocable trust established as described under subsection (4)(a) of this section:

(i) Any part of the trust from which payment can be made to or for the benefit of the client is an available resource. When payment is made from such irrevocable trusts, we will consider the payments as:

(A) Income to the client when payment is to or for the client's benefit; or

(B) The transfer of an asset when payment is made to any person for any purpose other than the client's benefit;

(ii) A trust from which a payment cannot be made to or for the client's benefit is a transfer of assets. For such a trust, the transfer of assets is effective the date:

(A) The trust is established; or

(B) The client is prevented from receiving benefit, if this is after the trust is established.

(iii) The value of the trust includes any payments made from the trust after the effective date of the transfer.

(5) For trusts established on or after August 1, 2003:

(a) The department considers a trust as if it were established by the client when:

(i) The assets of the trust, as defined under WAC 388-470-0005, are at least partially from the client or the client's spouse;

(ii) The trust is not established by will; and

(iii) The trust was established by:

(A) The client or the client's spouse;

(B) A person, including a court or administrative body, with legal authority to act in place of, or on behalf of, the client or the client's spouse; or

(C) A person, including a court or administrative body, acting at the direction of or upon the request of the client or the client's spouse.

(b) Only the assets contributed other than by will to the trust by either the client or the client's spouse are available to the client or the client's spouse when part of the trust assets were contributed by persons other than the client or the client's spouse.

(c) The department does not consider:

(i) The purpose for establishing a trust;

(ii) Whether the trustees have, or exercise, any discretion under the terms of the trust;

(iii) Restrictions on when or whether distributions may be made from the trust; or

(iv) Restrictions on the use of the distributions from the trust.

(d) For a revocable trust established as described under subsection (5)(a) of this section:

(i) The full amount of the trust is an available resource of the client;

(ii) Payments from the trust to or for the benefit of the client are income of the client; and

(iii) Any payments from the trust, other than payments described under subsection (5)(d)(ii), are considered a transfer of client assets.

(e) For an irrevocable trust established as described under subsection (5)(a) of this section:

(i) Any part of the trust from which payment can be made to or for the benefit of the client or the client's spouse is an available resource. When payment is made from such irrevocable trusts, the department will consider the payment as:

(A) Income to the client or the client's spouse when payment is to or for the benefit of either the client or the client's spouse; or

(B) The transfer of an asset when payment is made to any person for any purpose other than the benefit of the client or the client's spouse;

(ii) A trust from which a payment cannot be made to or for the benefit of the client or client's spouse is a transfer of assets. For such a trust, the transfer of assets is effective the date:

(A) The trust is established; or

(B) The client or client's spouse is prevented from receiving benefit, if this is after the trust is established.

(iii) The value of the trust includes any payments made from the trust after the effective date of the transfer.

(6) Trusts established on or after August 11, 1993 are not considered available resources if they contain the assets of either:

(a) A person sixty-four years of age or younger who is disabled as defined by SSI criteria (as described in WAC 388-503-0510) and the trust:

(i) Is established for the sole benefit of this person by their parent, grandparent, legal guardian, or a court; and

(ii) Stipulates that the state will receive all amounts remaining in the trust upon the death of the client, up to the amount of Medicaid spent on the client's behalf; or

(b) A person regardless of age, who is disabled as defined by SSI criteria (as described in WAC 388-503-0510), and the trust ((is managed by a nonprofit association which)) meets the following criteria:

(i) (Maintains separate accounts for each trust beneficiary; and

(ii) May pool such separate accounts only for investment and fund management purposes; and

(iii) Stipulates that either:)) It is irrevocable;

(ii) It is established and managed by a nonprofit association;

(iii) A separate account is maintained for each beneficiary of the trust but for purposes of investment and management of funds the trust pools the funds in these accounts;

(iv) Accounts in the trust are established solely for the benefit of the disabled individual as defined by the SSI program;

(v) Accounts in the trust are established by:

(A) The individual;

(B) The individual's spouse, where the spouse is acting in the place of or on behalf of the individual;

(C) The individual's parent, grandparent, legal guardian;

(D) A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or

(E) A person, including a court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(vi) It stipulates that either:

(A) The state will receive all amounts remaining in the client's separate account upon the death of the client, up to the amount of Medicaid spent on the client's behalf; or

(B) The funds will remain in the trust to benefit other disabled beneficiaries of the trust.

~~(((6) The department considers payments made from trusts in subsection (5) to be unearned income.))~~

(7) Trusts established on or after August 1, 2003 are not considered available resources if they contain the assets of either:

(a) A person sixty-four years of age or younger who is disabled as defined by SSI criteria (as described in WAC 388-503-0510) and the trust:

(i) Is irrevocable;

(ii) Is established for the sole benefit of this person by their parent, grandparent, legal guardian, or a court; and

(iii) Stipulates that the state will receive all amounts remaining in the trust upon the death of the client, the end of the disability, or the termination of the trust, whichever comes first, up to the amount of Medicaid spent on the client's behalf; or

(b) A person regardless of age, who is disabled as defined by SSI criteria (as described in WAC 388-503-0510), and the trust meets the following criteria:

(i) It is irrevocable;

(ii) It is established and managed by a nonprofit association;

(iii) A separate account is maintained for each beneficiary of the trust but for purposes of investment and management of funds the trust pools the funds in these accounts;

(iv) Accounts in the trust are established solely for the benefit of the disabled individual as defined by the SSI program;

(v) Accounts in the trust are established by:

(A) The individual;

(B) The individual's spouse, where the spouse is acting in the place of or on behalf of the individual;

(C) The individual's parent, grandparent, legal guardian;

(D) A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or

(E) A person, including a court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(vi) It stipulates that either:

(A) The state will receive all amounts remaining in the client's separate account upon the death of the client, the end of the disability, or the termination of the trust, whichever comes first, up to the amount of Medicaid spent on the client's behalf; or

(B) The funds will remain in the trust to benefit other disabled beneficiaries of the trust.

(8) Trusts described in subsection (6)(a) and (7)(a) continue to be considered an unavailable resource even after the individual becomes age sixty-five. However, additional transfers made to the trust after the individual reaches age

sixty-five would be considered an available resource and would be subject to a transfer penalty.

(9) The department does not apply a penalty period to transfers into a trust described in subsections (6)(b) and (7)(b) if the trust is established for the benefit of a disabled individual under age sixty-five as described in WAC 388-513-1364 and the transfer is made to the trust before the individual reaches age sixty-five.

(10) The department considers any payment from a trust to the client to be unearned income. Except for trusts described in subsection (6), the department considers any payment to or for the benefit of either the client or client's spouse as described in subsections (4)(e) and (5)(e) to be unearned income.

(11) The department will only count income received by the client from trusts and not the principal, if:

(a) The beneficiary has no control over the trust; and

(b) It was established with funds of someone other than the client, spouse or legally responsible person.

~~(((8)))~~ (12) This section does not apply when a client establishes that undue hardship exists.

~~(((9)))~~ (13) WAC 388-513-1364, 388-513-1365 (applies), and 388-513-1366 apply under this section when the department determines that a trust or a portion of a trust is a transfer of assets.

WSR 03-13-122

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 18, 2003, 10:06 a.m.]

Date of Adoption: June 18, 2003.

Purpose: To ensure that the cost of the X-ray program within environmental health (registration and inspection of all 5,500 X-ray facilities in Washington) is covered so that the public is protected from excessive radiation exposure.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-254-053.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: RCW 43.70.110.

Adopted under notice filed as WSR 03-08-034 on March 27, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 02-07-085, filed 3/19/02, effective 4/19/02)

WAC 246-254-053 Radiation machine facility registration fees. (1) Radiation machine facility fees apply to each person or facility owning, leasing and using radiation-producing machines.

FEE TYPE	FEE
(a) Annual Base Registration Fee	(((\$48)) <u>\$49</u>
(b) Late registration or re-registration	(((\$48)) <u>\$49</u>
(c) Tube Fees	See Table 1

Group	First Tube	Each Additional Tube
(i) Group A: Dental, Podiatric, Veterinary uses	(((\$49)) <u>\$50</u>	(((\$25)) <u>\$25.50</u>
(ii) Group B: Hospital, Medical, Chiropractic uses	(((\$135)) <u>\$138</u>	(((\$70)) <u>\$72</u>
(iii) Group C: Industrial, research, and other uses	(((\$75)) <u>\$77</u>	(((\$25)) <u>\$25.50</u>
(iv) Group D: Electron Microscopes, Mammographic X-ray Machines	NA	NA

(2) X-ray shielding fees.

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a (((\$90)) \$92 X-ray shielding review fee for each X-ray room plan submitted.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of (((\$48)) \$49.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of (((\$3,100)) \$3,200.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

(5) Inspection fees.

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$90.

WSR 03-13-123
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed June 18, 2003, 10:07 a.m.]

Date of Adoption: June 18, 2003.

Purpose: To revise the fee schedule for the clandestine drug lab program in order to cover inflationary increases in program costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-205-990.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: RCW 43.70.110.

Adopted under notice filed as WSR 03-08-033 on March 27, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-14-047, filed 6/29/01, effective 7/30/01)

WAC 246-205-990 Fees. (1) The department shall charge fees for issuance and renewal of certificates. The department shall set the fees by rule.

(2) The fees shall cover the cost of issuing certificates, filing papers and notices, and administering this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.

(3) Fees are nonrefundable and shall be in the form of check or money order made payable to the department.

(4) The department shall require payment of the following fees upon receipt of application:

PERMANENT

(a) Twenty-eight dollars shall be assessed for each initial, renewal, or reciprocal worker certificate application.

(b) Twenty-eight dollars shall be assessed for each initial, renewal, or reciprocal supervisor certificate application.

(c) Five hundred (~~(fifty-two)~~) seventy dollars shall be assessed for each initial, renewal, or reciprocal authorized contractor certificate application. The applicant's certificate shall expire annually on the expiration date of the contractor's license issued under the provisions of chapter 18.27 RCW.

(d) Two hundred (~~(eleven)~~) seventeen dollars shall be assessed for each initial application and (~~(fifty-one)~~) fifty-two dollars shall be assessed for each renewal application for illegal drug manufacturing or storage site decontamination training course approval.

WSR 03-13-133
PERMANENT RULES
PENINSULA COLLEGE
 [Filed June 18, 2003, 10:33 a.m.]

Date of Adoption: June 16, 2003.

Purpose: Updating Title 132A WAC.

Citation of Existing Rules Affected by this Order:
 Amending WAC 132A-116-011, 132A-150-010, and 132A-320-010.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 28B.50 RCW.

Adopted under notice filed as WSR 03-08-056 on March 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 17, 2003

Bonnie Cauffman

Director of Human Resources

AMENDATORY SECTION (Amending WSR 99-15-072, filed 7/20/99, effective 8/20/99)

WAC 132A-116-011 Parking fees. All employees (~~(on campus)~~) with assigned parking and all students will pay fees for campus parking. Fees for parking will be established by the board of trustees.

AMENDATORY SECTION (Amending WSR 99-15-072, filed 7/20/99, effective 8/20/99)

WAC 132A-150-010 Animals on campus. With the exception of trained (~~(guide dogs)~~) service animals, animals are not allowed in public areas of buildings or in areas shared by staff. Any animal on college property must be attended and on a leash at all times. Animals may not be tied up and left unattended. Animals found locked in vehicles on college property will be reported to the animal control authority. Violators are subject to institutional discipline and/or dismissal from campus.

AMENDATORY SECTION (Amending WSR 99-15-072, filed 7/20/99, effective 8/20/99)

WAC 132A-320-010 Grounds for ineligibility. Any student found to have violated chapter 69.41 or 69.50 RCW or provisions of WAC 132A-120-011 (1) through (3) or by virtue of a criminal conviction or otherwise, insofar as it prohibits the possession, use or sale, or furnishing of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

PERMANENT



WSR 03-13-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-116—Filed June 4, 2003, 2:27 p.m., effective June 6, 2003, 12:01 a.m.]

Date of Adoption: June 3, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B and 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed for closure of the lower 400 feet of Icicle River to prevent encroachment of anglers into the Wenatchee River and better protect endangered stocks. Angling would still be permitted from the hatchery rack downstream to 400 feet from the Icicle Creek mouth. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 6, 2003, 12:01 a.m.

June 3, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Icicle River (Chelan County) Notwithstanding the provisions of WAC 232-28-619, effective June 6, 2003 through July 31, 2003 it is lawful to fish for salmon in those waters from 500 feet downstream of the Leavenworth National Fish Hatchery Rack down river to a point 400 feet upstream from the mouth of the Icicle River, Daily limit two salmon greater than 12 inches in length; Night closure and non-buoyant lure restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 6, 2003:

WAC 232-28-61900B Exceptions to statewide rules—Icicle River (Chelan Co.) 03-91

The following section of the Washington Administrative Code is repealed effective one hour after sunset on July 31, 2003:

WAC 232-28-61900J Exceptions to statewide rules—Icicle River (Chelan Co.)

WSR 03-13-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-114—Filed June 4, 2003, 2:32 p.m., effective June 10, 2003, 8:00 a.m.]

Date of Adoption: June 3, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to eliminate premature harvest of catchable trout dedicated to the "Fishing Kids" event in Gilchrist Pond on Saturday, June 14, 2003. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 10, 2003, 8:00 a.m.

June 3, 2003
J. P. Koenings
Director
By Larry Peck

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—Gilchrist Pond (Whitman Co.) Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. June 10 through 9:00 a.m. June 14, 2003, it is unlawful to fish in those waters of Gilchrist Pond.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:01 a.m. July 14, 2003:

WAC 232-28-61900H Exceptions to statewide rules—Gilchrist Pond (Whitman Co.)

afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals. DSHS has been waiting for CMS approval to implement this program and just recently received it. We are not expecting any opposition to this rule and many clients have been waiting for this opportunity for years.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0194, 388-71-0202, 388-71-0203, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0430, 388-71-0435, 388-71-0442, 388-71-0445, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0600, 388-71-0605, and 388-71-0610.

Statutory Authority for Adoption: SHB 1341 (chapter 269, Laws of 2001), RCW 74.09.700 and chapter 74.39 RCW, RCW 74.08.090, 74.04.050 and 74.09.575.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment is necessary to implement immediate budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. DSHS has been waiting for CMS approval to implement this program and just recently received it. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 18, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 18, Repealed 0.

WSR 03-13-007 EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 4, 2003, 3:58 p.m.]

Date of Adoption: May 29, 2003.

Purpose: To continue emergency rules filed on February 19, 2003, as WSR 03-05-098. The department has initiated permanent rule-making proceedings by filing a proposed rule-making notice on April 8, 2003, as WSR 03-09-042. These rules amend chapter 388-71 WAC (see below) and adopt new WAC 388-515-1540 to establish the medically needy residential waiver (MNRW) program.

Amending, clarifying, and reorganizing community options program entry system rules to:

- Comply with the Governor's Executive Order 97-02 and the Secretary's Order on Regulatory Improvement;
- Reflect changes in program requirements and/or options.

EHB 1341 (chapter 269, Laws of 2001) authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legislation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and specific waiver services to be provided. This change is also necessary to reflect amendments to the COPES waiver.

This amendment is necessary to implement two-year old legislation and will result in budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. This new program will allow individuals who cannot

Effective Date of Rule: Immediately.

May 29, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-14 issue of the Register.

**WSR 03-13-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-117—Filed June 4, 2003, 4:29 p.m.]

Date of Adoption: June 4, 2003.

Purpose: Amend commercial use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000U; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottomfish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 4, 2003

J. P. Koenings
Director
by Larry Peck

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 68, No. 105, published June 2, 2003. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are

NEW SECTION

WAC 220-44-05000V Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000U Coastal bottomfish catch limits. (03-48)

**WSR 03-13-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-115—Filed June 6, 2003, 10:15 a.m., effective June 28, 2003, 12:01 a.m.]

Date of Adoption: June 5, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900I; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations stipulate that only juveniles under the age of fifteen may fish in Mill Pond. In order to hold the fishing derby for licensed citizens fifty-five years and older to legally fish Mill Pond this regulation is needed. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 28, 2003, 12:01 a.m.

June 5, 2003
J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Mill Pond (King County) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. June 28, through 11:59 p.m. June 28, 2003, it is lawful for persons 55 years of age and older to fish in the waters of Mill Pond.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 29, 2003:

WAC 232-28-61900I Exceptions to statewide rules—Mill Pond (King County).

**WSR 03-13-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-119—Filed June 6, 2003, 10:18 a.m., effective June 6, 2003, 11:59 p.m.]

Date of Adoption: June 6, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000I.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable quota of salmon available for the troll fleet has been taken. These rules are adopted at the recommendation of the Pacific Fisheries Management Council. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 6, 2003, 11:59 p.m.
June 6, 2003
Evan Jacoby
for Jeff Koenings
Director

Effective Date of Rule: June 9, 2003, 6:00 a.m.
June 6, 2003
Evan Jacoby
for Jeff Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 6, 2003:

WAC 220-24-04000I All-citizen commercial salmon troll. (03-73)

**WSR 03-13-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-118—Filed June 6, 2003, 11:05 a.m., effective June 9, 2003, 6:00 a.m.]

Date of Adoption: June 6, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05700S; and amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opens Bonneville and John Day pools for a sturgeon set line season. There is room on the guidelines in both areas to allow for a season, and harvestable numbers of sturgeon are available. Conforms state rules with tribal rules. Consistent with compact action of June 5, 2003. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

NEW SECTION

WAC 220-32-05700S Columbia River sturgeon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-057, effective immediately, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

- 1) Dates: 6:00 a.m. June 9, 2003 until 6:00 p.m. August 23, 2003.
- 2) Open area is 1F and 1H.
- 3) Gear: Setlines. Sturgeon caught in the platform fishery may be sold.
- 4) During the season specified in Section 1, it is unlawful to:
 - a) retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length.
 - b) sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 77.65, or to sell or barter sturgeon eggs at retail.
 - c) deliver to a wholesale dealer licensed under chapter RCW 77.65, any sturgeon that are not in the round with the head and tail intact.
- 3) During the season specifies in Section 1, it is unlawful to use set line gear:
 - a) with more than 100 hooks per set line
 - b) with hooks less than the minimum size of 9/0
 - c) with treble hooks
 - d) without visible buoys attached and with buoys that do not specify operator and tribal identification

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. August 23, 2003:

WAC 220-32-05700S Columbia River sturgeon seasons above Bonneville Dam.

EMERGENCY

WSR 03-13-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-120—Filed June 6, 2003, 3:37 p.m.]

Date of Adoption: June 6, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-25500G; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There is sufficient quota remaining to allow a four-day fishery in Catch Record Card Areas 3 and 4. There is insufficient time to promulgate rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 6, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-25500H Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-56-255, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1 - Open immediately until further notice, unless closed earlier by emergency regulation. The daily limit in Area 1 is the first halibut over 32 inches in length brought aboard the vessel.

(2) Catch Record Card Area 2:

(a) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open immediately until further notice, unless closed earlier by emergency regulation. The daily limit is one halibut of any size.

(b) All other waters in Area 2 - Open immediately until further notice unless closed by emergency regulation. Except closed from 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday during the open period. The daily limit is one halibut of any size.

(3) Catch Record Card Areas 3 and 4 - Open June 18 through June 21, 2003, the daily limit is one halibut of any size. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48° 18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to 48°00'N, 124°59'W, thence to 48°00'N, 125°18'W, thence to the first coordinate.

(4) Catch Record Card Area 5: Open immediately through August 1, 2003 - except closed from 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period. The daily limit is one halibut of any size.

(5) Catch Record Card Areas 6-13: Open immediately through July 18, 2003 - except closed from 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period. The daily limit is one halibut of any size.

(6) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500G	Halibut—Seasons—Daily and possession limits. (03-102)
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WSR 03-13-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-121—Filed June 9, 2003, 4:10 p.m., effective June 10, 2003, 11:59 p.m.]

Date of Adoption: June 9, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-48-015.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The nontreaty share of the allowable harvest of Pacific cod is anticipated to be taken by June 11 and this regulation is needed to ensure conservation of the cod resource. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 10, 2003, 11:59 p.m.

June 9, 2003
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-48-01500R Beam trawl and bottom trawl—Seasons. Notwithstanding the provisions of WAC 220-48-015, effective 11:59 p.m. June 10, 2003, until further notice, it is unlawful to fish for and possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 23C.

WSR 03-13-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-122—Filed June 11, 2003, 9:12 a.m.]

Date of Adoption: June 11, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88C-02000C, 220-88C-03000C and 220-88C-04000A; and amending WAC 220-88C-020, 220-88C-030, and 220-88C-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Permanent rules for the conversion of the coastal pilchard fishery from a trial fishery to an experimental fishery were adopted on June 4, 2003. These

rules implement the permanent rule provisions until the permanent rules take effect on July 5, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 11, 2003
J. P. Koenings
Director

NEW SECTION

WAC 220-88C-02000C Designation of the coastal pilchard fishery. Notwithstanding the provisions of WAC 220-88C-020, the coastal pilchard fishery is designated an emerging commercial fishery for which an experimental fishery permit is required to participate therein.

NEW SECTION

WAC 220-88C-03000C Eligibility to participate in the 2003 coastal pilchard fishery. Notwithstanding the provisions of WAC 220-88C-030:

(1) For 2003 a coastal pilchard experimental fishery permit will only be issued to a person who:

(a) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous three calendar years (2000, 2001, 2002), or can demonstrate by valid Washington fish receiving tickets that pilchard were landed under the person's emerging commercial fishery license during two of the three calendar years (2000, 2001, 1002).

(b) Has purchased an emerging commercial fishery license by July 1, 2003; and

(c) As of July 1, 2003, has no outstanding observer fees owed to the department for the 2000, 2001 or 2002 coastal pilchard trial fisheries.

(2) Coastal pilchard experimental fishery permit holder may not change designation of the vessel to be operated in the fishery between July 1, 2003 and October 31, 2003, except in an emergency, and then only if allowed by the director.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 220-88C-04000A Coastal pilchard fishery—By-catch and landing restrictions. Notwithstanding the provisions of WAC 220-88C-040, effective immediately until further notice:

- (1) Incidental landing of pacific mackerel taken in the coastal pilchard fishery may not exceed forty-five percent, by weight, of a total landing.
- (2) Any salmon encircled in the purse seine must be released prior to the completion of the set, and no salmon may be landed on the fishing vessel.
- (3) Pilchard must be landed and delivered to a shoreside processing facility.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 5, 2003:

- WAC 220-88C-02000C Designation of the coastal pilchard fishery.
- WAC 220-88C-03000C Eligibility to participate in the 2003 coastal pilchard fishery.
- WAC 220-88C-04000A Coastal pilchard fishery—By-catch and landing restrictions.

**WSR 03-13-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-123—Filed June 11, 2003, 2:23 p.m., effective June 14, 2003, 9:00 p.m.]

Date of Adoption: June 11, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500F; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the southern portion of Marine Area 7, and in Marine Areas 8, 9, 10, 11, 12 and in the Port Angeles Shrimp District. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 14, 2003, 9:00 p.m.

June 11, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-32500G Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District - All waters of Port Townsend bay south and west of a line from Marrowstone Point to Point Hudson (including Kilsut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in Marine Area 10, and in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

3) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2 and 9 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) Closed Mondays through Wednesdays.

(c) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(d) All waters of the Port Townsend Shrimp District are closed except those waters south of a line from Kala Point to Walan Point.

EMERGENCY

5) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay Shrimp District except:

(a) Spot shrimp may be retained on Saturdays only.

(b) Daily limit of spot shrimp is a maximum of 80 as part of the 10 pound limit.

6) Effective 9:00 p.m. June 14, 2003, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of the Port Angeles Shrimp District except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 pm.. June 14, 2003:

WAC 220-56-32500F Shrimp—Areas and seasons (03-113)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 03-13-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-125—Filed June 11, 2003, 2:25 p.m.]

Date of Adoption: June 11, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000B; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to protect soft shell crab in all marine areas. Hard shell criteria have been met in Marine Areas 4 (east of the Bonilla-Tatoosh line, 5, 6, 8-1, 8-2, 9, 10, 11, 12 and 13) to allow harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 11, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-33000C Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

1) Effective immediately until further notice, Fridays through Mondays only, it is lawful to fish for crab for personal use in Marine Areas 8-1 and 8-2

2) Effective immediately, until further notice, it is lawful to fish for crab for personal use in Marine Areas 9, 10, 11, 12, and 13.

3) Effective 7:00 a.m. June 21, 2003, until further notice, it is lawful to fish for crab for personal use in Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, and 6.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000B Crab—Areas and seasons. (03-112)

**WSR 03-13-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-128—Filed June 13, 2003, 11:05 a.m.]

Date of Adoption: June 12, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000C; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

EMERGENCY

Reasons for this Finding: Hard shell criteria have been met in these marine areas to allow recreational crab harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 12, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000D Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

1) Effective immediately until further notice, Fridays through Mondays only, it is lawful to fish for crab for personal use in Marine Areas 8-1 and 8-2

2) Effective immediately, until further notice, it is lawful to fish for crab for personal use in Marine Areas 9, 10, 11, 12, and 13.

3) Effective 7:00 a.m. June 18, 2003, until further notice, it is lawful to fish for crab for personal use in the San Juan Islands portion of Marine Area 7 south and west of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary; and westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point.

4) Effective 7:00 a.m. June 21, 2003, until further notice, it is lawful to fish for crab for personal use in Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, and 6.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000C Crab—Areas and seasons. (03-125)

**WSR 03-13-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-126—Filed June 13, 2003, 11:08 a.m., effective June 24, 2003, 4:00 p.m.]

Date of Adoption: June 12, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000N and 220-52-04600Y; and amending WAC 220-22-400, 220-52-040, and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The limited commercial fishery in these marine fish-shellfish management and catch reporting areas are to take advantage of harvest opportunity and to maintain commercial harvest allocation plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 24, 2003, 4:00 p.m.

June 12, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-22-40000E Marine fish-shellfish management and catch reporting areas, Puget Sound Notwithstanding the provisions of WAC 220-22-400, effective 4:00

EMERGENCY

p.m. June 24, 2003 until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be defined by the following boundaries:

(1) Area 26A-W is defined as waters of Area 26A except those contiguous waters north and east of a line which extends from Possession Point to the shipwreck located 0.8 nautical miles north of Picnic Point.

(2) Area 26A-E is defined as contiguous waters of 26A north and east of a line from Possession Point to the shipwreck located 0.8 nautical miles north of Picnic Point.

NEW SECTION

WAC 220-52-04000N Commercial crab fishery—Exceptions to permanent rules for pot limits. Notwithstanding the provisions of WAC 220-52-040, effective 4:00 p.m. June 24, 2003 to 4:00 p.m. June 25, 2003 it is unlawful for any person to fish for crabs for commercial purposes with more than 25 pots per license, per buoy tag number in all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E.

NEW SECTION

WAC 220-52-04600Y Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, it will be lawful to fish for Dungeness Crab for commercial purposes from 4:00 p.m. June 24, 2003 to 4:00 p.m. June 25, 2003 in Marine Fish Shellfish Catch Areas 24A, 24B, 24C, 24D, and 26A-E.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 4:01 p.m. June 25, 2003:

WAC 220-52-04000N	Commercial crab fishery—Exceptions to permanent rules for pot limits.
WAC 220-52-04600Y	Crab fishery—Seasons and areas.

**WSR 03-13-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-127—Filed June 13, 2003, 11:10 a.m., effective June 16, 2003, 12:01 a.m.]

Date of Adoption: June 13, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900F; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A strong run of summer chinook is expected to pass Priest Rapids Dam in 2003 and fish are available for recreational harvest. This stock is stable to increasing and not listed under the Endangered Species Act. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 16, 2003, 12:01 a.m.

June 13, 2003

Evan Jacoby

for Jeff Koenings

Director

EMERGENCY

NEW SECTION

WAC 232-28-61900L Exceptions to statewide rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. June 16, 2003, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) Columbia River:

(a) Buoy 10 line to Rocky Point-Tongue Point line:

(i) Effective immediately through July 31, closed to salmon fishing.

(ii) Effective August 1 through August 15, open for salmon fishing with a daily limit of two salmon, no more than one chinook. Chinook minimum size 24 inches, coho minimum size 16 inches. Release sockeye, chum and wild coho.

(iii) Effective August 16 until further notice, open for salmon fishing with a daily limit of three salmon, no more than one chinook. Chinook minimum size 24 inches, coho minimum size 16 inches. Release sockeye, chum and wild coho.

(b) Rocky Point-Tongue Point line to I-5 Bridge:

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye, chum and wild coho.

(ii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye, chum and wild coho.

(c) I-5 Bridge to Bonneville Dam:

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye, chum and wild coho.

(ii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye, chum and wild coho.

(d) Bonneville Dam to The Dalles Dam:

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye and chum.

(ii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and chum.

(iii) Effective August 1 until further notice, all species, night closure and non-buoyant lure restriction.

(e) The Dalles Dam to McNary Dam:

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye and chum.

(ii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and chum.

McNary Dam to Highway 395 Bridge at Pasco.

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye and chum.

(ii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and chum.

(a) The Highway 395 Bridge at Pasco upstream to Priest Rapids Dam.

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye.

(2) Cowlitz River (Lewis County): Boundary markers at mouth to 400 feet or posted deadline below Barrier Dam:

(a) Effective immediately through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook.

(b) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(3) Green River (Cowlitz Co.): Mouth to 2800 Road Bridge:

(a) Effective immediately through July 31, open for salmon fishing, daily limit of six salmon, no more than two adults. Release wild chinook.

(b) Effective August 1 until further notice, open for salmon fishing, daily limit six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(4) Klickitat River (Klickitat Co.):

(a) Mouth to Fisher Hill Bridge:

(i) Effective immediately until further notice, open for salmon fishing, daily limit of six salmon, no more than two adults.

(ii) Effective August 1 until further notice, non-buoyant lure restriction.

(b) From 400' upstream from #5 fishway to boundary markers below the Klickitat Salmon Hatchery, effective immediately until further notice, open for salmon fishing, daily limit of six salmon, no more than two adults.

(5) Lewis River (Clark. Co.): Boundary markers at mouth to mouth of the East Fork:

(a) Effective immediately through July 31, open for salmon fishing, daily limit six, no more than two adults. Release wild chinook.

(b) Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(6) Lewis River, North Fork (Cowlitz Co.): Mouth to overhead power lines below Merwin Dam:

(a) Effective immediately through July 31, open for salmon fishing, daily limit of six salmon, no more than two adults. Release wild chinook.

(b) Effective immediately until further notice, open for trout fishing, daily limit two. Release wild cutthroat. Minimum size 20 inches.

(c) Effective immediately until further notice, lawful to fish from a floating device in those waters from Johnson Creek upstream to Colvin Creek.

(d) Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(e) Effective immediately until further notice, upstream of Johnson Creek, all species, night closure and non-buoyant lure restriction.

(7) Toutle River (Cowlitz Co.): Mouth to forks: Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(8) Toutle River, North Fork (Cowlitz Co.): Mouth to posted deadline below the fish collection facilities: Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(9) Washougal River (Clark County): Mouth to Salmon Falls Bridge: Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(10) Wind River (Skamania County):

(a) Mouth (boundary line markers) to 400 feet below Shipherd Falls:

(i) Effective immediately through June 30, open to fishing for salmon and steelhead.

Special daily limit of four chinook salmon or hatchery steelhead, of which no more than two may be hatchery steelhead. Salmon minimum size is 12 inches, hatchery steelhead minimum size is 20 inches.

(ii) Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than two

adults. Release all chinook from the Burlington Northern Railroad Bridge to 400 feet below Shipherd Falls.

(iii) Effective immediately through June 30, all species, night closure and non-buoyant lure restriction.

(iv) Effective August 1 until further notice, all species, non-buoyant lure restriction.

(b) From four hundred feet below Shipherd falls upstream to one hundred feet above Shipherd Falls, effective immediately until further notice, closed waters.

(c) From 100 feet above Shipherd Falls to 800 yards below Carson National Fish Hatchery:

(i) Effective immediately until further notice, from 400 feet below the coffer dam upstream to 100 feet above the coffer dam: closed waters.

(ii) Effective immediately through June 30, open to fishing for salmon and steelhead. Special daily limit of four chinook salmon or hatchery steelhead, of which no more than two may be hatchery steelhead. Salmon minimum size is 12 inches, hatchery steelhead minimum size is 20 inches.

(iii) Effective immediately through June 30, all species, night closure and non-buoyant lure restriction.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2003:

WAC 232-28-61900F Exceptions to statewide rules—2003 North of Falcon. (03-106)

**WSR 03-13-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-124—Filed June 13, 2003, 11:13 a.m.]

Date of Adoption: June 13, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900P; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is intended to keep the recreational harvest of sturgeon from The Dalles Reservoir and its tributaries within the established harvest guidelines. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 13, 2003
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Columbia River (sturgeon). Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through June 30, 2003, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam downstream to the Wauna powerlines.

(2) Effective 12:01 a.m. June 21, 2003 until further notice it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from The Dalles Dam to John Day Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900P Exceptions to statewide rules—Columbia River (sturgeon). (03-51)

**WSR 03-13-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-130—Filed June 13, 2003, 11:15 a.m., effective June 27, 2003, 12:01 a.m.]

Date of Adoption: June 13, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500H; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

EMERGENCY

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There is sufficient quota of halibut to liberalize season dates from five days a week to seven days a week and allows halibut fishing on Friday and Saturday in those waters of Marine Area 2. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 27, 2003, 12:01 a.m.

June 13, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-25500I Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-56-255, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1 - Open immediately until further notice. The daily limit in Area 1 is the first halibut over 32 inches in length brought aboard the vessel.

(2) Catch Record Card Area 2:

(a) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open immediately until further notice. The daily limit is one halibut of any size.

(b) All other waters in Area 2 - Open immediately until further notice.

(i) Effective immediately through 11:59 p.m. June 26, closed from 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday. The daily limit is one halibut of any size.

(ii) Effective 12:01 a.m. June 27, 2003 until further notice, open seven days a week. The daily limit is one halibut of any size.

(3) Catch Record Card Areas 3 and 4 - Open June 18 through June 21, 2003, the daily limit is one halibut of any size. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48°18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to 48°00'N, 124°59'W, thence to 48°00'N, 125°18'W, thence to the first coordinate.

(4) Catch Record Card Area 5: Open immediately through August 1, 2003 - except closed from 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period. The daily limit is one halibut of any size.

(5) Catch Record Card Areas 6-13: Open immediately through July 18, 2003 - except closed from 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period. The daily limit is one halibut of any size.

(6) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500H Halibut—Seasons—Daily and possession limits. (03-120)

WSR 03-13-078

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-132—Filed June 13, 2003, 4:22 p.m., effective June 16, 2003, 12:01 a.m.]

Date of Adoption: June 13, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-029 and 220-48-032.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The reason for this request is that a harvestable surplus of dogfish exists. The catch of dogfish in 2003 is below the harvest guideline. An anticipated catch sharing plan with tribal governments has not been finalized. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 16, 2003, 12:01 a.m.

June 13, 2003

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-48-02900B Set net—Dogfish—Seasons. Notwithstanding the provisions of WAC 220-48-029, it is unlawful to take, fish for and possess dogfish and other species of bottomfish taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

(a) Areas 23C, 23D, 24A, 24B, 24D, 27A, 27B, 27C and 29 - Open until further notice.

(b) Area 24C - Open until further notice, except those waters south of a line projected due east of East Point on Whidbey Island are closed until further notice.

(c) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - open until further notice.

(d) Area 26A - Open until further notice, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed until notice.

(e) Area 26B - Open until further notice, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed until further notice.

(f) Area 26C - Open until further notice, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed until further notice.

(g) Area 26D - Open until further notice, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed until further notice.

(h) Area 28A - Open until further notice, except those waters north of a line projected true east of Fox Point on Fox

Island, and east of a line projected due north from the northwest tip of Fox Island are closed until further notice.

(i) Areas 28B, 28C, and 28D - Closed until further notice, except those waters provided for in WAC 220-20-010(6) upper Carr Inlet).

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

[NEW SECTION]

WAC 220-48-03200A Set line—Seasons. Notwithstanding the provisions of WAC 220-48-032, effective 12:01 a.m. June 16, 2003 until further notice all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open to Set line fishing for dogfish, except closed waters provided for in WAC 220-48-032.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 03-13-084

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-131—Filed June 16, 2003, 12:22 p.m.]

Date of Adoption: June 16, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100S; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial shrimp quotas are available in areas opened by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 16, 2003
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100T Puget Sound shrimp pot and beam trawl fishery—Seasons. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Marine Fish-Shellfish Management and Catch and Reporting Areas 23A-S (south), 23C, 23D, and 29, are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south) and 23D.

(b) All waters of Shrimp Management Areas 1B and 1C, and Crustacean Management Regions 2, 4 and 6, and Marine Fish-Shellfish Catch and Reporting Area 25A are open to harvest of all shrimp species except spot shrimp, until further notice, except as provided below:

(i) Closed until 8:00 a.m. June 19, 2003 in waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D south of the 48°06'N latitude line and north of the 48°04'N latitude line and east of the 122°46'W longitude line.

(ii) Effective 8:00 a.m. June 19, 2003, it is unlawful to harvest shrimp for commercial purposes in all waters of Shrimp Management Area 1B.

(c) Effective 8:00 a.m. June 19, 2003, until further notice, all waters of Shrimp Management Areas 1A and 1C, and Crustacean Management Regions 2, 4 and 6, and Marine Fish-Shellfish Catch and Reporting Areas 23AE (east), 23B and 25A are open to the harvest of all shrimp species until further notice, except effective 9:00 p.m. June 22, 2003, all waters of Shrimp Management Area 2E are closed to the harvest of all shrimp species other than spot shrimp.

(d) Effective 8:00 a.m. June 19, 2003, until 11:59 p.m. June 22, 2003, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 300 pounds, or to exceed 150 pounds from Crustacean Management Regions 2, 4 and 6.

(e) Effective 12:01 a.m. June 23, 2003, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or

the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1C, 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C or 29 (or any combination of these two areas), shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(f) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(g) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(d) above.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) Shrimp Management Area 1B: Marine Fish Shellfish Catch and Reporting Area 22A open immediately, until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100S Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-105)

**WSR 03-13-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-134—Filed June 17, 2003, 4:43 p.m., effective June 17, 2003, 12:01 a.m.]

Date of Adoption: June 16, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900M; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Adult spring chinook straying from select area fishery evaluation sites are entering the Elochoman River and may enter the Grays River. These fish are not needed for broodstock and may be retained by anglers who are fishing for steelhead. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 17, 2003, 12:01 a.m.

June 16, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900M Exceptions to statewide rules—Elochoman River, West and East Fork Grays River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. June 17 through 11:59 p.m. August 31, 2003, it is lawful to fish for salmon in those waters of the Elochoman River from the highway 4 Bridge upstream to the Elochoman Hatchery Bridge. Special daily limit of six salmon, no more than two may be adults, minimum size is 12 inches. Chinook salmon with or without an adipose fin clip may be retained.

(2) Effective 12:01 a.m. June 17 through 11:59 p.m. August 31, 2003, it is lawful to fish for salmon in those waters of the Grays River West Fork from the mouth to the hatchery intake/footbridge and those waters of the Grays River East Fork. Special daily limit of six salmon, no more than two may be adults, minimum size is 12 inches. Chinook salmon with or without an adipose fin clip may be retained. Selective gear rules are in effect in those waters of the Grays River East Fork.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2003:

WAC 232-28-61900M Exceptions to Elochoman River and West and East Fork Grays River.

**WSR 03-13-107
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-133—Filed June 17, 2003, 1:55 p.m., effective June 20, 2003, 9:00 p.m.]

Date of Adoption: June 17, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500G; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-order sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the Discovery Bay and Port Angeles shrimp districts. These districts are closed to prevent harvest of spot shrimp. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 20, 2003, 9:00 p.m.

June 17, 2003
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-32500H Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District - All waters of Port Townsend bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in Marine Area 10, and in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

3) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2 and 9 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) Closed Mondays through Wednesdays.

(c) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(d) All waters of the Port Townsend Shrimp District are closed except those waters south of a line from Kala Point to Walan Point.

5) Effective 9:00 p.m. June 20, 2003, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Discovery Bay and Port Angeles Shrimp Districts.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 pm.. June 20, 2003:

WAC 220-56-32500G Shrimp—Areas and seasons (03-123)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 03-13-143
EMERGENCY RULES
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)
[Filed June 18, 2003, 11:49 a.m.]

Date of Adoption: May 28, 2003.

Purpose: Adopt emergency rules to implement chapter 258, Laws of 2003, requiring registration of nursing technicians. WAC 246-840-010 Definitions, 246-840-840 Nursing technicians, 246-840-850 Use of nomenclature, 246-840-860 Nursing technician criteria, 246-840-870 Functions of the nursing technician, 246-840-880 Functions of the registered nurse supervising the nursing technician and 246-840-890 Responsibilities of the employing facility; and repealing WAC 246-840-900 Responsibilities of the nurse administrator.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-840-900; and amending WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, 246-840-870, and 246-840-890.

Statutory Authority for Adoption: Chapter 18.79 RCW and chapter 258, Laws of 2003.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Session Law [chapter 258, Laws of 2003] requires registration of nursing technicians by emergency order.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 28, 2003

Joanna Boatman, RN
Nursing Commission Chair

EMERGENCY

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-840-010 Definitions. (1) "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

(2) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

(3) "Behavioral objectives" means the measurable outcomes of specific content.

(4) "Client" means the person who receives the services of the practical nurse or registered nurse.

(5) "Client advocate" means a supporter of client rights and choices.

(6) "Commission" means the Washington state nursing care quality assurance commission.

(7) "Competencies" means the tasks necessary to perform the standards.

(8) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(9) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

(10) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

(11) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(12) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(13) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(14) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

(15) "Good cause" as used in WAC 246-840-990 for extension of a nurse technician registration means that the nurse technician has had difficulty scheduling the examination, that the examination results did not arrive at the commission office within thirty days after the nurse technician's date of graduation or that the nurse technician can show that there was a family crisis which caused him or her to delay sitting for the examination.

(16) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

((16)) (17) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

((17)) (18) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and

who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

~~((18) The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.))~~

(19) ~~((("Nursing student" is a person currently enrolled in an approved school of nursing.)) "Nursing technician" means a nursing student currently enrolled in good standing and who has completed at least one academic term (quarter or semester) of a nursing program approved by the commission (ADN, diploma or BSN). The term must have included a clinical component. The nursing technician is employed directly by a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW. A nursing technician may also be a graduate of an approved program who graduated within the past thirty days. Approved nursing program means any registered nurse program approved by the nursing commission.~~

(20) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(21) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(22) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(23) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

(24) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(25) "Standards" means the overall behavior which is the desired outcome.

(26) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(27) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-840 Nursing technician. The purpose of the role of nursing technician is to provide opportunity for students enrolled in an ADN or BSN program to ~~((gain))~~

work ~~((experience))~~ within the limits of their education ~~((, but not limited to the scope of functions of nursing assistant certified))~~ and to gain valuable judgment and knowledge through work opportunities.

(1) The nursing technician is as defined in WAC 246-840-010(19).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of nursing practice.

(3) The nursing technician shall be responsible and accountable for practicing within the scope and guidelines of policies defined by the employing agency.

(4) The nursing technician shall not be employed by a temporary agency.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-850 Use of nomenclature. (1) Any person who meets the ~~((qualifications))~~ definition of nursing technician under WAC 246-840-010(19) ~~((and 246-840-860))~~ shall use the title nursing technician and this title shall not be abbreviated.

(2) No other person shall assume such title.

AMENDATORY SECTION (Amending WSR 97-17-049, filed 8/15/97, effective 9/15/97)

WAC 246-840-860 Nursing technician criteria. To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by ~~((a))~~ the commission ~~((or board of nursing))~~ (ADN, diploma, or BSN). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

(a) All periods of regularly planned educational programs and all school scheduled vacations and holidays.

~~((b))~~ ~~((The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed ninety days from the date of graduation.~~

~~((e))~~ Thirty days after graduation from an approved program.

(3) Current enrollment will not be construed to include:

~~((f))~~ (a) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

~~((g))~~ (b) Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.

~~((h))~~ (c) Students who are awaiting the opportunity to reenroll in nursing courses.

(4) Good standing means the nursing technician is successfully passing all courses required for the registered nursing degree. The nursing program should notify the commission immediately if the nursing technician is no longer in good standing.

(5) Applicants must complete seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-870 Functions of the nursing technician. The nursing technician:

(1) Shall function only under the direct supervision of ~~((the))~~ a registered nurse who has agreed to act as supervisor and is immediately available.

(2) May gather information about patients and administer care to patients.

(3) Shall not be responsible for performing the ongoing assessment, planning, implementation, and evaluation of the care of patients.

(4) Shall never function as an independent practitioner, as a team leader, charge nurse, or in a supervisory capacity.

~~(5) ((May administer medications only under the direct supervision of a registered nurse and within the limits described in this section. "Direct supervision" means that the registered nurse is on the premises, is quickly and easily available, and that the patients have been assessed by the registered nurse prior to the delegation of the medication duties to the nursing technician.))~~ The nursing technician shall not administer chemotherapy, blood or blood products, intravenous medications, scheduled drugs, nor carry out procedures on central lines.

~~((There shall be written documentation from the nursing education program attesting to the nursing technician's preparation in the procedures of medication administration.))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-880 Functions of the registered nurse supervising the nursing technician. The registered nurse:

(1) Is accountable at all times for the client's safety and well-being.

(2) Is responsible at all times for the nursing process as delineated in WAC 246-840-700 and this responsibility cannot be delegated.

(3) Shall maintain at all times an awareness of the care activities of the nursing technician and of the current assessment of the patient.

~~(((4) Shall be available at all times to the nursing technician and shall be physically present within the health care facility.))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-890 ((Responsibilities of the employing facility.)) How to register as a nursing technician.

~~((The employer of the nursing technician shall:~~

~~(1) Verify the nursing technician's enrollment in a nursing education program approved by the state board of nursing or commission in the state in which the program is located.~~

~~(2) Verify satisfactory completion of each academic term (semester or quarter) within two weeks of completion date.~~

~~(3) Obtain written documentation from the approved nursing education program of the nursing technician's current level of education preparation and his/her knowledge and skills.~~

~~(4) Assign the nursing technician to perform only to the level identified in subsection (3) of this section.~~

~~(5) Provide the nursing technician from an educational program approved by a state board of nursing or commission other than the Washington nursing commission with board authorized information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840 through 246-840-870. Such information shall be provided prior to the commencement of patient care activities by the nursing technician. The facility shall obtain written verification from the nursing technician of receipt and review of this information and the facility shall retain the written verification for a minimum of three years from the last date of employment.~~

~~(6) Advise the commission of the names and addresses of the nursing technician and the name and address of the nursing education program for any and all nursing technicians employed at the facility.~~

~~(7) Identify the student nurse as a "nursing technician.")~~

(1) An individual shall complete an application for registration on an application form prepared and provided by the department of health.

(2) Every applicant shall provide:

(a) The application fee as defined in WAC 246-980-990.

(b) Verification of seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

(c) A signed statement sent directly from the applicant's nursing program. If the applicant has not yet graduated, this statement will include the anticipated graduation date.

(d) A signed statement sent directly from the applicant's employer or prospective employer certifying that the employer understands the role of the nursing technician and agrees to meet the requirements of chapter 258, Laws of 2003.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-840-900

Responsibilities of the nurse administrator.

EMERGENCY



OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 03-07 through 03-12

Type of Activity	New	Amended	Repealed
ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION			

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	2	0	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ACCOUNTANCY, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0

AGRICULTURE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	53	28	28
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	53	22	16
Number of Rules Withdrawn	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	52	0	9
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	52	0	9
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	28	19
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	53	27	28
Number of Sections Adopted using Pilot Rule Making	0	0	0

BELLEVUE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	7	8	3

BIG BEND COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	20	49	12

COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	23	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	8	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	9	0	0
Number of Sections Adopted on the Agency's own Initiative	6	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

COUNTY ROAD ADMINISTRATION BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

CRIMINAL JUSTICE TRAINING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	4	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EASTERN WASHINGTON UNIVERSITY

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	14	0	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	41	10
Number of Sections Adopted at Request of a Nongovernmental Entity	0	5	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	18	37	10
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	10
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	8	10
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
EDUCATION, STATE BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	9	0
Number of Rules Proposed for Permanent Adoption	0	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	8	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	9	0
Number of Sections Adopted using Negotiated Rule Making	0	9	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	22	18
Number of Rules Adopted as Emergency Rules	77	0	77
Number of Rules Proposed for Permanent Adoption	1	9	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	81	18	96
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	12	0
Number of Rules Proposed for Permanent Adoption	1	4	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	12	0
Number of Sections Adopted using Negotiated Rule Making	1	12	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GENERAL ADMINISTRATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GROWTH MANAGEMENT HEARINGS BOARDS

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	6	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	14	60	5
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	36	29	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	5	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	3	44	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	5	1
Number of Sections Adopted on the Agency's own Initiative	1	12	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	16	3
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	5	1

HORSE RACING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	1
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	2	7	2

MISC.

Type of Activity	New	Amended	Repealed
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	2	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	1
Number of Sections Adopted using Negotiated Rule Making	1	3	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INSURANCE COMMISSIONER, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	1	8
Number of Rules Proposed for Permanent Adoption	16	1	0
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	1	8
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	8
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	281	81	281
Number of Rules Proposed for Permanent Adoption	73	66	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	259	81	281
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	29	13	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	5	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	35	11	0
Number of Sections Adopted on the Agency's own Initiative	200	67	243
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	270	58	281
Number of Sections Adopted using Pilot Rule Making	0	0	0

LAKE WASHINGTON TECHNICAL COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	30	0
Number of Rules Proposed for Permanent Adoption	2	34	2
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	26	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	24	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	0	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	0	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	7	0	6
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	0	6
Number of Sections Adopted using Pilot Rule Making	0	0	0

LOTTERY, WASHINGTON STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MARINE EMPLOYEES' COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	47	0
Number of Rules Proposed for Permanent Adoption	0	47	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	47	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
MILITARY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	11	0	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	0	9
Number of Sections Adopted on the Agency's own Initiative	3	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PARKS AND RECREATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	13	5
Number of Rules Proposed for Permanent Adoption	0	13	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	13	5
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	13	5
Number of Sections Adopted using Pilot Rule Making	0	0	0
PENINSULA COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0
PERSONNEL, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	2	1	0
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PILOTAGE COMMISSIONERS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC DISCLOSURE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	3	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	1	0
Number of Sections Adopted on the Agency's own Initiative	2	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	2
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	1	2	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	1
Number of Sections Adopted on the Agency's own Initiative	2	3	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	18	8
Number of Rules Withdrawn	0	2	0

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	5	1
Number of Rules Adopted as Emergency Rules	1	3	0
Number of Rules Proposed for Permanent Adoption	1	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	10	8	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	7	3	1
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	2	12
Number of Rules Proposed for Permanent Adoption	2	7	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	3	0	3
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	2	5
Number of Sections Adopted on the Agency's own Initiative	9	2	12
Number of Sections Adopted using Negotiated Rule Making	1	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	2	11
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	3	0

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	122	3	2
Number of Rules Adopted as Emergency Rules	161	56	6
Number of Rules Proposed for Permanent Adoption	169	87	73
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	130	15	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	4	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	6	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	152	37	1
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	282	62	8
Number of Sections Adopted using Pilot Rule Making	0	0	0

TRANSPORTATION IMPROVEMENT BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	6	1

TRANSPORTATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	0
Number of Rules Adopted as Emergency Rules	0	2	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UNIVERSITY OF WASHINGTON

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	10	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	10	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	9	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WASHINGTON STATE PATROL

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WASHINGTON STATE UNIVERSITY

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	36	3

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	551	390	390
Number of Rules Adopted as Emergency Rules	243	73	84
Number of Rules Proposed for Permanent Adoption	405	488	148
Number of Rules Withdrawn	5	10	0
Number of Sections Adopted at Request of a Nongovernmental Entity	7	9	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	490	276	321

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	34	62	1
Number of Sections Adopted in Order to Comply with Federal Statute	57	11	14
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	224	61	18
Number of Sections Adopted on the Agency's own Initiative	321	209	404
Number of Sections Adopted using Negotiated Rule Making	3	49	1
Number of Sections Adopted using Other Alternative Rule Making	630	203	360
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 03-13-006
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 4, 2003, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public Notice.

Subject: Medicaid state plan amendment 03-011.

Effective Date: July 1, 2003.

Document Description: The Department of Social and Health Services, Medical Assistance Administration, is updating the Medicaid state plan through State Plan Amendment TN 03-011 to further describe policy and methods used in establishing hospital payment rates explained in Attachment 4.19-A, Part I and Attachment 4.19-B of the plan.

Written comments may be sent to Doug Porter, Assistant Secretary, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45080, Olympia, WA 98504-5080.

For more information regarding this clarification of language, please write to Larry Linn, Rates Analysis Section, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, weblink <http://maa.dshs.wa.gov>, TDD (800) 848-5429, fax (360) 586-9727, e-mail Myersea@dshs.wa.gov.

June 3, 2003

E. A. Myers

WSR 03-13-010
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—June 4, 2003]

The board of trustees of Bates Technical College will have a special meeting on June 5, 2003, from 8:00 a.m. to approximately 9:00 a.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma. The board of trustees

will meet in an executive session for the purpose of discussing personnel issues. No action will be taken during executive session.

WSR 03-13-015
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Clemency and Pardons Board)

[Memorandum—June 4, 2003]

The regularly scheduled September 12, 2003, meeting of the Clemency and Pardons Board has been rescheduled and will be held on October 10, 2003, and will be held in the John A. Cherberg Building, Hearing Room 4, Olympia, Washington, starting at 10:00 a.m.

WSR 03-13-016
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—June 5, 2003]

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of June 18, 2003, to June 25, 2003. A study session will begin at 2:00 p.m. and the regular meeting will begin at 3:00 p.m. in the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405.

WSR 03-13-020
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—June 9, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 19, 2003, 9:00 - 11:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 03-13-021
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY
 [Memorandum—June 6, 2003]

The Washington Economic Development Finance Authority (WEDFA) is an independent agency (#106) within the executive branch of the state government. The authority has four regular board meetings each year, one per quarter.

The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority.

The September meeting will be held in the Yakima City Council Chambers, 129 North Second Street, Yakima, WA, beginning at 10 a.m. on Wednesday, September 10, 2003.

Please call Jonathan A. Hayes, at (206) 587-5634 if you have any questions.

WSR 03-13-023
AGENDA
DEPARTMENT OF LICENSING
 [Filed June 9, 2003, 3:14 p.m.]

DEPARTMENT OF LICENSING
RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JULY 2003

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
97-15-037		Vehicle dealers	Change in vehicle dealer temporary permit requirements.
99-12-018		Master licensing	Chapter 308-87 WAC, Limousine carrier businesses.
99-18-126		Title and registration	Chapter 308-57 WAC, Motor vehicle excise tax.
99-18-010		Fuel tax	Chapter 308-97 WAC, Trip permits.
00-08-067		Master licensing	Chapter 308-300 WAC, Consolidated licensing system; specifically WAC 308-300-010 through 308-300-200.
00-10-029		Master licensing	Chapter 308-320 WAC, Commercial telephone solicitation.
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology.
01-20-101		Timeshare	Update to chapter 308-127 WAC.
01-22-061		Professional athletics	Fee adjustment, chapters 36-12, 36-13, and 36-14 WAC.
01-24-057		Landscape architects	WAC 308-13-150 Landscape architects fee adjustment.
02-10-079		Title and registration	Chapter 308-99 WAC, Vehicle reciprocity, to include but not limited to WAC 308-99-040.
02-11-097	03-10-045	Title and registration	Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-230.
02-12-096		Dealers	Chapter 308-66 WAC, Motor vehicle dealers and manufacturers.
02-12-124		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
02-20-086	02-23-059	Private investigator	Aliens to provide proof of firearms license.
03-01-006		Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-530.
02-24-038	03-10-085	Cosmetology	Update to chapter 308-20 WAC.
02-24-074		Auctioneers	Update to chapter 308-11 WAC.
03-02-002	03-09-059	Real estate	Amend WAC 308-124C-020, 308-124C-030, and 308-124B-150.
03-03-080	03-09-058	Real estate	Amend WAC 308-124H-029, 308-124H-061(6).
03-03-111		Waste water	Revision to chapter 196-30 WAC.
03-04-080		Geologists	Chapter 308-15 WAC.
03-08-011	03-11-050	Appraisers	To establish the requirement for taking the seven-hour National USPAP update course.

MISC.

CR-101	CR-102	PROGRAM	SUBJECT
03-09-032		Engineers	Housekeeping and implementation of chapter 18.235 RCW.
03-09-049		Real estate	Handling of earnest money in real estate transactions, WAC 308-124C-010, 308-124C-020, and 308-124E-013(4).
03-11-069A		Title and registration	Chapter 308-88 WAC, Rental car taxation and licensing, to include, but not limited to WAC 308-88-020.
03-10-084		Cosmetologists	Update to chapter 308-20 WAC.
03-12-018		Title and registration	Chapter 308-57 WAC, Motor vehicle excise tax, to include but not limited to WAC 308-57-030.
03-13-018		Title and registration	Chapter 308-97 WAC, Vehicle license interstate and intransit permits, to include but not limited to WAC 308-97-011, 308-97-125, and 308-97-230.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 902-3640.

Walt Fahrer
Rules Coordinator

WSR 03-13-037
OFFICE OF THE GOVERNOR

[Filed June 11, 2003, 10:11 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On June 6, 2003, the Governor received documents from Stan Johnson and Stan Efferding dba Vilaire Communications asking the Governor to repeal the emergency rule making order WSR 03-12-064 dated May 30, 2003 by DSHS. The rule changes the terms and conditions regarding reimbursement by the Washington Telephone Assistance Program to Competitive Local Exchange carriers.

DATED: June 9, 2003

Jennifer Joly
General Counsel to the Governor

3. Adjustment to an existing certified average wholesale price (CAWP).

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (Click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 11, 2003
E. A. Myers, Manager
Rules and Policies Section

MISC.

WSR 03-13-042
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 11, 2003, 4:29 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-17 MAA.
Subject: Prescription drug program updates (MAC list).
Effective Date: July 1, 2003.

Document Description: Effective for dates of service on and after July 1, 2003, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

1. Additions to the maximum allowable cost (MAC) list;
2. Deletions from the MAC list; and

WSR 03-13-043
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 11, 2003, 4:30 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-15 MAA.
Subject: Medically indigent (MI) program to be discontinued.

Effective Date: For claims with dates of services after June 30, 2003.

Document Description: Effective for claims with dates of service after June 30, 2003, **the medically indigent (MI) program is discontinued**. This memorandum explains why and which clients are affected, and possible alternatives.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360)

725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 11, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-13-048
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed June 12, 2003, 9:37 a.m.]

TECHNICAL ASSISTANCE ADVISORY
T 03-02

TO: Life Insurers and Fraternal Benefit Societies
SUBJECT: Standard Nonforfeiture Law for Individual Deferred Annuities
DATE: June 12, 2003

The purpose of this Technical Assistance Advisory is to notify life insurers and fraternal benefit societies that the Office of the Insurance Commissioner is modifying prior interpretations of RCW 48.23.440. The interpretations involve the requirements for paid-up annuity, cash surrender, and death benefits for contracts whose minimum values are based on the minimum nonforfeiture amounts.

BACKGROUND

The Office of Insurance Commissioner interpreted RCW 48.23.440(1) to require the crediting of at least 3%, the "minimum interest rate" in the statute, on an annual basis. In addition, this office interpreted "increased by any existing additional amounts credited by the company to the contract" to apply to amounts credited to an annuity contract in excess of the minimum. Consequently, these excess amounts became part of the minimum nonforfeiture amount.

These interpretations resulted in the disapproval of some contracts that guaranteed at least the minimum interest rate for the life of the contract (until payment or settlement) but did not guarantee the minimum interest rate for each year. Many of the disapproved filings were equity-indexed annuity contracts.

The Office of the Insurance Commissioner understands that other jurisdictions interpret the standard nonforfeiture law differently in their review of annuity form filings. Those jurisdictions do not find filings to violate the standard nonforfeiture law when the contract provides minimum nonforfeiture values equal to the net purchase payments (as defined in the contract) accumulated at the minimum interest rate.

After review of the issue and the interpretations across the United States, the Commissioner has decided to change the interpretation of the minimum nonforfeiture provisions in Washington.

MODIFICATION OF REQUIREMENTS

Effective immediately, form filings for annuity contracts will no longer be disapproved on the basis that they do not comply with RCW 48.23.440 solely because they fail to guarantee at least the minimum interest rate on an annual basis. Guaranteed contract values in excess of the minimum nonforfeiture amount are not presumed to be "additional amounts credited by the company to the contract."

Form filings made in response to this Technical Assistance Advisory must satisfy the following:

- Contracts must guarantee benefits equal to or in excess of the minimum nonforfeiture amount.
- The insurer must accumulate the net purchase payments at a rate of interest not less than the minimum interest rate for the life of the contract.
- The contract must define the net purchase payments that accumulate at a rate of interest not less than the minimum interest rate for the life of the contract.
- If the net purchase payments in the contract are less than the net considerations specified in RCW 48.23.440, the reduction must be characterized as a sales charge. The contract may not be marketed or advertised as having no "sales load" or having no "front-end charges." Any suggestion that the contract has no "sales load" or no "front-end charges" is misleading and a violation of RCWs 48.30.040 and 48.30.090.
- Contract charges and collection charges cannot exceed the lesser of:
 - (1) The amounts specified in RCW 48.23.440; or
 - (2) The gross considerations credited to the contract in the period for which the charges apply.
- No sales charge, surrender penalty, or combination of both, may exceed the percentage reduction in net considerations specified in RCW 48.23.440.
- In the absence of withdrawals or partial surrenders, no contract value may decrease at any time. "Contract value" means the value of any paid-up annuity, cash surrender, or death benefit under the contract. The contract may allow windows of time during which surrender penalties are waived.
- If the value of any paid-up annuity, cash surrender, or death benefit provided could fail to increase by at least the minimum interest rate in any contract year, the form must prominently disclose this fact on its face page or specifications page.

Questions concerning this Technical Assistance Advisory should be directed to Alan Hudina, Life and Disability Manager, Rates and Forms Division, at (360) 725-7126 or AlanH@oic.wa.gov.

WSR 03-13-050
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum—June 12, 2003]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

San Juan Center
221 Weber Way
Friday Harbor, WA 98250
Thursday, June 12, 2003
11:00 p.m. Community Room

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Thursday, June 12, 2003, in the Community Room of the San Juan campus in Friday Harbor, Washington.** A study session will be held to discuss and review the Head Start program. The study session will begin at 11:00 a.m.

Following the study session, the business meeting will begin at 1:45 p.m. at Key Bank in the Garden Room in Friday Harbor, Washington.

WSR 03-13-057
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—June 11, 2003]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, June 17, 2003, at 12:30 p.m.** in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 03-13-058
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—June 11, 2003]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, June 17, 2003, at 2:00 p.m.** in Room 201 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 03-13-059
RULES OF COURT
STATE SUPREME COURT
[June 12, 2003]

IN THE MATTER OF THE ADOPTION OF) ORDER
THE AMENDMENT TO CR 77(f)) NO. 25700-A-767

The Thurston County Superior Court, Thurston County Board of County Commissioners and the Thurston County Prosecuting Attorney having recommended the adoption of the proposed amendment to CR 77(f), and the Court having considered the amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 2003.

DATED at Olympia, Washington this 12th day of June 2003.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

CR 77
SUPERIOR COURTS
AND JUDICIAL OFFICERS

(f) Sessions. The superior court shall hold regular and special sessions at the county seats of the several counties at such times as the judges may determine and at such other places within the county as are designated by the judge or judges thereof with the approval of the chief justice of the supreme court of this state and of the governing body of the county. Special sessions, i.e., mental illness hearings, juvenile hearings, and proceedings which are authorized to be held before a court commissioner may be held at such times and places as the judges may authorize.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-13-060
RULES OF COURT
STATE SUPREME COURT
[June 12, 2003]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 14 AND) NO. 25700-A-768
RAP 10.4(g))

MISC.

The Washington State Bar Association having recommended the adoption of the proposed amendments to GR 14 and RAP 10.4(g), and the Court having considered the amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2003.

DATED at Olympia, Washington this 12th day of June 2003.

	Alexander, C. J.
Johnson, J.	Bridge, J.
Madsen, J.	Chambers, J.
Sanders, J.	Owens, J.
Ireland, J.	Fairhurst, J.

GENERAL RULE 14

FORMAT FOR PLEADINGS AND OTHER PAPERS

(a) - (c) Unchanged.

(d) Citation Format. Citations shall conform with the format prescribed by the Reporter of Decisions. (See Appendix 1.)

NOTE: The WSBA Court Rules and Procedures Committee recommends that the Appendix consist of the Reporter of Decisions "style sheet," and that an updated version be included in the published rule book each year, thereby allowing any changes to be incorporated easily as they are made and providing a ready reference for practitioners.

GR 14—Appendix 1

Office of Reporter of Decisions

STYLE SHEET

This style sheet is effective May 15, 2003 and is subject to revision.

GENERAL PRINCIPLES

1. The Seventeenth Edition of *The Bluebook: A Uniform System of Citation* is the basic citation resource for Washington appellate court opinions except as noted below.

2. The Practitioners' Notes section of the *Bluebook* (section P at 10-19 on light blue paper) applies specifically to court documents. BLUEBOOK I.1, at 3 and § P at 11. Conflicts between section R of the *Bluebook* (General Rules of Citation and Style at 20-181) and section P of the *Bluebook* are resolved in favor of section P with the exception that for typefaces, a manuscript opinion may follow the rules of section P or section R.

3. The latest edition of *The Chicago Manual of Style* is the authority for punctuation and style matters not covered by the *Bluebook*.

4. *Webster's Third New International Dictionary of the English Language* is the authority for spelling, including spacing and hyphens between nouns (e.g., boyfriend, girl friend, day care, baby-sitter). Where two or more spellings are listed, use *Webster's* preferred spelling rather than the variant.

5. For matters not covered by the *Bluebook*, *The Chicago Manual of Style*, or *Webster's*, the Office of the Reporter of Decisions applies formal, traditional, noncolloquial English.

ABBREVIATIONS

The following abbreviations are used for citing to primary Washington legal materials. The list replaces the list of abbreviations for Washington materials found in *Bluebook* table T.1, at 239.

TITLE	ABBREVIATION
Washington Constitution	Const. art. VI, § 1 (amend. 2)
Revised Code of Washington (Official)	RCW
Revised Code of Washington Annotated (West)	RCWA
Annotated Revised Code of Washington (LEXIS)	ARCW
Session Laws	Laws of 2002, ch. 107, § 3
special sessions	Laws of 1995, 2d Spec. Sess., ch. 14, § 21
extraordinary sessions	Laws of 1963, 1st Ex. Sess., ch. 26
Washington Reports, 2d Series	Wn.2d
Washington Reports	Wash.
Washington Territory Reports	Wash. Terr.
Washington Appellate Reports	Wn. App.
Washington Administrative Code	WAC
Washington State Register	St. Reg.
<u>Early Statutes</u>	
Ballinger Code	Ball. Code
Code of 1881	Code of 1881
Hill's Code of Procedure	Hill's Code of Proc.
Hill's General Statutes	Hill's Gen. Stat.
Pierce's Code	Pierce's Code
Remington Revised Statutes	Rem. Rev. Stat.
Remington's 1915 Code	Rem. 1915 Code

Note: "Const.," "Laws," and the names of codes, when used in citations, are printed in the official reports in large and small caps. Ordinary typeface is acceptable in manuscript opinions.

EXCEPTIONS TO BLUEBOOK

1. Exception to *Bluebook* practitioners' note P.3, at 14: For Washington cases, jump page (pinpoint) citations are made to Wn.2d or Wn. App.; jump page citations to P., P.2d, or P.3d are optional. For non-Washington cases, jump page (pinpoint) citations are made to the official report or the unofficial report. Maintain consistency throughout the opinion.

MISC.

2. Exception to *Bluebook* practitioners' note P.6, at 17-18 and rule 8, at 51-53: Ignore these sections. The Reporter's Office generally follows *The Chicago Manual of Style* to resolve capitalization issues although, other than capitalizing proper nouns and maintaining consistency throughout the opinion, the judicial author's preference governs.

3. Exception to *Bluebook* practitioners' note P.7, at 18: Cite court documents without parentheses.

4. Exceptions to *Bluebook* rule 6.2(a) at 49-50: In text, spell out numbers zero to nine. Use arabic numerals for higher numbers. Use commas in numbers 1,000 and higher (e.g., 9,876) except when citing a page number in a case or court document.

5. Exception to *Bluebook* rule 6.2(d) at 50: In text, always write out "percent" rather than using a percentage sign (%).

6. Exception to *Bluebook* rule 10.3.1, at 62: Cite official reports and regional reporters for all cases for which official reports are published. For California, Illinois, and New York, include the state specific reporter (Cal. Rptr. 2d, Ill. Dec., N.Y.S.2d) in addition to the official reports and regional reporters.

7. Exception to *Bluebook* rule 12.3.2, at 80: Do not add the year in parentheses after a citation to a presently effective version of a statute or code.

8. Exception to *Bluebook* rule 12.8.2, at 85: Do not add "Wash." for codes and ordinances of Washington local governments.

9. Exception to *Bluebook* table T.1, at 183: Cite United States Supreme Court cases as follows: __U.S. __, __S. Ct. __, __L. Ed. 2d__ (year).

ADDITIONS TO BLUEBOOK

1. Subsequent history of cases for "review denied" and "review granted": For Washington cases, cite to Wn.2d; citing P.2d in addition to Wn.2d is optional. For non-Washington cases, cite to the regional reporter; citing the official report in addition to the regional reporter is optional. For subsequent history in the United States Supreme Court, cite only to U.S. if therein; otherwise, cite to one of the following: S. Ct., L. Ed. 2d, or U.S.L.W. in that order of preference.

2. Add the following to the list of short citations to cases from the *Bluebook* practitioners' note P.4, at 15: *Smith*, 123 Wn.2d 51.

3. Cite a case that, because of an amendment, has a single Wn.2d or Wn. App. citation but two Pacific Reporter citations as follows:

State v. Smith, 123 Wn.2d 45, 895 P.2d 590, 897 P.2d 511 (1994).

Include the year that the opinion was filed, not the year of the amendment.

RAP 10.4

PREPARATION AND FILING OF BRIEF BY PARTY

(a) - (f) Unchanged.

(g) ~~[Reserved. See GR 14(d).] Citations. Citations must be in conformity with the form used in current volumes of the Washington Reports. Decisions of the Supreme Court and of the Court of Appeals must be cited to the official report~~

~~thereof and should include the national reporter citation and the year of the decision. The citation of other state court decisions should include both the state and national reporter citations. The citation of a United States Supreme Court decision should include the United States Reports, the United States Supreme Court Reports Lawyers' Edition, and the Supreme Court Reporter. The citation of a decision of any other federal court should include the federal reporter citation and the district of the district court or circuit of the court of appeals deciding the case. Any citation should include the year decided and a reference to and citation of any subsequent decision of the same case.~~

(h) - (i) Unchanged.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-13-061

RULES OF COURT

STATE SUPREME COURT

[June 12, 2003]

IN THE MATTER OF THE ADOPTION OF) ORDER
THE AMENDMENTS TO RAP 9.1(e) AND) NO. 25700-A-769
CrR 7.8 (b)(2))

The Court having recommended the adoption of the proposed amendments to RAP 9.1(e) and CrR 7.8 (b)(2), and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 12th day of June 2003.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

MISC.

RAP 9.1
COMPOSITION OF RECORD ON REVIEW

(a) Generally. The "record on review" may consist of (1) a "report of proceedings", (2) "clerk's papers", (3) exhibits, and (4) a certified record of administrative adjudicative proceedings.

(b) Report of Proceedings. The report of any oral proceeding must be transcribed in the form of a typewritten report of proceedings. The report of proceedings may take the form of a "verbatim report of proceedings" as provided in rule 9.2, a "narrative report of proceedings" as provided in rule 9.3, or an "agreed report of proceedings" as provided in rule 9.4.

(c) Clerk's Papers. The clerk's papers include the pleadings, orders, and other papers filed with the clerk of the trial court.

(d) Avoid Duplication. Material appearing in one part of the record on review should not be duplicated in another part of the record on review.

(e) Review of Superior Court Decision on Review of Decision of Court of Limited Jurisdiction. Upon review of a superior court decision reviewing a decision of a court of limited jurisdiction pursuant to rule 2.3(d), the record shall consist of the record of proceedings and the transcript of electronic record as defined in RALJ 6.1 and 6.3A.1. When requested by the appellate court, the superior court shall transmit the original record of proceedings and transcript of electronic record as was considered by the superior court on the appeal from the decision of the court of limited jurisdiction.

SUPERIOR COURT CRIMINAL RULE 7.8
RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RAP 7.2(e).

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;

(2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.65;

(3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) The judgment is void; or

(5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken, and is fur-

ther subject to RCW 10.73.090, .100, .130, and .140. A motion under section (b) does not affect the finality of the judgment or suspend its operation.

(c) Procedure on Vacation of Judgment.

(1) Motion. Application shall be made by motion stating the grounds upon which relief is asked, and supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based.

(2) Initial Consideration. The court may deny the motion without a hearing if the facts alleged in the affidavits do not establish grounds for relief. The court may transfer a motion to the Court of Appeals for consideration as a personal restraint petition if such transfer would serve the ends of justice. Otherwise, the court shall enter an order fixing a time and place for hearing and directing the adverse party to appear and show cause why the relief asked for should not be granted.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-13-062
RULES OF COURT
STATE SUPREME COURT
[June 12, 2003]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO ER 412) NO. 25700-A-770

The Washington State Bar Association having recommended the adoption of the proposed amendment to ER 412, and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 2003.

DATED at Olympia, Washington this 12th Day of June 2003.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Owens, J.

Ireland, J.

Fairhurst, J.

ER 412

SEXUAL OFFENSES - VICTIM'S PAST BEHAVIOR (RESERVED)

(a) Criminal Cases. [Reserved. See RCW 9A.44.020.]

MISC.

(b) Civil Cases; Evidence Generally Inadmissible.

The following evidence is not admissible in any civil proceeding involving alleged sexual misconduct except as provided in sections (c) and (d):

(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

(2) Evidence offered to prove any alleged victim's sexual predisposition.

(c) Exceptions. In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.

(d) Procedure to determine admissibility.

(1) A party intending to offer evidence under section (c) must:

(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause, requires a different time for filing or permits filing during trial; and

(B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

(2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 03-13-063
RULES OF COURT
STATE SUPREME COURT
[June 12, 2003]**

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 8(f)) NO. 25700-A-771

The Washington State Bar Association having recommended the adoption of the proposed amendment to APR 8(f), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 12th day of June 2003.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

APR 8 (f)(1)
SPECIAL ADMISSIONS

(f) Exception for House Counsel. A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (I) filing an application in the form and manner that may be prescribed by the Board of Governors, (ii) presenting satisfactory proof of (I) admission by examination to the practice of law and current good standing in a state or territory of the United States or the District of Columbia and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee ~~in the amount required of inactive members,~~ and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) Subject to the exceptions contained in the following sentence pertaining to pro bono client representation, the practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (I) appearing before a court or tribunal as a person admitted to practice law in this state, except in association with an active member of the Washington State Bar Association who shall be the lawyer of record therein, responsible for the conduct thereof and Present at all

MISC.

proceedings, (ii) offering legal services or advice to the public or (iii) holding oneself out to be so engaged or authorized. Notwithstanding the above, the Practice of a lawyer admitted under this section may include providing legal services for no fee through a qualified legal services provider, as that term is defined in part 8 (e)(2), including without limitation representation before a court or tribunal without associating with an active member of the Washington State Bar Association. The prohibition against compensation in the preceding sentence shall not prevent a qualified legal services provider from reimbursing an in-house counsel admitted under this section for actual expenses incurred while rendering legal services under this pro bono exception. In addition, a qualified legal services provider shall be entitled to receive all court awarded attorney's fees for pro bono representation rendered by the in-house counsel.

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the maximum amount required of active members.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law upon passing the bar exam, or on suspension or disbarment for discipline in a state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment is employed by an employer filing the affidavit required by (iii), the license shall be reinstated.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-13-065

NOTICE OF PUBLIC MEETINGS WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum—June 12, 2003]

Special Board Meeting/Teleconference

June 23, 2003

11:00 a.m. to noon

The Workforce Training and Education Coordinating Board will hold a special board meeting/teleconference at its office in Olympia, Washington on June 23, 2003. The purpose of the teleconference to approve the application to receive a \$3 million incentive grant for exceeding performance targets for WIA Title I-B, Adult Education and Family Literacy Act, and Perkins Act.

People needing special accommodations please call Mary Reister in advance at (360) 753-5660, e-mail mreister@wtb.wa.gov.

WSR 03-13-076

NOTICE OF PUBLIC MEETINGS BATES TECHNICAL COLLEGE

[Memorandum—June 12, 2003]

The board of trustees of Bates Technical College will have a special meeting on June 12, 2003, and June 13, 2003, from 7:30 p.m. to approximately 9:30 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters regarding the presidential search. No action will be taken during executive session.

WSR 03-13-097

NOTICE OF PUBLIC MEETINGS BATES TECHNICAL COLLEGE

[Memorandum—June 16, 2003]

The board of trustees of Bates Technical College will have a special meeting on June 17, 2003, from 5:00 p.m. to approximately 7:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters regarding the presidential search. No action will be taken during executive session.

WSR 03-13-102

DEPARTMENT OF AGRICULTURE

[Filed June 17, 2003, 1:08 p.m.]

**PUBLIC NOTICE FOR SPARTINA
TREATMENT IN WESTERN WASHINGTON
LEGAL NOTICE**

The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicide Rodeo® (glyphosate), surfactant (R-11, X-77 or LI-700) and marker dyes may be used between June 1, 2003 and October 31, 2003. Properly licensed pesticide applicators who have obtained coverage under a WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply Rodeo® to control the noxious weed *Spartina* on the saltwater tide-flats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of the herbicide Rodeo® is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging or covering.

For more information, including locations of possible application sites, contact the WSDA *Spartina* Control Program at (360) 902-1923 or (360) 902-1853 or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. The Washington State Department of Ecology 24-hour emergency/spill response hotline is (425) 649-7000 (north-west region) or (360) 407-6300 (southwest region).

WSR 03-13-109

DEPARTMENT OF ECOLOGY

[Filed June 17, 2003, 3:28 p.m.]

**Fiscal Year 2004 Total Maximum Daily Load (TMDL)
Priority List**

Public Comments Invited on Water Cleanup List:
The Washington Department of Ecology (ecology) wants

(DRAFT) New FY2004 Funded TMDL Projects

Regional Office	WRIA	Primary Location	Water body(s) Name	Pollution Problems
CRO	37 - 38	Yakima County	Yakima urban area creeks in the Moxee and Wide Hollow Creek watershed	Fecal Coliform (bacteria)
CRO	38	Yakima County	Naches River and Tributaries	Temperature
ERO	34	Whitman County	NF Palouse River	Fecal Coliform
ERO	45	Spokane County	Little Spokane River	Dissolved Oxygen, pH; Fecal Coliform, Temperature
ERO	55	Spokane County	Hangman (Latah) Creek	Dissolved Oxygen, pH, Fecal Coliform, Suspended Sediment, Temperature

your comments on a list of priority water bodies we have tentatively chosen for water cleanup planning this year. Ecology organizes water cleanup efforts through geographic areas called water quality management areas (WQMA) and chooses water resource inventory areas (WRIAs) or watersheds in each of our four regions yearly. To help us select which waters to cleanup, we met with groups in communities within these WQMAs in these regions last fall.

The criteria for making these selections included the severity of the pollution, potential harm to human and aquatic health, impaired beneficial uses, such as agriculture, drinking water and fish habitat, and the potential for local support for water cleanup activities. In addition, the presence of threatened and endangered fish species significantly influenced our choices.

Ecology reviews and responds to your comments in August 2003, and then the cleanup list will be finalized.

Please address your comments on the above priority list by July 25, 2003, to Ron McBride, Ecology, P.O. Box 47600, Olympia, WA 98504-7600, rmcb461@ecy.wa.gov, phone (360) 407-6469, or fax (360) 407-6426.

The entire list of water bodies we chose from can be viewed on our website: <http://www.ecy.wa.gov/programs/wq/303d/>.

The following pages contain the proposed list of water bodies we plan to begin work on in 2003. The list shows each water body and the parameters of concern. The last page lists definitions of pollution problems.

*The projects shown below are the best estimate of our capacity at this time. Ecology's budget has yet to be set for the next biennium. Actual fiscal and staffing levels may result in fewer projects. In addition, as we are working in a geographic region (WRIA), projects may be expanded into additional waterbodies if we find they need work.

MISC.

(DRAFT) New FY2004 Funded TMDL Projects

Regional Office	WRIA	Primary Location	Water body(s) Name	Pollution Problems
ERO	58 - 62	Stevens County	Colville National Forest water bodies	Temperature, Fecal Coliform
ERO	62	Pend Oreille	Pend Oreille River	Total Dissolved Gas, Temperature
NWRO	1	Whatcom County	Whatcom Creek	Temperature
NWRO	5	Snohomish County	Old Stillaguamish Channel in Stillaguamish River watershed	Dissolved Oxygen, pH, Fecal Coliform
NWRO	8	King County	Sammamish Washington Assessment and Modeling Project (SWAMP). Partnership with KCDNR (see*** below)	Multiple
NWRO	8	King County	Issaquah, Tibbetts Creeks, south end of Lake Sammamish	Fecal Coliform
NWRO	9	King County	Green and Duwamish Rivers; Big Soos, Newaukam, Springbrook, and Mill Creeks	Fecal Coliform, Temperature, Dissolved Oxygen, pH, and others (see* below)
NWRO	9	King County	Longfellow and Des Moines Creeks	Fecal Coliform
SWRO	14	Mason County	Oakland Bay, Little Skookum/Totten	Fecal Coliform (see** below)

WRIAs - Water Resource Inventory Areas or watersheds.

*Partnership with King County DNR's Water Quality Assessment (WQA) project.

** Scope could be expanded to cover additional parameters such as dissolved oxygen if data assessment warrants.

*** Lake Washington, Lake Sammamish, Lake Union; Bear, Bear-Evans, Little Bear, Eden, North, Swamp, McAleer, Lyons, Thornton, Kelsey, Juanita, Fairweather Bay, Forbes, Coal, May, Yarrow Bay, Issaquah, Tibbetts, Lewis, Pine Lake Creeks; Cedar River, Sammamish River

Definitions of Pollution Problems: Although not necessarily agents of disease, **fecal coliform** bacteria indicate the presence of disease-carrying organisms that live in the same environment as the fecal coliform bacteria.

A certain minimum amount of **dissolved oxygen** must be present in water for aquatic life to survive.

Temperature is important because it governs the kinds of aquatic life that can live in a stream.

pH is a term used to indicate the alkalinity or acidity of a substance as ranked on a scale from 1.0 to 14.0. Neutral pH is 7.0. Acidity increases as the pH gets lower.

High levels of **Total Dissolved Gas (TDG)**, air bubbles entrained in water, can harm fish.

Sediment can smother fish eggs, change the aquatic organisms and habitat, and interfere with fish migration, feeding, and spawning.

WSR 03-13-127
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
 [Filed June 18, 2003, 10:11 a.m.]

Title of Policy or Interpretive Statement: Drinking Water State Revolving Fund Guidelines (DWSRF) 2003.

Issuing Entity: Washington State Department of Health, Environmental Health Programs, Division of Drinking Water.

Description: The DWSRF program guidelines have been jointly revised by the Department of Health, Division of Drinking Water; the Public Works Board, and its administrative agent, the Department of Community, Trade and Economic Development to address changes in state law. The 2003 guidelines provide information on how to apply for funding to make drinking water infrastructure improvements.

Division Contact: Chris Gagnon, DWSRF Program Manager, Department of Health, Division of Drinking Water, 7171 Cleanwater Lane, Building 3, P.O. Box 47822, Olympia, WA 98504-7822.

Effective Date: February 7, 2003.

Gregg Grunenfelder
 Director

MISC.

WSR 03-13-131**NOTICE OF PUBLIC MEETINGS****OFFICE OF THE****INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

[Memorandum—June 17, 2003]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, July 10 and Friday, July 11, 2003, beginning on Thursday, July 10, 9:30 a.m. in Room 172 in the Natural Resources Building in Olympia, Washington.

The draft agenda for this meeting includes updates on legislative issues, the biodiversity project, and recreation in FERC proceedings. Action items include funding decisions for projects under the Washington wildlife and recreation program, the LWCF program and the education and enforcement component of the NOVA program. The IAC will also review and may act on policy guidance (program manuals) for the FARR, NOVA E&E, and youth athletic facilities (YAF) programs. There will also be an executive session concerning legal issues related to the NOVA program.

If you plan to participate or have materials for committee review, please submit information to IAC no later than June 25, 2003. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by June 27, at (360) 902-2637 or TDD (360) 902-1996.

WSR 03-13-132**RULES COORDINATOR****DEPARTMENT OF****NATURAL RESOURCES**

[Filed June 18, 2003, 10:32 a.m.]

Effective July 1, 2003, the agency rules coordinator for the Washington State Department of Natural Resources will be Jamey Taylor. Jamey is located at 1111 Washington Street S.E., 4th Floor, P.O. Box 47015, Olympia, WA 98504-7015. Her telephone number is (360) 902-1177, and she can be reached via e-mail at jamey.taylor@wadnr.gov

Bonnie Bunning
Executive Director
Policy and Administration

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3-20-100	REP-P	03-05-101	16-200-7401	NEW	03-02-100	16-238-110	REP	03-12-040
3-20-100	REP	03-09-144	16-200-7402	NEW	03-02-100	16-239-010	NEW-P	03-07-082
3-20-200	NEW-P	03-05-101	16-200-7403	NEW	03-02-100	16-239-010	NEW	03-12-040
3-20-200	NEW	03-09-144	16-200-7404	NEW	03-02-100	16-239-020	NEW-P	03-07-082
3-20-300	NEW-P	03-05-101	16-200-7405	NEW	03-02-100	16-239-020	NEW	03-12-040
3-20-300	NEW	03-09-144	16-200-7406	NEW	03-02-100	16-239-030	NEW-P	03-07-082
4-25	PREP	03-12-052	16-200-7407	NEW	03-02-100	16-239-030	NEW	03-12-040
4-25-622	PREP	03-12-083	16-219-016	REP-X	03-09-088	16-239-040	NEW-P	03-07-082
4-25-720	AMD-P	03-09-051	16-228-1231	AMD-P	03-02-099	16-239-040	NEW	03-12-040
4-25-720	AMD-S	03-10-036	16-228-1231	AMD	03-05-034	16-239-050	NEW-P	03-07-082
4-25-721	PREP	03-05-012	16-228-1262	NEW-P	03-02-098	16-239-050	NEW	03-12-040
4-25-721	AMD-P	03-09-052	16-228-1262	NEW	03-05-033	16-239-060	NEW-P	03-07-082
16-54-155	NEW-E	03-03-085	16-228-1264	NEW-P	03-02-098	16-239-060	NEW	03-12-040
16-54-155	PREP	03-12-020	16-228-1264	NEW	03-05-033	16-239-061	NEW-P	03-07-082
16-54-155	NEW-E	03-12-021	16-228-1266	NEW-P	03-02-098	16-239-061	NEW	03-12-040
16-100-001	REP-X	03-13-130	16-228-1266	NEW	03-05-033	16-239-062	NEW-P	03-07-082
16-100-010	REP-X	03-13-130	16-229-010	AMD-P	03-05-075	16-239-062	NEW	03-12-040
16-100-020	REP-X	03-13-130	16-229-010	AMD	03-09-034	16-239-063	NEW-P	03-07-082
16-157-020	AMD	03-03-044	16-229-200	AMD-P	03-05-075	16-239-063	NEW	03-12-040
16-157-030	AMD	03-03-044	16-229-200	AMD-W	03-09-035	16-239-064	NEW-P	03-07-082
16-157-100	REP	03-03-044	16-231-107	AMD-X	03-07-037	16-239-064	NEW	03-12-040
16-157-110	REP	03-03-044	16-231-107	AMD	03-11-097	16-239-065	NEW-P	03-07-082
16-157-200	REP	03-03-044	16-237-170	PREP	03-12-086	16-239-065	NEW	03-12-040
16-157-220	AMD	03-03-044	16-238-010	REP-P	03-07-082	16-239-070	NEW-P	03-07-082
16-157-230	AMD	03-03-044	16-238-010	REP	03-12-040	16-239-070	NEW	03-12-040
16-157-240	AMD	03-03-044	16-238-020	REP-P	03-07-082	16-239-071	NEW-P	03-07-082
16-157-245	NEW	03-03-044	16-238-020	REP	03-12-040	16-239-071	NEW	03-12-040
16-157-250	AMD	03-03-044	16-238-030	REP-P	03-07-082	16-239-072	NEW-P	03-07-082
16-157-255	AMD	03-03-044	16-238-030	REP	03-12-040	16-239-072	NEW	03-12-040
16-157-260	AMD	03-03-044	16-238-060	REP-P	03-07-082	16-239-073	NEW-P	03-07-082
16-157-270	AMD	03-03-044	16-238-060	REP	03-12-040	16-239-073	NEW	03-12-040
16-157-280	REP	03-03-044	16-238-070	REP-P	03-07-082	16-239-074	NEW-P	03-07-082
16-157-290	AMD	03-03-044	16-238-070	REP	03-12-040	16-239-074	NEW	03-12-040
16-160-010	AMD	03-03-045	16-238-082	REP-P	03-07-082	16-239-075	NEW-P	03-07-082
16-160-020	AMD	03-03-045	16-238-082	REP	03-12-040	16-239-075	NEW	03-12-040
16-160-025	REP	03-03-045	16-238-090	REP-P	03-07-082	16-239-076	NEW-P	03-07-082
16-160-035	AMD	03-03-045	16-238-090	REP	03-12-040	16-239-076	NEW	03-12-040
16-160-060	AMD	03-03-045	16-238-100	REP-P	03-07-082	16-239-077	NEW-P	03-07-082
16-160-070	AMD	03-03-045	16-238-100	REP	03-12-040	16-239-077	NEW	03-12-040
16-200-715	PREP	03-13-114	16-238-110	REP-P	03-07-082	16-239-078	NEW-P	03-07-082

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-239-078	NEW	03-12-040	16-239-1020	NEW	03-12-040	16-321-080	REP	03-08-018
16-239-079	NEW-P	03-07-082	16-239-1030	NEW-P	03-07-082	16-321-090	REP-X	03-03-124
16-239-079	NEW	03-12-040	16-239-1030	NEW	03-12-040	16-321-090	REP	03-08-018
16-239-080	NEW-P	03-07-082	16-301-005	PREP	03-12-085	16-321-100	REP-X	03-03-124
16-239-080	NEW	03-12-040	16-301-010	PREP	03-12-085	16-321-100	REP	03-08-018
16-239-0801	NEW-P	03-07-082	16-301-055	PREP	03-12-085	16-321-110	REP-X	03-03-124
16-239-0801	NEW	03-12-040	16-302-045	PREP	03-12-085	16-321-110	REP	03-08-018
16-239-0802	NEW-P	03-07-082	16-302-110	PREP	03-12-085	16-321-120	REP-X	03-03-124
16-239-0802	NEW	03-12-040	16-302-150	PREP	03-12-085	16-321-120	REP	03-08-018
16-239-0803	NEW-P	03-07-082	16-302-155	PREP	03-12-085	16-328-008	AMD-P	03-07-090
16-239-0803	NEW	03-12-040	16-302-255	PREP	03-12-085	16-328-008	AMD	03-10-080
16-239-0804	NEW-P	03-07-082	16-302-385	PREP	03-12-085	16-328-010	PREP	03-03-121
16-239-0804	NEW	03-12-040	16-302-410	PREP	03-12-085	16-328-010	REP-P	03-07-090
16-239-0805	NEW-P	03-07-082	16-303-200	AMD-P	03-03-130	16-328-010	REP	03-10-080
16-239-0805	NEW	03-12-040	16-303-200	AMD	03-08-005	16-328-011	PREP	03-03-121
16-239-0806	NEW-P	03-07-082	16-303-200	PREP	03-12-084	16-328-011	AMD-P	03-07-090
16-239-0806	NEW	03-12-040	16-303-210	AMD-P	03-03-130	16-328-011	AMD	03-10-080
16-239-0807	NEW-P	03-07-082	16-303-210	AMD	03-08-005	16-333-010	AMD-P	03-07-089
16-239-0807	NEW	03-12-040	16-303-210	PREP	03-12-084	16-333-010	AMD	03-10-081
16-239-0808	NEW-P	03-07-082	16-303-220	PREP	03-12-084	16-333-040	PREP	03-03-120
16-239-0808	NEW	03-12-040	16-303-230	AMD-P	03-03-130	16-333-040	REP-P	03-07-089
16-239-0809	NEW-P	03-07-082	16-303-230	AMD	03-08-005	16-333-040	REP	03-10-081
16-239-0809	NEW	03-12-040	16-303-230	PREP	03-12-084	16-333-041	PREP	03-03-120
16-239-0810	NEW-P	03-07-082	16-303-240	PREP	03-12-084	16-333-041	AMD-P	03-07-089
16-239-0810	NEW	03-12-040	16-303-250	AMD-P	03-03-130	16-333-041	AMD	03-10-081
16-239-0811	NEW-P	03-07-082	16-303-250	AMD	03-08-005	16-400-040	AMD-P	03-07-081
16-239-0811	NEW	03-12-040	16-303-250	PREP	03-12-084	16-400-040	AMD-W	03-10-062
16-239-0812	NEW-P	03-07-082	16-303-300	AMD-P	03-03-130	16-400-100	AMD-P	03-07-081
16-239-0812	NEW	03-12-040	16-303-300	AMD	03-08-005	16-400-100	AMD-W	03-10-062
16-239-0813	NEW-P	03-07-082	16-303-300	PREP	03-12-084	16-400-210	AMD-P	03-07-081
16-239-0813	NEW	03-12-040	16-303-310	AMD-P	03-03-130	16-400-210	AMD-W	03-10-062
16-239-090	NEW-P	03-07-082	16-303-310	AMD	03-08-005	16-400-215	NEW-P	03-07-081
16-239-090	NEW	03-12-040	16-303-310	PREP	03-12-084	16-400-215	NEW-W	03-10-062
16-239-0901	NEW-P	03-07-082	16-303-315	PREP	03-12-084	16-401-021	AMD-P	03-07-091
16-239-0901	NEW	03-12-040	16-303-317	AMD-P	03-03-130	16-401-021	AMD	03-10-083
16-239-0902	NEW-P	03-07-082	16-303-317	AMD	03-08-005	16-401-023	AMD-P	03-07-091
16-239-0902	NEW	03-12-040	16-303-317	PREP	03-12-084	16-401-023	AMD	03-10-083
16-239-0903	NEW-P	03-07-082	16-303-320	AMD-P	03-03-130	16-401-026	REP-P	03-07-091
16-239-0903	NEW	03-12-040	16-303-320	AMD	03-08-005	16-401-026	REP	03-10-083
16-239-0904	NEW-P	03-07-082	16-303-320	PREP	03-12-084	16-401-027	AMD-P	03-07-091
16-239-0904	NEW	03-12-040	16-303-330	AMD-P	03-03-130	16-401-027	AMD	03-10-083
16-239-0905	NEW-P	03-07-082	16-303-330	AMD	03-08-005	16-401-031	REP-P	03-07-091
16-239-0905	NEW	03-12-040	16-303-330	PREP	03-12-084	16-401-031	REP	03-10-083
16-239-0906	NEW-P	03-07-082	16-303-340	AMD	03-06-005	16-401-032	AMD-P	03-07-091
16-239-0906	NEW	03-12-040	16-319-041	AMD	03-06-006	16-401-032	AMD	03-10-083
16-239-0907	NEW-P	03-07-082	16-321-001	REP-X	03-03-124	16-401-041	AMD-P	03-07-091
16-239-0907	NEW	03-12-040	16-321-001	REP	03-08-018	16-401-041	AMD	03-10-083
16-239-0908	NEW-P	03-07-082	16-321-010	REP-X	03-03-124	16-401-060	NEW-P	03-06-102
16-239-0908	NEW	03-12-040	16-321-010	REP	03-08-018	16-401-060	NEW	03-09-112
16-239-0909	NEW-P	03-07-082	16-321-020	REP-X	03-03-124	16-465-001	REP	03-05-079
16-239-0909	NEW	03-12-040	16-321-020	REP	03-08-018	16-465-060	REP	03-05-079
16-239-0910	NEW-P	03-07-082	16-321-030	REP-X	03-03-124	16-470-905	AMD-P	03-07-092
16-239-0910	NEW	03-12-040	16-321-030	REP	03-08-018	16-470-905	AMD	03-10-082
16-239-0911	NEW-P	03-07-082	16-321-040	REP-X	03-03-124	16-470-911	REP-P	03-07-092
16-239-0911	NEW	03-12-040	16-321-040	REP	03-08-018	16-470-911	REP	03-10-082
16-239-0912	NEW-P	03-07-082	16-321-050	REP-X	03-03-124	16-470-912	AMD-P	03-07-092
16-239-0912	NEW	03-12-040	16-321-050	REP	03-08-018	16-470-912	AMD	03-10-082
16-239-100	NEW-P	03-07-082	16-321-060	REP-X	03-03-124	16-470-916	REP-P	03-07-092
16-239-100	NEW	03-12-040	16-321-060	REP	03-08-018	16-470-916	REP	03-10-082
16-239-1010	NEW-P	03-07-082	16-321-070	REP-X	03-03-124	16-470-917	AMD-P	03-07-092
16-239-1010	NEW	03-12-040	16-321-070	REP	03-08-018	16-470-917	AMD	03-10-082
16-239-1020	NEW-P	03-07-082	16-321-080	REP-X	03-03-124	16-470-921	AMD-P	03-07-092

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-470-921	AMD	03-10-082	118- 66-042	NEW	03-10-014	132F-120-090	REP-P	03-06-067
16-536-040	AMD-C	03-06-101	118- 66-045	NEW-P	03-04-108	132F-120-100	REP-P	03-06-067
16-536-040	AMD-W	03-12-042	118- 66-045	NEW	03-10-014	132F-120-110	REP-P	03-06-067
16-600-001	REP-X	03-13-129	118- 66-050	NEW-P	03-04-108	132F-120-120	REP-P	03-06-067
16-600-010	REP-X	03-13-129	118- 66-050	NEW	03-10-014	132F-120-130	REP-P	03-06-067
16-603-010	AMD-X	03-08-088	118- 66-080	NEW-P	03-04-108	132F-120-140	REP-P	03-06-067
16-603-010	AMD	03-13-005	118- 66-080	NEW	03-10-014	132F-120-150	REP-P	03-06-067
16-607	PREP	03-13-128	118- 66-081	NEW-P	03-04-108	132F-120-160	REP-P	03-06-067
16-657	PREP	03-03-122	118- 66-081	NEW	03-10-014	132F-120-170	REP-P	03-06-067
16-659	PREP	03-03-122	118- 66-085	NEW-P	03-04-108	132F-120-180	REP-P	03-06-067
16-662-100	AMD-X	03-03-123	118- 66-085	NEW	03-10-014	132F-120-190	REP-P	03-06-067
16-662-100	AMD	03-08-017	118- 66-090	NEW-P	03-04-108	132F-120-200	REP-P	03-06-067
16-662-105	AMD-X	03-03-123	118- 66-090	NEW	03-10-014	132F-120-210	REP-P	03-06-067
16-662-105	AMD	03-08-017	131	PREP	03-09-043	132F-121-010	NEW-P	03-06-067
16-662-110	AMD-X	03-03-123	132A	PREP	03-04-091	132F-121-020	NEW-P	03-06-067
16-662-110	AMD	03-08-017	132A-116-011	AMD-P	03-08-056	132F-121-030	NEW-P	03-06-067
16-662-115	AMD-X	03-03-123	132A-116-011	AMD	03-13-133	132F-121-040	NEW-P	03-06-067
16-662-115	AMD	03-08-017	132A-150-010	AMD-P	03-08-056	132F-121-050	NEW-P	03-06-067
16-750	PREP	03-10-012	132A-150-010	AMD	03-13-133	132F-121-060	NEW-P	03-06-067
16-750-005	AMD	03-04-001	132A-320-010	AMD-P	03-08-056	132F-121-070	NEW-P	03-06-067
16-750-011	AMD	03-04-001	132A-320-010	AMD	03-13-133	132F-121-080	NEW-P	03-06-067
16-750-015	AMD	03-04-001	132F- 01	AMD-C	03-10-078	132F-121-090	NEW-P	03-06-067
16-752-300	AMD-X	03-11-098	132F- 01-010	AMD-P	03-06-067	132F-121-100	NEW-P	03-06-067
16-752-305	AMD-X	03-11-098	132F- 01-020	REP-P	03-06-067	132F-121-110	NEW-P	03-06-067
16-752-315	AMD-X	03-11-098	132F-104	AMD-C	03-10-078	132F-121-120	NEW-P	03-06-067
16-752-320	AMD-X	03-11-098	132F-104-010	AMD-P	03-06-067	132F-121-130	NEW-P	03-06-067
36- 12-170	AMD-W	03-06-072	132F-104-020	AMD-P	03-06-067	132F-121-140	NEW-P	03-06-067
36- 14-120	NEW-W	03-06-072	132F-104-030	REP-P	03-06-067	132F-121-150	NEW-P	03-06-067
51- 04	PREP	03-08-027	132F-104-801	REP-P	03-06-067	132F-121-160	NEW-P	03-06-067
51- 04	PREP	03-12-017	132F-104-810	AMD-P	03-06-067	132F-121-170	NEW-P	03-06-067
82- 50-021	AMD-X	03-07-083	132F-104-811	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067
82- 50-021	AMD	03-11-073	132F-104-812	REP-P	03-06-067	132F-121-190	NEW-P	03-06-067
98- 70-010	PREP	03-04-077	132F-104-813	REP-P	03-06-067	132F-121-200	NEW-P	03-06-067
98- 70-010	AMD-P	03-08-009	132F-104-814	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067
98- 70-010	AMD	03-11-020	132F-104-815	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067
118- 65-010	REP-P	03-04-108	132F-104-816	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067
118- 65-010	REP	03-10-014	132F-104-817	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067
118- 65-020	REP-P	03-04-108	132F-104-818	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067
118- 65-020	REP	03-10-014	132F-104-819	REP-P	03-06-067	132F-121-260	NEW-P	03-06-067
118- 65-030	REP-P	03-04-108	132F-108	AMD-P	03-06-067	132H-116	PREP	03-04-074
118- 65-030	REP	03-10-014	132F-108	AMD-C	03-10-078	132H-120	PREP	03-04-075
118- 65-040	REP-P	03-04-108	132F-108-020	AMD-P	03-06-067	132H-120-020	AMD-P	03-08-021
118- 65-040	REP	03-10-014	132F-108-050	AMD-P	03-06-067	132H-120-030	AMD-P	03-08-021
118- 65-050	REP-P	03-04-108	132F-108-070	AMD-P	03-06-067	132H-120-040	AMD-P	03-08-021
118- 65-050	REP	03-10-014	132F-108-080	AMD-P	03-06-067	132H-120-050	AMD-P	03-08-021
118- 65-060	REP-P	03-04-108	132F-108-100	AMD-P	03-06-067	132H-120-200	AMD-P	03-08-021
118- 65-060	REP	03-10-014	132F-108-120	AMD-P	03-06-067	132H-120-220	AMD-P	03-08-021
118- 65-070	REP-P	03-04-108	132F-108-130	AMD-P	03-06-067	132H-120-300	AMD-P	03-08-021
118- 65-070	REP	03-10-014	132F-108-140	AMD-P	03-06-067	132H-120-310	AMD-P	03-08-021
118- 65-081	REP-P	03-04-108	132F-120	REP-P	03-06-067	132H-132-010	REP-P	03-08-019
118- 65-081	REP	03-10-014	132F-120	AMD-C	03-10-078	132H-132-020	REP-P	03-08-019
118- 65-090	REP-P	03-04-108	132F-120-020	REP-P	03-06-067	132H-152-135	PREP	03-04-073
118- 65-090	REP	03-10-014	132F-120-030	REP-P	03-06-067	132H-152-135	REP-P	03-08-020
118- 66-010	NEW-P	03-04-108	132F-120-040	REP-P	03-06-067	132H-155-010	NEW-P	03-08-020
118- 66-010	NEW	03-10-014	132F-120-041	REP-P	03-06-067	132H-155-020	NEW-P	03-08-020
118- 66-020	NEW-P	03-04-108	132F-120-042	REP-P	03-06-067	132H-155-030	NEW-P	03-08-020
118- 66-020	NEW	03-10-014	132F-120-043	REP-P	03-06-067	132H-155-040	NEW-P	03-08-020
118- 66-030	NEW-P	03-04-108	132F-120-050	REP-P	03-06-067	132H-155-050	NEW-P	03-08-020
118- 66-030	NEW	03-10-014	132F-120-060	REP-P	03-06-067	132H-155-060	NEW-P	03-08-020
118- 66-040	NEW-P	03-04-108	132F-120-061	REP-P	03-06-067	132H-155-070	NEW-P	03-08-020
118- 66-040	NEW	03-10-014	132F-120-070	REP-P	03-06-067	132Q- 02	PREP	03-09-094
118- 66-042	NEW-P	03-04-108	132F-120-080	REP-P	03-06-067	132Q- 02-010	NEW-P	03-13-081

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132Q- 02-020	NEW-P	03-13-081	132Q- 04-130	REP-P	03-13-082	132Q- 20-170	AMD-P	03-13-082
132Q- 02-030	NEW-P	03-13-081	132Q- 04-140	REP-P	03-13-082	132Q- 20-180	AMD-P	03-13-082
132Q- 02-040	NEW-P	03-13-081	132Q- 04-150	REP-P	03-13-082	132Q- 20-190	AMD-P	03-13-082
132Q- 02-050	NEW-P	03-13-081	132Q- 04-160	REP-P	03-13-082	132Q- 20-200	AMD-P	03-13-082
132Q- 02-060	NEW-P	03-13-081	132Q- 04-170	REP-P	03-13-082	132Q- 20-210	AMD-P	03-13-082
132Q- 02-070	NEW-P	03-13-081	132Q- 04-180	REP-P	03-13-082	132Q- 20-220	AMD-P	03-13-082
132Q- 02-080	NEW-P	03-13-081	132Q- 04-190	REP-P	03-13-082	132Q- 20-230	AMD-P	03-13-082
132Q- 02-090	NEW-P	03-13-081	132Q- 04-200	REP-P	03-13-082	132Q- 20-240	AMD-P	03-13-082
132Q- 02-100	NEW-P	03-13-081	132Q- 04-210	REP-P	03-13-082	132Q- 20-250	AMD-P	03-13-082
132Q- 02-110	NEW-P	03-13-081	132Q- 04-220	REP-P	03-13-082	132Q- 20-260	AMD-P	03-13-082
132Q- 02-120	NEW-P	03-13-081	132Q- 04-230	REP-P	03-13-082	132Q- 20-265	AMD-P	03-13-082
132Q- 02-130	NEW-P	03-13-081	132Q- 04-240	REP-P	03-13-082	132Q- 20-270	AMD-P	03-13-082
132Q- 02-140	NEW-P	03-13-081	132Q- 04-250	REP-P	03-13-082	132Q- 94	PREP	03-09-094
132Q- 02-150	NEW-P	03-13-081	132Q- 04-260	REP-P	03-13-082	132Q- 94-010	AMD-P	03-13-082
132Q- 02-160	NEW-P	03-13-081	132Q- 04-270	REP-P	03-13-082	132Q- 94-020	AMD-P	03-13-082
132Q- 02-170	NEW-P	03-13-081	132Q- 04-280	REP-P	03-13-082	132Q- 94-030	AMD-P	03-13-082
132Q- 02-180	NEW-P	03-13-081	132Q- 05	PREP	03-09-094	132Q- 94-130	AMD-P	03-13-082
132Q- 02-190	NEW-P	03-13-081	132Q- 05-010	REP-P	03-13-082	132Q- 94-150	AMD-P	03-13-082
132Q- 02-200	NEW-P	03-13-081	132Q- 05-020	REP-P	03-13-082	132Q- 94-160	NEW-P	03-13-082
132Q- 02-210	NEW-P	03-13-081	132Q- 05-030	REP-P	03-13-082	132Q-108	PREP	03-09-094
132Q- 02-220	NEW-P	03-13-081	132Q- 05-033	REP-P	03-13-082	132Q-108-010	AMD-P	03-13-082
132Q- 02-230	NEW-P	03-13-081	132Q- 05-036	REP-P	03-13-082	132Q-108-020	AMD-P	03-13-082
132Q- 02-240	NEW-P	03-13-081	132Q- 05-040	REP-P	03-13-082	132Q-108-040	AMD-P	03-13-082
132Q- 02-250	NEW-P	03-13-081	132Q- 05-050	REP-P	03-13-082	132Q-108-050	AMD-P	03-13-082
132Q- 02-260	NEW-P	03-13-081	132Q- 05-060	REP-P	03-13-082	132R- 01-010	AMD-P	03-11-006
132Q- 02-270	NEW-P	03-13-081	132Q- 05-070	REP-P	03-13-082	132R- 02-040	AMD-P	03-11-006
132Q- 02-280	NEW-P	03-13-081	132Q- 05-080	REP-P	03-13-082	132R- 02-080	AMD-P	03-11-006
132Q- 02-290	NEW-P	03-13-081	132Q- 05-090	REP-P	03-13-082	132R- 04	AMD-P	03-11-006
132Q- 02-300	NEW-P	03-13-081	132Q- 05-100	REP-P	03-13-082	132R- 04-010	AMD-P	03-11-006
132Q- 02-310	NEW-P	03-13-081	132Q- 05-110	REP-P	03-13-082	132R- 04-015	NEW-P	03-11-006
132Q- 02-320	NEW-P	03-13-081	132Q- 05-120	REP-P	03-13-082	132R- 04-017	NEW-P	03-11-006
132Q- 02-330	NEW-P	03-13-081	132Q- 06	PREP	03-09-094	132R- 04-019	NEW-P	03-11-006
132Q- 02-340	NEW-P	03-13-081	132Q- 06-010	REP-P	03-13-082	132R- 04-020	REP-P	03-11-006
132Q- 02-350	NEW-P	03-13-081	132Q- 06-015	REP-P	03-13-082	132R- 04-030	REP-P	03-11-006
132Q- 02-360	NEW-P	03-13-081	132Q- 06-016	REP-P	03-13-082	132R- 04-035	REP-P	03-11-006
132Q- 02-370	NEW-P	03-13-081	132Q- 06-020	REP-P	03-13-082	132R- 04-040	AMD-P	03-11-006
132Q- 02-380	NEW-P	03-13-081	132Q- 06-025	REP-P	03-13-082	132R- 04-042	NEW-P	03-11-006
132Q- 02-390	NEW-P	03-13-081	132Q- 06-030	REP-P	03-13-082	132R- 04-047	NEW-P	03-11-006
132Q- 02-400	NEW-P	03-13-081	132Q- 06-035	REP-P	03-13-082	132R- 04-050	REP-P	03-11-006
132Q- 02-410	NEW-P	03-13-081	132Q- 06-040	REP-P	03-13-082	132R- 04-055	REP-P	03-11-006
132Q- 02-420	NEW-P	03-13-081	132Q- 07	PREP	03-09-094	132R- 04-056	NEW-P	03-11-006
132Q- 02-430	NEW-P	03-13-081	132Q- 07-010	NEW-P	03-13-082	132R- 04-057	NEW-P	03-11-006
132Q- 02-440	NEW-P	03-13-081	132Q- 07-020	NEW-P	03-13-082	132R- 04-060	REP-P	03-11-006
132Q- 02-450	NEW-P	03-13-081	132Q- 07-030	NEW-P	03-13-082	132R- 04-063	NEW-P	03-11-006
132Q- 03	PREP	03-09-094	132Q- 07-040	NEW-P	03-13-082	132R- 04-064	NEW-P	03-11-006
132Q- 03-005	REP-P	03-13-082	132Q- 07-050	NEW-P	03-13-082	132R- 04-067	NEW-P	03-11-006
132Q- 03-010	REP-P	03-13-082	132Q- 07-060	NEW-P	03-13-082	132R- 04-070	REP-P	03-11-006
132Q- 03-020	REP-P	03-13-082	132Q- 20	PREP	03-09-094	132R- 04-080	REP-P	03-11-006
132Q- 03-030	REP-P	03-13-082	132Q- 20-005	NEW-P	03-13-082	132R- 04-090	REP-P	03-11-006
132Q- 04	PREP	03-09-094	132Q- 20-010	AMD-P	03-13-082	132R- 04-100	AMD-P	03-11-006
132Q- 04-010	REP-P	03-13-082	132Q- 20-020	REP-P	03-13-082	132R- 04-110	REP-P	03-11-006
132Q- 04-020	REP-P	03-13-082	132Q- 20-040	AMD-P	03-13-082	132R- 04-112	NEW-P	03-11-006
132Q- 04-030	REP-P	03-13-082	132Q- 20-050	AMD-P	03-13-082	132R- 04-115	NEW-P	03-11-006
132Q- 04-031	REP-P	03-13-082	132Q- 20-060	AMD-P	03-13-082	132R- 04-117	NEW-P	03-11-006
132Q- 04-076	REP-P	03-13-082	132Q- 20-070	AMD-P	03-13-082	132R- 04-120	REP-P	03-11-006
132Q- 04-077	REP-P	03-13-082	132Q- 20-080	AMD-P	03-13-082	132R- 04-130	AMD-P	03-11-006
132Q- 04-078	REP-P	03-13-082	132Q- 20-090	AMD-P	03-13-082	132R- 04-140	AMD-P	03-11-006
132Q- 04-097	REP-P	03-13-082	132Q- 20-110	AMD-P	03-13-082	132R- 04-150	AMD-P	03-11-006
132Q- 04-100	REP-P	03-13-082	132Q- 20-120	AMD-P	03-13-082	132R- 04-160	AMD-P	03-11-006
132Q- 04-105	REP-P	03-13-082	132Q- 20-130	AMD-P	03-13-082	132R- 04-165	NEW-P	03-11-006
132Q- 04-110	REP-P	03-13-082	132Q- 20-140	AMD-P	03-13-082	132R- 04-170	AMD-P	03-11-006
132Q- 04-120	REP-P	03-13-082	132Q- 20-150	AMD-P	03-13-082	132R- 05-010	AMD-P	03-11-006

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132R-12-010	AMD-P	03-11-006	139-05-200	PREP	03-11-055	173-157-040	NEW	03-03-081
132R-12-020	AMD-P	03-11-006	139-05-210	AMD	03-07-099	173-157-050	NEW	03-03-081
132R-116-070	AMD-P	03-11-006	139-05-820	AMD	03-07-099	173-157-100	NEW	03-03-081
132R-116-090	AMD-P	03-11-006	139-05-915	AMD-C	03-03-091	173-157-110	NEW	03-03-081
132R-117	AMD-P	03-11-006	139-05-915	AMD	03-07-100	173-157-120	NEW	03-03-081
132R-117-010	AMD-P	03-11-006	139-05-925	PREP	03-11-056	173-157-130	NEW	03-03-081
132R-117-020	NEW-P	03-11-006	139-10-215	PREP	03-05-090	173-157-140	NEW	03-03-081
132R-118-010	AMD-P	03-11-006	139-10-215	AMD-P	03-09-010	173-157-150	NEW	03-03-081
132R-118-020	AMD-P	03-11-006	139-10-215	AMD	03-13-098	173-157-160	NEW	03-03-081
132R-118-030	AMD-P	03-11-006	139-30-015	AMD	03-07-098	173-157-170	NEW	03-03-081
132R-118-040	AMD-P	03-11-006	139-35-015	AMD	03-07-098	173-157-180	NEW	03-03-081
132R-136	AMD-P	03-11-006	172-64-010	NEW-P	03-11-099	173-157-200	NEW	03-03-081
132R-136-010	AMD-P	03-11-006	172-64-020	NEW-P	03-11-099	173-157-210	NEW	03-03-081
132R-136-030	AMD-P	03-11-006	172-64-030	NEW-P	03-11-099	173-157-220	NEW	03-03-081
132R-136-035	NEW-P	03-11-006	172-64-040	NEW-P	03-11-099	173-157-230	NEW	03-03-081
132R-136-055	NEW-P	03-11-006	172-64-050	NEW-P	03-11-099	173-170-010	AMD	03-07-104
132R-136-060	NEW-P	03-11-006	172-64-060	NEW-P	03-11-099	173-170-020	AMD	03-07-104
132R-136-070	NEW-P	03-11-006	172-64-070	NEW-P	03-11-099	173-170-040	AMD	03-07-104
132R-136-080	NEW-P	03-11-006	172-64-080	NEW-P	03-11-099	173-170-050	AMD	03-07-104
132R-144-010	AMD-P	03-11-006	172-64-090	NEW-P	03-11-099	173-170-070	AMD	03-07-104
132R-144-020	AMD-P	03-11-006	172-64-100	NEW-P	03-11-099	173-170-080	AMD	03-07-104
132R-150-030	REP-P	03-11-006	172-64-110	NEW-P	03-11-099	173-170-090	AMD	03-07-104
132R-150-050	AMD-P	03-11-006	172-64-120	NEW-P	03-11-099	173-170-100	AMD	03-07-104
132R-158-010	AMD-P	03-11-006	172-64-130	NEW-P	03-11-099	173-183-820	AMD-X	03-06-036
132R-175-010	AMD-P	03-11-006	172-64-140	NEW-P	03-11-099	173-183-820	AMD	03-11-010
132R-175-020	AMD-P	03-11-006	173-06-120	AMD-X	03-04-081	173-183-830	AMD-X	03-06-036
132R-175-030	AMD-P	03-11-006	173-06-120	AMD	03-10-019	173-183-830	AMD	03-11-010
132R-175-050	AMD-P	03-11-006	173-26	PREP	03-03-019	173-183-850	AMD-X	03-06-036
132R-175-060	AMD-P	03-11-006	173-26-010	AMD-P	03-13-108	173-183-850	AMD	03-11-010
132R-175-080	AMD-P	03-11-006	173-26-020	AMD-P	03-13-108	173-183-860	AMD-X	03-06-036
132R-175-090	AMD-P	03-11-006	173-26-170	REP-P	03-13-108	173-183-860	AMD	03-11-010
132R-175-100	AMD-P	03-11-006	173-26-171	NEW-P	03-13-108	173-201A	AMD-S	03-04-082
132R-175-110	AMD-P	03-11-006	173-26-176	NEW-P	03-13-108	173-303-045	AMD	03-07-049
132R-175-120	AMD-P	03-11-006	173-26-180	REP-P	03-13-108	173-303-070	AMD	03-07-049
132R-175-130	AMD-P	03-11-006	173-26-181	NEW-P	03-13-108	173-303-071	AMD-E	03-03-047
132R-175-140	AMD-P	03-11-006	173-26-186	NEW-P	03-13-108	173-303-071	AMD	03-07-049
132R-190-010	AMD-P	03-11-006	173-26-190	REP-P	03-13-108	173-303-100	AMD	03-07-049
132R-190-020	AMD-P	03-11-006	173-26-191	NEW-P	03-13-108	173-303-110	AMD	03-07-049
132R-190-030	AMD-P	03-11-006	173-26-200	REP-P	03-13-108	173-303-140	AMD	03-07-049
132R-190-035	AMD-P	03-11-006	173-26-201	NEW-P	03-13-108	173-303-170	AMD	03-07-049
132R-190-040	AMD-P	03-11-006	173-26-210	REP-P	03-13-108	173-303-200	AMD	03-07-049
132R-190-050	AMD-P	03-11-006	173-26-211	NEW-P	03-13-108	173-303-283	AMD	03-07-049
132R-190-070	AMD-P	03-11-006	173-26-220	REP-P	03-13-108	173-303-380	AMD	03-07-049
132R-190-100	AMD-P	03-11-006	173-26-221	NEW-P	03-13-108	173-303-390	AMD	03-07-049
132R-190-110	AMD-P	03-11-006	173-26-230	REP-P	03-13-108	173-303-400	AMD	03-07-049
132R-200-010	AMD-P	03-11-006	173-26-231	NEW-P	03-13-108	173-303-500	AMD	03-07-049
132X-60-065	AMD	03-03-089	173-26-240	REP-P	03-13-108	173-303-505	AMD	03-07-049
136-60-010	AMD	03-05-009	173-26-241	NEW-P	03-13-108	173-303-506	AMD	03-07-049
136-60-020	AMD	03-05-009	173-26-250	REP-P	03-13-108	173-303-510	AMD	03-07-049
136-60-030	AMD	03-05-009	173-26-251	NEW-P	03-13-108	173-303-520	AMD	03-07-049
136-60-040	AMD	03-05-009	173-26-270	REP-P	03-13-108	173-303-522	AMD	03-07-049
136-60-050	AMD	03-05-009	173-26-280	REP-P	03-13-108	173-303-525	AMD	03-07-049
136-60-060	AMD	03-05-009	173-26-290	REP-P	03-13-108	173-303-578	AMD	03-07-049
136-150-023	AMD	03-05-010	173-26-300	REP-P	03-13-108	173-303-620	AMD	03-07-049
136-150-024	REP	03-05-010	173-26-310	REP-P	03-13-108	173-303-645	AMD	03-07-049
136-150-030	AMD	03-05-010	173-26-320	REP-P	03-13-108	173-303-646	AMD	03-07-049
136-150-040	AMD	03-05-010	173-26-330	REP-P	03-13-108	173-303-690	AMD	03-07-049
136-150-050	NEW	03-05-010	173-26-340	REP-P	03-13-108	173-303-691	AMD	03-07-049
136-150-060	NEW	03-05-010	173-26-350	REP-P	03-13-108	173-303-692	AMD	03-07-049
136-161-080	AMD-P	03-05-008	173-157-010	NEW	03-03-081	173-303-806	AMD	03-07-049
136-161-080	AMD	03-11-046	173-157-020	NEW	03-03-081	173-303-830	AMD	03-07-049
136-163-030	AMD	03-05-011	173-157-030	NEW	03-03-081	173-314-010	REP-X	03-05-095

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-314-010	REP	03-10-020	180- 10-005	REP-W	03-03-060	180- 82	PREP	03-10-076
173-314-100	REP-X	03-05-095	180- 10-007	REP-W	03-03-060	180- 82-110	AMD	03-04-023
173-314-100	REP	03-10-020	180- 10-010	REP-W	03-03-060	180- 82-115	PREP	03-09-084
173-314-200	REP-X	03-05-095	180- 10-015	REP-W	03-03-060	180- 82-204	PREP	03-04-020
173-314-200	REP	03-10-020	180- 10-020	REP-W	03-03-060	180- 82-204	AMD-E	03-04-027
173-314-210	REP-X	03-05-095	180- 10-025	REP-W	03-03-060	180- 82-204	AMD-P	03-09-024
173-314-210	REP	03-10-020	180- 10-030	REP-W	03-03-060	180- 82-204	AMD-E	03-09-025
173-314-220	REP-X	03-05-095	180- 10-035	REP-W	03-03-060	180- 82-205	PREP	03-09-022
173-314-220	REP	03-10-020	180- 10-040	REP-W	03-03-060	180- 82A-204	PREP	03-04-020
173-314-300	REP-X	03-05-095	180- 10-045	REP-W	03-03-060	180- 82A-204	AMD-E	03-04-028
173-314-300	REP	03-10-020	180- 24-00701	PREP	03-12-037	180- 82A-204	AMD-P	03-09-024
173-314-310	REP-X	03-05-095	180- 24-215	PREP	03-12-037	180- 82A-204	AMD-E	03-09-025
173-314-310	REP	03-10-020	180- 24-220	PREP	03-12-037	180- 82A-206	PREP	03-04-021
173-314-320	REP-X	03-05-095	180- 25	PREP	03-10-077	180- 82A-206	AMD-P	03-09-026
173-314-320	REP	03-10-020	180- 26	PREP	03-10-077	180- 82A-206	AMD-E	03-09-027
173-314-330	REP-X	03-05-095	180- 27	PREP	03-10-077	180- 82A-215	PREP	03-04-021
173-314-330	REP	03-10-020	180- 29	PREP	03-10-077	180- 82A-215	AMD-P	03-09-026
173-314-340	REP-X	03-05-095	180- 31	PREP	03-10-077	180- 82A-215	AMD-E	03-09-027
173-314-340	REP	03-10-020	180- 32	PREP	03-10-077	180- 83	PREP	03-10-076
173-350-010	NEW	03-03-043	180- 33	PREP	03-10-077	180- 85	PREP	03-10-076
173-350-020	NEW	03-03-043	180- 38-065	AMD-W	03-03-062	180- 86	PREP	03-10-076
173-350-025	NEW	03-03-043	180- 38-065	REP	03-13-079	180- 86-100	PREP	03-09-082
173-350-030	NEW	03-03-043	180- 38-080	NEW	03-13-079	180- 86-100	PREP	03-10-029
173-350-040	NEW	03-03-043	180- 46	PREP	03-10-074	180- 86-116	PREP	03-09-083
173-350-100	NEW	03-03-043	180- 50-315	AMD	03-04-054	180- 86-116	PREP	03-10-028
173-350-200	NEW	03-03-043	180- 51-063	PREP	03-04-110	180- 87	PREP	03-10-076
173-350-210	NEW	03-03-043	180- 51-063	AMD-E	03-09-018	180- 90-105	AMD	03-04-053
173-350-220	NEW	03-03-043	180- 51-063	AMD-P	03-09-028	180- 90-110	REP	03-04-053
173-350-230	NEW	03-03-043	180- 55-032	NEW-W	03-03-061	180- 90-112	AMD	03-04-053
173-350-240	NEW	03-03-043	180- 55-034	PREP	03-04-112	180- 90-115	REP	03-04-053
173-350-300	NEW	03-03-043	180- 55-150	PREP	03-04-111	180- 90-119	REP	03-04-053
173-350-310	NEW	03-03-043	180- 57-050	AMD	03-04-055	180- 90-120	REP	03-04-053
173-350-320	NEW	03-03-043	180- 57-055	AMD	03-04-055	180- 90-123	REP	03-04-053
173-350-330	NEW	03-03-043	180- 57-070	AMD	03-04-055	180- 90-125	REP	03-04-053
173-350-350	NEW	03-03-043	180- 72	PREP	03-10-075	180- 90-130	AMD	03-04-053
173-350-360	NEW	03-03-043	180- 77	PREP	03-10-076	180- 90-133	REP	03-04-053
173-350-400	NEW	03-03-043	180- 77-068	AMD-P	03-10-070	180- 90-135	REP	03-04-053
173-350-410	NEW	03-03-043	180- 77A	PREP	03-10-076	180- 90-137	REP	03-04-053
173-350-490	NEW	03-03-043	180- 78A	PREP	03-10-076	180- 90-141	AMD	03-04-053
173-350-500	NEW	03-03-043	180- 78A-250	PREP	03-09-086	180- 90-160	AMD	03-04-053
173-350-600	NEW	03-03-043	180- 78A-264	PREP	03-09-085	180- 95	PREP	03-10-072
173-350-600	NEW	03-04-103	180- 78A-505	AMD	03-04-025	180- 96	PREP	03-10-073
173-350-700	NEW	03-03-043	180- 78A-505	PREP	03-09-020	182- 08-015	AMD-P	03-13-138
173-350-710	NEW	03-03-043	180- 78A-505	AMD-E	03-12-039	182- 08-020	REP-P	03-13-138
173-350-715	NEW	03-03-043	180- 78A-535	AMD	03-04-024	182- 08-095	AMD-P	03-13-138
173-350-900	NEW	03-03-043	180- 78A-700	NEW	03-04-026	182- 08-120	AMD-P	03-13-138
173-350-990	NEW	03-03-043	180- 79A	PREP	03-10-076	182- 08-125	AMD-P	03-13-138
173-434-020	AMD-P	03-13-077	180- 79A-117	PREP	03-07-004	182- 08-175	AMD-P	03-13-138
173-434-030	AMD-P	03-13-077	180- 79A-117	AMD-E	03-08-060	182- 08-180	AMD-P	03-13-138
173-434-050	REP-P	03-13-077	180- 79A-117	AMD-P	03-09-029	182- 08-190	AMD-P	03-13-138
173-434-070	REP-P	03-13-077	180- 79A-127	AMD-X	03-10-071	182- 08-196	NEW-P	03-13-138
173-434-100	REP-P	03-13-077	180- 79A-140	PREP	03-09-019	182- 08-210	AMD-P	03-13-138
173-434-110	AMD-P	03-13-077	180- 79A-140	AMD-E	03-12-038	182- 08-220	AMD-P	03-13-138
173-434-120	REP-P	03-13-077	180- 79A-150	PREP	03-04-109	182- 12-111	AMD-P	03-13-138
173-434-130	AMD-P	03-13-077	180- 79A-155	AMD	03-04-022	182- 12-115	AMD-P	03-13-138
173-434-160	AMD-P	03-13-077	180- 79A-223	PREP	03-12-036	182- 12-117	AMD-P	03-13-138
173-434-170	AMD-P	03-13-077	180- 79A-231	AMD-P	03-04-019	182- 12-119	AMD-P	03-13-138
173-434-190	AMD-P	03-13-077	180- 79A-231	AMD-P	03-09-023	182- 12-132	AMD-P	03-13-138
173-434-200	AMD-P	03-13-077	180- 79A-231	AMD	03-12-035	182- 12-145	AMD-P	03-13-138
173-503	PREP	03-10-011	180- 79A-231	AMD-E	03-12-038	182- 12-220	AMD-P	03-13-138
180- 10-001	REP-W	03-03-060	180- 79A-308	PREP	03-09-021	182- 25-030	AMD-P	03-05-094
180- 10-003	REP-W	03-03-060	180- 81	PREP	03-10-076	182- 25-035	NEW-P	03-05-094

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192- 16-033	REP	03-06-038	220- 12-020	AMD	03-05-057	220- 47-301	AMD	03-05-076
192- 16-036	REP	03-06-038	220- 16-270	AMD-P	03-13-147	220- 47-302	AMD-X	03-13-145
192- 16-040	REP	03-06-038	220- 16-27000A	NEW-E	03-09-081	220- 47-307	AMD-X	03-13-145
192- 16-042	REP	03-06-038	220- 16-290	NEW	03-05-061	220- 47-311	AMD-X	03-13-145
192- 16-045	REP	03-06-038	220- 20-016	AMD	03-10-010	220- 47-325	AMD-X	03-13-145
192- 16-047	REP	03-06-038	220- 20-080	NEW	03-05-059	220- 47-401	AMD-X	03-13-145
192- 36-010	PREP	03-11-072	220- 20-110	NEW-P	03-12-076	220- 47-411	AMD-P	03-13-146
192- 36-020	PREP	03-11-072	220- 22-40000E	NEW-E	03-13-067	220- 47-427	AMD-X	03-13-145
192- 36-025	PREP	03-11-072	220- 24-04000I	NEW-E	03-10-005	220- 47-428	AMD-X	03-13-145
192-240-010	NEW	03-06-038	220- 24-04000I	REP-E	03-13-014	220- 47-430	AMD-X	03-13-145
192-240-015	NEW	03-06-038	220- 32-05100A	NEW-E	03-07-044	220- 48-01500R	NEW-E	03-13-025
192-240-020	NEW	03-06-038	220- 32-05100A	REP-E	03-07-044	220- 48-029	AMD	03-05-063
192-240-025	NEW	03-06-038	220- 32-05100B	NEW-E	03-10-003	220- 48-02900B	NEW-E	03-13-078
192-240-030	NEW	03-06-038	220- 32-05100B	REP-E	03-10-003	220- 48-032	AMD	03-05-063
192-240-035	NEW	03-06-038	220- 32-05100B	REP-E	03-12-002	220- 48-03200A	NEW-E	03-13-078
192-240-040	NEW	03-06-038	220- 32-05100C	NEW-E	03-12-002	220- 52-018	AMD-P	03-13-140
192-240-045	NEW	03-06-038	220- 32-05100C	REP-E	03-12-023	220- 52-019	AMD-P	03-06-065
196- 12	PREP	03-09-032	220- 32-05100D	NEW-E	03-12-023	220- 52-019	AMD	03-10-008
196- 16	PREP	03-09-032	220- 32-05100Z	REP-E	03-07-044	220- 52-01900A	NEW-E	03-09-072
196- 20	PREP	03-09-032	220- 32-05500F	NEW-E	03-08-047	220- 52-020	AMD-P	03-13-032
196- 21	PREP	03-09-032	220- 32-05700S	NEW-E	03-13-017	220- 52-020	AMD-P	03-13-140
196- 23-070	PREP	03-13-012	220- 32-05700S	REP-E	03-13-017	220- 52-02000A	NEW-E	03-10-002
196- 24	PREP	03-09-032	220- 32-06000A	NEW-E	03-10-003	220- 52-035	AMD-P	03-13-147
196- 25	PREP	03-09-032	220- 32-06000A	REP-E	03-10-003	220- 52-03500A	NEW-E	03-09-081
196- 26A	PREP	03-09-032	220- 33-01000A	NEW-E	03-05-036	220- 52-04000M	REP-E	03-06-030
196- 30	PREP	03-03-111	220- 33-01000A	REP-E	03-05-036	220- 52-04000N	NEW-E	03-13-067
197- 11-070	AMD-P	03-03-082	220- 33-01000A	REP-E	03-06-007	220- 52-04000N	REP-E	03-13-067
197- 11-250	AMD-P	03-03-082	220- 33-01000B	NEW-E	03-06-007	220- 52-04600N	REP-E	03-04-046
197- 11-310	AMD-P	03-03-082	220- 33-01000B	REP-E	03-06-007	220- 52-04600P	NEW-E	03-04-007
197- 11-800	AMD-P	03-03-082	220- 33-01000C	NEW-E	03-08-004	220- 52-04600P	REP-E	03-04-007
197- 11-820	AMD-P	03-03-082	220- 33-01000C	REP-E	03-08-004	220- 52-04600P	REP-E	03-07-014
197- 11-835	AMD-P	03-03-082	220- 33-01000D	NEW-E	03-09-080	220- 52-04600Q	NEW-E	03-04-046
197- 11-850	AMD-P	03-03-082	220- 33-01000D	REP-E	03-09-080	220- 52-04600Q	REP-E	03-07-002
197- 11-855	AMD-P	03-03-082	220- 33-01000D	REP-E	03-10-006	220- 52-04600R	NEW-E	03-05-006
197- 11-902	AMD-P	03-03-082	220- 33-01000E	NEW-E	03-10-042	220- 52-04600R	REP-E	03-06-020
197- 11-904	AMD-P	03-03-082	220- 33-01000E	REP-E	03-10-042	220- 52-04600S	NEW-E	03-05-047
197- 11-908	AMD-P	03-03-082	220- 33-01000Y	REP-E	03-04-033	220- 52-04600S	REP-E	03-10-022
204- 82A-060	AMD-P	03-08-089	220- 33-01000Z	NEW-E	03-04-033	220- 52-04600T	NEW-E	03-06-020
204- 82A-060	AMD	03-12-013	220- 33-01000Z	REP-E	03-04-033	220- 52-04600T	REP-E	03-10-022
212- 12-200	NEW	03-06-063	220- 33-01000Z	REP-E	03-04-078	220- 52-04600U	NEW-E	03-07-002
212- 12-210	NEW	03-06-063	220- 33-03000T	NEW-E	03-11-002	220- 52-04600U	REP-E	03-08-048
212- 12-220	NEW	03-06-063	220- 33-03000T	REP-E	03-11-002	220- 52-04600V	NEW-E	03-07-014
212- 12-230	NEW	03-06-063	220- 33-04000S	REP-E	03-07-015	220- 52-04600V	REP-E	03-07-014
212- 12-240	NEW	03-06-063	220- 33-04000T	NEW-E	03-07-015	220- 52-04600V	REP-E	03-10-021
212- 12-250	NEW	03-06-063	220- 33-04000T	REP-E	03-07-015	220- 52-04600W	NEW-E	03-08-048
212- 12-260	NEW	03-06-063	220- 33-060	AMD	03-05-062	220- 52-04600X	NEW-E	03-10-021
212- 12-270	NEW	03-06-063	220- 36-023	AMD-X	03-13-106	220- 52-04600X	REP-E	03-10-021
212- 12-280	NEW	03-06-063	220- 36-03001	AMD	03-05-062	220- 52-04600Y	NEW-E	03-13-067
212- 12-290	NEW	03-06-063	220- 36-03001A	NEW-E	03-05-002	220- 52-04600Y	REP-E	03-13-067
212- 12-300	NEW	03-06-063	220- 36-03001A	REP-E	03-05-002	220- 52-050	AMD	03-05-060
212- 12-310	NEW	03-06-063	220- 40-027	AMD-X	03-13-106	220- 52-051	AMD	03-05-064
212- 12-320	NEW	03-06-063	220- 40-030	AMD	03-05-062	220- 52-05100P	NEW-E	03-09-013
212- 12-330	NEW	03-06-063	220- 44-050	AMD-P	03-02-105	220- 52-05100P	REP-E	03-09-081
212- 12-340	NEW	03-06-063	220- 44-050	AMD	03-05-078	220- 52-05100Q	NEW-E	03-09-081
212- 12-350	NEW	03-06-063	220- 44-05000R	REP-E	03-04-058	220- 52-05100Q	REP-E	03-11-008
212- 12-360	NEW	03-06-063	220- 44-05000S	NEW-E	03-04-058	220- 52-05100R	NEW-E	03-11-008
212- 12-370	NEW	03-06-063	220- 44-05000S	REP-E	03-05-027	220- 52-05100R	REP-E	03-12-016
212- 12-380	NEW	03-06-063	220- 44-05000T	NEW-E	03-05-027	220- 52-05100S	NEW-E	03-12-016
212- 12-390	NEW	03-06-063	220- 44-05000T	REP-E	03-07-024	220- 52-05100S	REP-E	03-13-084
212- 12-400	NEW	03-06-063	220- 44-05000U	NEW-E	03-07-024	220- 52-05100T	NEW-E	03-13-084
212- 12-410	NEW	03-06-063	220- 44-05000U	REP-E	03-13-008	220- 52-066	AMD-P	03-06-064
212- 12-420	NEW-W	03-06-071	220- 44-05000V	NEW-E	03-13-008	220- 52-071	AMD-P	03-13-085

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 52-07300A	REP-E	03-03-002	220- 56-32500G	REP-E	03-13-107	220- 88B-030	AMD-P	03-13-030
220- 52-07300B	NEW-E	03-03-002	220- 56-32500H	NEW-E	03-13-107	220- 88B-050	REP-P	03-13-030
220- 52-07300B	REP-E	03-03-068	220- 56-33000A	NEW-E	03-12-032	220- 88C-020	AMD-P	03-08-100
220- 52-07300C	NEW-E	03-03-068	220- 56-33000A	REP-E	03-12-060	220- 88C-020	AMD	03-13-002
220- 52-07300C	REP-E	03-06-001	220- 56-33000B	NEW-E	03-12-060	220- 88C-02000	NEW-E	03-13-036
220- 52-07300D	NEW-E	03-06-001	220- 56-33000B	REP-E	03-13-039	220- 88C-02000	REP-E	03-13-036
220- 52-07300D	REP-E	03-06-001	220- 56-33000C	NEW-E	03-13-039	220- 88C-030	AMD-P	03-08-100
220- 52-07300E	NEW-E	03-11-080	220- 56-33000C	REP-E	03-13-066	220- 88C-030	AMD	03-13-002
220- 52-075	AMD	03-05-064	220- 56-33000D	NEW-E	03-13-066	220- 88C-03000	NEW-E	03-13-036
220- 55-001	AMD-P	03-06-079	220- 56-33000R	REP-E	03-05-026	220- 88C-03000	REP-E	03-13-036
220- 55-060	REP-P	03-06-079	220- 56-33000S	NEW-E	03-05-005	220- 88C-040	AMD-P	03-08-100
220- 55-060	REP	03-10-040	220- 56-33000S	REP-E	03-06-020	220- 88C-040	AMD	03-13-002
220- 56-100	AMD-X	03-13-144	220- 56-33000T	NEW-E	03-05-026	220- 88C-04000	NEW-E	03-13-036
220- 56-10000A	NEW-E	03-10-039	220- 56-33000T	REP-E	03-07-003	220- 88C-04000	REP-E	03-13-036
220- 56-105	AMD	03-05-057	220- 56-33000U	NEW-E	03-06-020	220- 88C-04000	NEW-E	03-11-027
220- 56-12800F	NEW-E	03-10-039	220- 56-33000U	REP-E	03-10-022	220- 88C-04000	REP-E	03-11-027
220- 56-12800F	REP-E	03-10-039	220- 56-33000V	NEW-E	03-07-003	220- 88C-050	AMD-P	03-08-100
220- 56-129	NEW	03-05-057	220- 56-33000V	REP-E	03-08-049	220- 88C-050	AMD	03-13-002
220- 56-175	AMD	03-05-057	220- 56-33000W	NEW-E	03-08-049	220- 88D-010	NEW-P	03-13-140
220- 56-18000B	NEW-E	03-10-039	220- 56-33000W	REP-E	03-09-060	220- 88D-020	NEW-P	03-13-140
220- 56-18000B	REP-E	03-10-039	220- 56-33000X	NEW-E	03-09-060	220- 88D-030	NEW-P	03-13-140
220- 56-19500K	NEW-E	03-10-039	220- 56-33000X	REP-E	03-11-023	220- 88D-040	NEW-P	03-13-140
220- 56-19500K	REP-E	03-10-039	220- 56-33000Y	NEW-E	03-11-023	220- 88D-050	NEW-P	03-13-140
220- 56-230	AMD	03-05-057	220- 56-33000Y	REP-E	03-11-039	220-100-010	AMD-P	03-06-080
220- 56-23000A	NEW-E	03-07-032	220- 56-33000Z	NEW-E	03-11-039	220-100-010	AMD	03-10-038
220- 56-23000A	REP-E	03-07-032	220- 56-33000Z	REP-E	03-12-032	220-100-020	AMD-P	03-06-080
220- 56-235	AMD	03-05-057	220- 56-350	AMD	03-05-057	220-100-020	AMD	03-10-038
220- 56-235	AMD-P	03-13-083	220- 56-35000P	NEW-E	03-07-025	220-100-027	NEW-P	03-06-080
220- 56-23500Q	NEW-E	03-07-032	220- 56-35000P	REP-E	03-07-025	220-100-027	NEW	03-10-038
220- 56-23500Q	REP-E	03-07-032	220- 56-370	REP-P	03-06-079	220-100-030	AMD-P	03-06-080
220- 56-23500Q	REP-E	03-09-123	220- 56-380	AMD	03-05-057	220-100-030	AMD	03-10-038
220- 56-23500R	NEW-E	03-09-123	220- 69-240	AMD	03-05-059	220-100-040	AMD-P	03-06-080
220- 56-250	AMD	03-05-057	220- 69-240	AMD	03-05-064	220-100-040	AMD	03-10-038
220- 56-25000E	NEW-E	03-07-032	220- 69-240	AMD-P	03-13-030	220-100-045	AMD-P	03-06-080
220- 56-25000E	REP-E	03-07-032	220- 69-240	AMD-P	03-13-087	220-100-045	AMD	03-10-038
220- 56-255	AMD	03-05-057	220- 69-24000F	NEW-E	03-11-080	220-100-055	AMD-P	03-06-080
220- 56-25500E	NEW-E	03-09-061	220- 69-241	AMD	03-05-059	220-100-055	AMD	03-10-038
220- 56-25500E	REP-E	03-11-026	220- 69-27300A	NEW-E	03-12-024	220-100-057	NEW-P	03-06-080
220- 56-25500F	NEW-E	03-11-026	220- 72-002	AMD-P	03-06-109	220-100-057	NEW	03-10-038
220- 56-25500F	REP-E	03-11-081	220- 72-002	AMD	03-10-041	220-100-058	NEW-P	03-06-080
220- 56-25500G	NEW-E	03-11-081	220- 72-011	AMD-P	03-06-109	220-100-058	NEW	03-10-038
220- 56-25500G	REP-E	03-13-019	220- 72-011	AMD	03-10-041	220-100-060	AMD-P	03-06-080
220- 56-25500H	NEW-E	03-13-019	220- 72-015	AMD-P	03-06-109	220-100-060	AMD	03-10-038
220- 56-25500H	REP-E	03-13-070	220- 72-015	AMD	03-10-041	220-100-065	AMD-P	03-06-080
220- 56-25500I	NEW-E	03-13-070	220- 72-070	AMD-P	03-06-109	220-100-065	AMD	03-10-038
220- 56-265	AMD	03-05-057	220- 72-070	AMD	03-10-041	220-100-068	NEW-P	03-06-080
220- 56-27000N	REP-E	03-05-025	220- 72-073	AMD-P	03-06-109	220-100-068	NEW	03-10-038
220- 56-27000P	NEW-E	03-05-025	220- 72-073	AMD	03-10-041	220-100-070	AMD-P	03-06-080
220- 56-27000P	REP-E	03-05-025	220- 72-076	AMD-P	03-06-109	220-100-070	AMD	03-10-038
220- 56-282	AMD-X	03-13-011	220- 72-076	AMD	03-10-041	220-100-075	AMD-P	03-06-080
220- 56-282	AMD-P	03-13-086	220- 72-086	NEW-P	03-06-109	220-100-075	AMD	03-10-038
220- 56-320	AMD	03-05-057	220- 72-086	NEW	03-10-041	220-100-080	AMD-P	03-06-080
220- 56-325	AMD	03-05-057	220- 72-087	NEW-P	03-06-109	220-100-080	AMD	03-10-038
220- 56-32500C	NEW-E	03-09-014	220- 72-087	NEW	03-10-041	220-100-095	AMD-P	03-06-080
220- 56-32500C	REP-E	03-10-034	220- 72-089	NEW-P	03-06-109	220-100-095	AMD	03-10-038
220- 56-32500D	NEW-E	03-10-034	220- 72-089	NEW	03-10-041	222- 21-010	AMD	03-06-039
220- 56-32500D	REP-E	03-11-003	220- 72-090	NEW-P	03-06-109	222- 21-030	AMD	03-06-039
220- 56-32500E	NEW-E	03-11-003	220- 72-090	NEW	03-10-041	222- 21-035	AMD	03-06-039
220- 56-32500E	REP-E	03-12-079	220- 72-092	NEW-P	03-06-109	222- 21-040	AMD	03-06-039
220- 56-32500F	NEW-E	03-12-079	220- 72-092	NEW	03-10-041	222- 21-045	AMD	03-06-039
220- 56-32500F	REP-E	03-13-038	220- 88B-010	AMD-P	03-13-030	222- 21-050	AMD	03-06-039
220- 56-32500G	NEW-E	03-13-038	220- 88B-020	AMD-P	03-13-030	230- 02-412	AMD-P	03-08-002

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230- 02-412	AMD	03-11-042	232- 19-010	REP-P	03-06-080	232- 28-276	REP	03-13-047
230- 04-110	AMD-P	03-08-002	232- 19-010	REP	03-10-038	232- 28-278	REP-P	03-06-113
230- 04-110	AMD	03-11-042	232- 19-015	REP-P	03-06-080	232- 28-278	REP	03-13-047
230- 08-010	AMD-P	03-13-135	232- 19-015	REP	03-10-038	232- 28-279	REP-P	03-06-114
230- 08-017	AMD	03-05-089	232- 19-020	REP-P	03-06-080	232- 28-279	REP	03-13-047
230- 12-305	AMD-P	03-08-001	232- 19-020	REP	03-10-038	232- 28-282	AMD	03-03-016
230- 12-305	AMD	03-11-041	232- 19-030	REP-P	03-06-080	232- 28-282	AMD-P	03-13-141
230- 12-315	AMD-P	03-08-002	232- 19-030	REP	03-10-038	232- 28-291	AMD-P	03-06-105
230- 12-315	AMD	03-11-042	232- 19-040	REP-P	03-06-080	232- 28-291	AMD-P	03-12-077
230- 12-316	NEW-P	03-08-002	232- 19-040	REP	03-10-038	232- 28-291	AMD	03-13-047
230- 12-316	NEW	03-11-042	232- 19-050	REP-P	03-06-080	232- 28-331	NEW-P	03-02-103
230- 12-340	AMD-P	03-13-135	232- 19-050	REP	03-10-038	232- 28-331	NEW	03-06-110
230- 20-059	AMD-P	03-05-088	232- 19-055	REP-P	03-06-080	232- 28-331	AMD-P	03-13-117
230- 20-059	AMD	03-11-040	232- 19-055	REP	03-10-038	232- 28-332	NEW-P	03-02-103
230- 40-010	AMD-P	03-13-135	232- 19-060	REP-P	03-06-080	232- 28-332	NEW	03-06-110
230- 40-040	AMD-P	03-13-135	232- 19-060	REP	03-10-038	232- 28-332	AMD-P	03-13-118
230- 40-120	AMD-P	03-13-137	232- 19-070	REP-P	03-06-080	232- 28-333	NEW-P	03-02-103
230- 40-125	REP-P	03-13-135	232- 19-070	REP	03-10-038	232- 28-333	NEW	03-06-110
230- 40-550	AMD-P	03-05-087	232- 19-080	REP-P	03-06-080	232- 28-333	AMD-P	03-13-121
230- 40-550	AMD	03-09-076	232- 19-080	REP	03-10-038	232- 28-334	NEW-P	03-02-103
230- 40-625	AMD-P	03-05-087	232- 19-090	REP-P	03-06-080	232- 28-334	NEW	03-06-110
230- 40-625	AMD	03-09-076	232- 19-090	REP	03-10-038	232- 28-334	AMD-P	03-13-119
230- 40-803	REP-P	03-13-137	232- 19-100	REP-P	03-06-080	232- 28-335	NEW-P	03-02-103
230- 40-805	AMD-P	03-13-135	232- 19-100	REP	03-10-038	232- 28-335	NEW	03-06-110
230- 40-815	AMD-P	03-05-087	232- 19-110	REP-P	03-06-080	232- 28-335	AMD-P	03-13-120
230- 40-815	AMD	03-09-076	232- 19-110	REP	03-10-038	232- 28-336	NEW-P	03-02-103
230- 40-821	AMD-P	03-13-135	232- 19-120	REP-P	03-06-080	232- 28-336	NEW	03-06-110
230- 40-825	AMD-P	03-05-087	232- 19-120	REP	03-10-038	232- 28-337	NEW-P	03-06-112
230- 40-825	AMD	03-09-076	232- 19-130	REP-P	03-06-080	232- 28-337	NEW	03-13-047
230- 40-825	AMD-P	03-13-137	232- 19-130	REP	03-10-038	232- 28-341	NEW-P	03-06-106
230- 40-833	AMD-P	03-13-137	232- 19-140	REP-P	03-06-080	232- 28-341	NEW	03-13-047
230- 40-860	AMD-P	03-05-087	232- 19-140	REP	03-10-038	232- 28-341	AMD-P	03-13-116
230- 40-860	AMD	03-09-076	232- 19-180	REP-P	03-06-080	232- 28-351	NEW-P	03-06-113
230- 40-875	AMD-P	03-05-087	232- 19-180	REP	03-10-038	232- 28-351	NEW	03-13-047
230- 40-875	AMD	03-09-076	232- 28-02201	REP-P	03-02-103	232- 28-352	NEW-P	03-06-114
230- 40-895	AMD-P	03-05-087	232- 28-02201	REP	03-06-110	232- 28-352	NEW	03-13-047
230- 40-895	AMD	03-09-076	232- 28-02202	REP-P	03-02-103	232- 28-426	REP-P	03-13-115
232- 12-045	NEW-P	03-06-104	232- 28-02202	REP	03-06-110	232- 28-42600C	NEW-E	03-03-102
232- 12-045	NEW	03-13-047	232- 28-02203	REP-P	03-02-103	232- 28-42600C	REP-E	03-03-102
232- 12-051	AMD-P	03-06-104	232- 28-02203	REP	03-06-110	232- 28-427	NEW-P	03-13-115
232- 12-051	AMD	03-13-047	232- 28-02204	REP-P	03-02-103	232- 28-515	AMD-P	03-06-107
232- 12-054	AMD-P	03-06-104	232- 28-02204	REP	03-06-110	232- 28-515	AMD	03-13-047
232- 12-054	AMD	03-13-047	232- 28-02205	REP-P	03-02-103	232- 28-619	AMD	03-05-057
232- 12-055	AMD-P	03-13-141	232- 28-02205	REP	03-06-110	232- 28-619	AMD-X	03-12-094
232- 12-068	AMD-P	03-06-106	232- 28-02206	REP-P	03-02-103	232- 28-61900A	NEW-E	03-10-053
232- 12-068	AMD	03-13-047	232- 28-02206	REP	03-06-110	232- 28-61900A	REP-E	03-10-053
232- 12-068	AMD-P	03-13-088	232- 28-02220	REP-P	03-06-112	232- 28-61900B	REP-E	03-04-047
232- 12-106	AMD	03-03-016	232- 28-02220	REP	03-13-047	232- 28-61900B	NEW-E	03-11-001
232- 12-181	AMD	03-03-016	232- 28-02240	REP-P	03-06-112	232- 28-61900B	REP-E	03-11-001
232- 12-243	AMD-P	03-13-142	232- 28-02240	REP	03-13-047	232- 28-61900B	REP-E	03-13-001
232- 12-287	AMD-P	03-12-078	232- 28-02280	REP-P	03-02-103	232- 28-61900C	NEW-E	03-03-004
232- 12-289	NEW-P	03-02-103	232- 28-02280	REP	03-06-110	232- 28-61900C	REP-E	03-03-004
232- 12-289	NEW	03-06-110	232- 28-248	AMD-P	03-06-108	232- 28-61900C	NEW-E	03-11-037
232- 12-31500J	NEW-E	03-08-075	232- 28-248	AMD	03-13-047	232- 28-61900C	REP-E	03-11-082
232- 12-619	AMD-W	03-10-095	232- 28-266	AMD-P	03-06-066	232- 28-61900D	NEW-E	03-03-098
232- 12-61900S	NEW-E	03-10-039	232- 28-266	AMD	03-10-009	232- 28-61900D	REP-E	03-03-098
232- 12-61900S	REP-E	03-10-039	232- 28-271	AMD	03-03-016	232- 28-61900D	NEW-E	03-11-051
232- 12-828	AMD-P	03-06-079	232- 28-272	AMD-P	03-06-108	232- 28-61900D	REP-E	03-11-051
232- 12-828	AMD	03-10-040	232- 28-272	AMD	03-13-047	232- 28-61900E	NEW-E	03-04-047
232- 16-600	AMD-P	03-13-115	232- 28-273	AMD-P	03-06-105	232- 28-61900E	REP-E	03-04-047
232- 16-660	AMD-P	03-13-115	232- 28-273	AMD	03-13-047	232- 28-61900E	NEW-E	03-11-082
232- 16-740	AMD-P	03-13-115	232- 28-276	REP-P	03-06-106	232- 28-61900E	REP-E	03-12-022

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-61900F	NEW-E	03-05-003	232- 28-61900Z	REP-E	03-10-033	246-247-120	PREP	03-10-016
232- 28-61900F	REP-E	03-05-003	232- 28-620	AMD-X	03-12-095	246-247-130	PREP	03-10-016
232- 28-61900F	NEW-E	03-12-022	232- 28-62000K	NEW-E	03-10-039	246-254-053	AMD-P	03-08-034
232- 28-61900F	REP-E	03-13-068	232- 28-62000K	REP-E	03-10-039	246-254-053	AMD	03-13-122
232- 28-61900G	NEW-E	03-05-038	232- 28-621	AMD	03-05-057	246-254-070	AMD-P	03-08-035
232- 28-61900G	REP-E	03-05-038	232- 28-621	AMD-X	03-12-095	246-254-080	AMD-P	03-08-035
232- 28-61900G	NEW-E	03-12-041	232- 28-62100K	NEW-E	03-10-039	246-254-090	AMD-P	03-08-035
232- 28-61900G	REP-E	03-12-041	232- 28-62100K	REP-E	03-10-039	246-254-100	AMD-P	03-08-035
232- 28-61900H	NEW-E	03-05-037	236- 12-480	NEW-E	03-08-006	246-260-9901	AMD-P	03-11-030
232- 28-61900H	REP-E	03-05-037	236- 12-480	REP-E	03-09-030	246-262-990	AMD-P	03-11-030
232- 28-61900H	REP-E	03-09-001	242- 02-010	AMD-X	03-10-069	246-272	PREP	03-08-028
232- 28-61900H	NEW-E	03-13-003	242- 02-052	AMD-X	03-10-069	246-272B-00101	NEW-P	03-12-089
232- 28-61900H	REP-E	03-13-003	242- 02-070	AMD-X	03-10-069	246-272B-00501	NEW-P	03-12-089
232- 28-61900I	NEW-E	03-06-009	242- 02-072	AMD-X	03-10-069	246-272B-01001	NEW-P	03-12-089
232- 28-61900I	REP-E	03-06-009	242- 02-076	NEW-X	03-10-069	246-272B-03001	NEW-P	03-12-089
232- 28-61900I	NEW-E	03-13-013	242- 02-834	AMD-X	03-10-069	246-272B-08001	NEW-P	03-12-089
232- 28-61900I	REP-E	03-13-013	242- 04-050	AMD-X	03-10-069	246-272B-09501	NEW-P	03-12-089
232- 28-61900J	NEW-E	03-06-008	246- 01-001	AMD-X	03-04-105	246-272B-0990	NEW-P	03-12-089
232- 28-61900J	REP-E	03-06-008	246- 01-001	AMD	03-11-032	246-272B-11001	NEW-P	03-12-089
232- 28-61900J	NEW-E	03-13-001	246- 01-040	REP-X	03-04-105	246-272B-11501	NEW-P	03-12-089
232- 28-61900J	REP-E	03-13-001	246- 01-040	REP	03-11-032	246-272B-12501	NEW-P	03-12-089
232- 28-61900K	NEW-E	03-06-028	246- 01-070	REP-X	03-04-105	246-272B-13501	NEW-P	03-12-089
232- 28-61900K	REP-E	03-06-028	246- 01-070	REP	03-11-032	246-272B-15501	NEW-P	03-12-089
232- 28-61900K	NEW-E	03-13-069	246- 01-080	AMD-X	03-04-105	246-272B-16501	NEW-P	03-12-089
232- 28-61900L	NEW-E	03-07-001	246- 01-080	AMD	03-11-032	246-272B-17501	NEW-P	03-12-089
232- 28-61900L	REP-E	03-07-001	246- 01-090	AMD-X	03-04-105	246-272B-18501	NEW-P	03-12-089
232- 28-61900L	REP-E	03-11-037	246- 01-090	AMD	03-11-032	246-272B-19501	NEW-P	03-12-089
232- 28-61900L	NEW-E	03-13-068	246- 01-100	REP-X	03-04-105	246-272B-20501	NEW-P	03-12-089
232- 28-61900M	NEW-E	03-07-016	246- 01-100	REP	03-11-032	246-272B-25001	NEW-P	03-12-089
232- 28-61900M	REP-E	03-07-016	246- 08-400	AMD-P	03-10-098	246-272B-26001	NEW-P	03-12-089
232- 28-61900M	REP-E	03-11-037	246-100	AMD-W	03-06-051	246-272B-27001	NEW-P	03-12-089
232- 28-61900M	NEW-E	03-13-094	246-100-011	AMD	03-06-003	246-272B-28001	NEW-P	03-12-089
232- 28-61900M	REP-E	03-13-094	246-100-036	AMD	03-05-048	246-282-990	AMD-P	03-10-043
232- 28-61900N	NEW-E	03-07-023	246-100-036	AMD-X	03-09-066	246-290	PREP	03-04-044
232- 28-61900N	REP-E	03-07-023	246-100-040	NEW	03-05-048	246-290	PREP-W	03-07-101
232- 28-61900P	NEW-E	03-07-075	246-100-045	NEW	03-05-048	246-290	PREP-W	03-07-102
232- 28-61900P	REP-E	03-07-075	246-100-050	NEW	03-05-048	246-290	PREP	03-07-103
232- 28-61900P	REP-E	03-13-069	246-100-055	NEW	03-05-048	246-290-002	AMD-P	03-03-079
232- 28-61900Q	REP-E	03-05-003	246-100-060	NEW	03-05-048	246-290-002	AMD	03-08-037
232- 28-61900Q	NEW-E	03-07-064	246-100-065	NEW	03-05-048	246-290-010	AMD-P	03-03-079
232- 28-61900Q	REP-E	03-07-064	246-100-070	NEW	03-05-048	246-290-010	AMD	03-08-037
232- 28-61900R	NEW-E	03-07-068	246-100-166	PREP	03-09-126	246-290-025	AMD-P	03-03-079
232- 28-61900R	REP-E	03-07-068	246-101-505	AMD	03-06-003	246-290-025	AMD	03-08-037
232- 28-61900S	NEW-E	03-08-054	246-205-990	AMD-P	03-08-033	246-290-060	AMD-P	03-03-078
232- 28-61900S	REP-E	03-08-054	246-205-990	AMD	03-13-123	246-290-060	AMD-P	03-03-079
232- 28-61900T	NEW-E	03-09-001	246-243-150	AMD-P	03-07-094	246-290-060	AMD	03-08-037
232- 28-61900T	REP-E	03-09-001	246-243-150	AMD	03-12-062	246-290-100	AMD-P	03-03-079
232- 28-61900T	REP-E	03-10-033	246-244-020	AMD-P	03-07-094	246-290-100	AMD	03-08-037
232- 28-61900U	NEW-E	03-09-016	246-244-020	AMD	03-12-062	246-290-105	AMD-P	03-03-079
232- 28-61900U	REP-E	03-09-016	246-244-030	AMD-P	03-07-094	246-290-105	AMD	03-08-037
232- 28-61900V	NEW-E	03-10-001	246-244-030	AMD	03-12-062	246-290-125	AMD-P	03-03-079
232- 28-61900V	REP-E	03-10-001	246-244-080	AMD-P	03-07-094	246-290-125	AMD	03-08-037
232- 28-61900V	REP-E	03-12-041	246-244-080	AMD	03-12-062	246-290-220	AMD-P	03-03-079
232- 28-61900W	NEW-E	03-10-015	246-244-110	AMD-P	03-07-094	246-290-220	AMD	03-08-037
232- 28-61900W	REP-E	03-11-037	246-244-110	AMD	03-12-062	246-290-300	AMD-P	03-03-079
232- 28-61900X	NEW-E	03-10-032	246-244-115	NEW-P	03-07-094	246-290-300	AMD	03-08-037
232- 28-61900X	REP-E	03-10-032	246-244-115	NEW	03-12-062	246-290-310	AMD-P	03-03-079
232- 28-61900X	REP-E	03-11-037	246-244-160	AMD-P	03-07-094	246-290-310	AMD	03-08-037
232- 28-61900Y	NEW-E	03-10-039	246-244-160	AMD	03-12-062	246-290-320	AMD-P	03-03-079
232- 28-61900Y	REP-E	03-10-039	246-244-240	AMD-P	03-07-094	246-290-320	AMD	03-08-037
232- 28-61900Y	REP-E	03-10-053	246-244-240	AMD	03-12-062	246-290-416	AMD-P	03-03-079
232- 28-61900Z	NEW-E	03-10-033	246-247-110	PREP	03-10-016	246-290-416	AMD	03-08-037

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-290-451	AMD-P	03-03-079	246-290-72010	AMD-P	03-03-079	246-840-010	AMD-E	03-13-143
246-290-451	AMD	03-08-037	246-290-72010	AMD	03-08-037	246-840-840	PREP	03-12-087
246-290-480	AMD-P	03-03-079	246-290-72012	AMD-P	03-03-079	246-840-840	AMD-E	03-13-143
246-290-480	AMD	03-08-037	246-290-72012	AMD	03-08-037	246-840-850	PREP	03-12-087
246-290-490	AMD-P	03-03-079	246-290-990	AMD-P	03-08-036	246-840-850	AMD-E	03-13-143
246-290-490	AMD	03-08-037	246-290-990	AMD	03-13-028	246-840-860	PREP	03-12-087
246-290-495	REP-P	03-03-079	246-292	PREP	03-04-044	246-840-860	AMD-E	03-13-143
246-290-495	REP	03-08-037	246-292-160	AMD-P	03-08-036	246-840-870	PREP	03-12-087
246-290-601	AMD-P	03-03-079	246-292-160	AMD	03-13-028	246-840-870	AMD-E	03-13-143
246-290-601	AMD	03-08-037	246-294	PREP	03-04-044	246-840-880	PREP	03-12-087
246-290-630	AMD-P	03-03-079	246-310-290	NEW-P	03-03-097	246-840-880	AMD-E	03-13-143
246-290-630	AMD	03-08-037	246-310-290	NEW	03-07-096	246-840-890	PREP	03-12-087
246-290-634	AMD-P	03-03-079	246-310-295	NEW-P	03-03-097	246-840-890	AMD-E	03-13-143
246-290-634	AMD	03-08-037	246-310-295	NEW	03-07-096	246-840-900	PREP	03-12-087
246-290-638	AMD-P	03-03-079	246-310-990	AMD-P	03-03-097	246-840-900	REP-E	03-13-143
246-290-638	AMD	03-08-037	246-310-990	AMD	03-07-096	246-840-990	AMD-E	03-12-063
246-290-654	AMD-P	03-03-079	246-320-010	AMD-P	03-12-090	246-847-010	PREP	03-08-031
246-290-654	AMD	03-08-037	246-320-370	NEW-P	03-12-090	246-847-065	PREP	03-08-029
246-290-660	AMD-P	03-03-079	246-323-990	AMD-P	03-10-099	246-847-120	PREP	03-08-092
246-290-660	AMD	03-08-037	246-455-001	AMD-P	03-05-024	246-847-170	PREP	03-08-030
246-290-662	AMD-P	03-03-079	246-455-001	AMD-S	03-09-127	246-850-130	NEW-P	03-12-088
246-290-662	AMD	03-08-037	246-455-001	AMD	03-13-029	246-850-140	NEW-P	03-12-088
246-290-664	AMD-P	03-03-079	246-455-010	AMD-P	03-05-024	246-850-150	NEW-P	03-12-088
246-290-664	AMD	03-08-037	246-455-010	AMD-S	03-09-127	246-850-160	NEW-P	03-12-088
246-290-666	AMD-P	03-03-079	246-455-010	AMD	03-13-029	246-851-160	PREP	03-04-043
246-290-666	AMD	03-08-037	246-455-020	AMD-P	03-05-024	246-851-170	PREP	03-04-043
246-290-672	AMD-P	03-03-079	246-455-020	AMD-S	03-09-127	246-851-390	REP	03-05-021
246-290-672	AMD	03-08-037	246-455-020	AMD	03-13-029	246-869-260	PREP-W	03-04-042
246-290-674	AMD-P	03-03-079	246-455-030	AMD-P	03-05-024	246-870-010	NEW-P	03-11-092
246-290-674	AMD	03-08-037	246-455-030	AMD-S	03-09-127	246-870-020	NEW-P	03-11-092
246-290-676	AMD-P	03-03-079	246-455-030	AMD	03-13-029	246-870-030	NEW-P	03-11-092
246-290-676	AMD	03-08-037	246-455-040	AMD-P	03-05-024	246-870-040	NEW-P	03-11-092
246-290-690	AMD-P	03-03-079	246-455-040	AMD-S	03-09-127	246-870-050	NEW-P	03-11-092
246-290-690	AMD	03-08-037	246-455-040	AMD	03-13-029	246-870-060	NEW-P	03-11-092
246-290-691	AMD-P	03-03-079	246-455-070	AMD-P	03-05-024	246-870-070	NEW-P	03-11-092
246-290-691	AMD	03-08-037	246-455-080	AMD-P	03-05-024	246-870-080	NEW-P	03-11-092
246-290-692	AMD-P	03-03-079	246-455-080	AMD-S	03-09-127	246-870-090	NEW-P	03-11-092
246-290-692	AMD	03-08-037	246-455-080	AMD	03-13-029	246-887	PREP	03-09-124
246-290-694	AMD-P	03-03-079	246-455-090	AMD-P	03-05-024	246-887-045	NEW	03-04-045
246-290-694	AMD	03-08-037	246-455-100	AMD-P	03-05-024	246-887-165	NEW-X	03-03-096
246-290-696	AMD-P	03-03-079	246-455-100	AMD-S	03-09-127	246-887-165	NEW	03-09-064
246-290-696	AMD	03-08-037	246-455-100	AMD	03-13-029	246-889-050	NEW-P	03-06-002
246-290-71001	NEW-P	03-03-079	246-562	PREP	03-09-017	246-889-050	NEW	03-13-027
246-290-71001	NEW	03-08-037	246-562-020	AMD-E	03-06-050	246-919	PREP	03-08-032
246-290-71002	NEW-P	03-03-079	246-680-001	AMD	03-11-031	246-919-100	REP-X	03-12-091
246-290-71002	NEW	03-08-037	246-680-010	AMD	03-11-031	246-919-120	REP-X	03-12-091
246-290-71003	NEW-P	03-03-079	246-680-020	AMD	03-11-031	246-919-130	REP-X	03-12-091
246-290-71003	NEW	03-08-037	246-802-990	AMD-P	03-03-077	246-919-140	REP-X	03-12-091
246-290-71004	NEW-P	03-03-079	246-802-990	AMD	03-07-095	246-919-150	REP-X	03-12-091
246-290-71004	NEW	03-08-037	246-812-010	AMD	03-12-061	246-919-350	REP-X	03-12-091
246-290-71005	NEW-P	03-03-079	246-812-130	REP	03-12-061	246-919-720	REP-X	03-12-091
246-290-71005	NEW	03-08-037	246-812-160	AMD	03-12-061	246-924-354	PREP	03-05-020
246-290-71006	NEW-P	03-03-079	246-815-990	AMD-P	03-03-077	246-926-100	AMD	03-10-100
246-290-71006	NEW	03-08-037	246-815-990	AMD	03-07-095	246-927-990	NEW-P	03-05-022
246-290-71007	NEW-P	03-03-079	246-830-005	AMD	03-11-033	246-927-990	NEW	03-09-065
246-290-71007	NEW	03-08-037	246-830-435	NEW	03-11-033	246-933-320	AMD-P	03-06-100
246-290-72001	AMD-P	03-03-079	246-830-990	AMD-P	03-03-077	246-933-501	NEW-P	03-06-100
246-290-72001	AMD	03-08-037	246-830-990	AMD	03-07-095	246-933-510	NEW-P	03-06-100
246-290-72005	AMD-P	03-03-079	246-834-990	PREP	03-13-126	246-933-520	NEW-P	03-06-100
246-290-72005	AMD	03-08-037	246-836-990	AMD-P	03-03-077	246-933-530	NEW-P	03-06-100
246-290-72007	AMD-P	03-03-079	246-836-990	AMD	03-07-095	246-933-550	NEW-P	03-06-100
246-290-72007	AMD	03-08-037	246-840-010	PREP	03-12-087	246-933-590	NEW-P	03-05-023

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-933-590	NEW	03-10-044	260- 70-610	AMD	03-11-018	284- 91-025	REP	03-07-007
246-935-070	AMD-P	03-04-104	260- 70-630	AMD-P	03-07-055	284- 91-027	REP	03-07-007
246-935-070	AMD	03-11-034	260- 70-630	AMD-E	03-09-057	284- 91-030	REP	03-07-007
246-976-021	PREP	03-09-125	260- 70-630	AMD	03-11-019	284- 91-040	REP	03-07-007
250- 18-015	AMD-P	03-09-145	260- 70-630	PREP	03-13-071	284- 91-050	REP	03-07-007
250- 18-015	AMD	03-13-056	260- 70-650	AMD	03-06-004	284- 91-060	REP	03-07-007
250- 18-020	AMD-P	03-09-145	260- 70-660	AMD	03-06-004	296- 13-001	REP-P	03-05-074
250- 18-020	AMD	03-13-056	260- 70-700	AMD	03-06-004	296- 13-001	REP	03-09-111
250- 18-025	AMD-P	03-09-145	260- 72-010	AMD-W	03-05-069	296- 13-010	REP-P	03-05-074
250- 18-025	AMD	03-13-056	260- 72-010	REP-P	03-05-070	296- 13-010	REP	03-09-111
250- 18-030	AMD-P	03-09-145	260- 72-010	REP-P	03-09-134	296- 13-020	REP-P	03-05-074
250- 18-030	AMD	03-13-056	260- 72-010	REP	03-13-073	296- 13-020	REP	03-09-111
250- 18-035	AMD-P	03-09-145	260- 72-040	NEW-P	03-04-090	296- 13-030	REP-P	03-05-074
250- 18-035	AMD	03-13-056	260- 72-040	NEW	03-07-058	296- 13-030	REP	03-09-111
250- 18-040	REP-P	03-09-145	284- 07-010	AMD	03-03-133	296- 13-035	REP-P	03-05-074
250- 18-040	REP	03-13-056	284- 22-020	AMD	03-03-052	296- 13-035	REP	03-09-111
250- 18-070	NEW-P	03-09-145	284- 22-050	AMD	03-03-052	296- 13-040	REP-P	03-05-074
250- 61	PREP	03-04-079	284- 22-060	AMD	03-03-052	296- 13-040	REP	03-09-111
250- 69	AMD	03-04-101	284- 22-080	AMD	03-03-052	296- 13-050	REP-P	03-05-074
250- 69-010	AMD	03-04-101	284- 24A-070	NEW-W	03-03-063	296- 13-050	REP	03-09-111
250- 69-020	AMD	03-04-101	284- 30-390	AMD-P	03-03-132	296- 13-052	REP-P	03-05-074
250- 69-030	AMD	03-04-101	284- 30-390	AMD-S	03-09-143	296- 13-052	REP	03-09-111
250- 69-040	AMD	03-04-101	284- 30-3901	NEW-P	03-03-132	296- 13-053	REP-P	03-05-074
250- 69-050	AMD	03-04-101	284- 30-3901	NEW-S	03-09-143	296- 13-053	REP	03-09-111
250- 69-060	AMD	03-04-101	284- 30-3902	NEW-P	03-03-132	296- 13-055	REP-P	03-05-074
250- 69-070	AMD	03-04-101	284- 30-3902	NEW-S	03-09-143	296- 13-055	REP	03-09-111
250- 69-090	AMD	03-04-101	284- 30-3903	NEW-P	03-03-132	296- 13-057	REP-P	03-05-074
250- 69-110	REP	03-04-101	284- 30-3903	NEW-S	03-09-143	296- 13-057	REP	03-09-111
251- 04-035	NEW-E	03-03-042	284- 30-3904	NEW-P	03-03-132	296- 13-060	REP-P	03-05-074
251- 04-035	NEW-P	03-07-059	284- 30-3904	NEW-S	03-09-143	296- 13-060	REP	03-09-111
251- 04-035	NEW-P	03-10-101	284- 30-3905	NEW-P	03-03-132	296- 13-080	REP-P	03-05-074
251- 04-035	NEW-E	03-11-004	284- 30-3905	NEW-S	03-09-143	296- 13-080	REP	03-09-111
251- 04-035	NEW-W	03-11-005	284- 30-3906	NEW-P	03-03-132	296- 13-090	REP-P	03-05-074
251- 04-035	NEW	03-13-051	284- 30-3906	NEW-S	03-09-143	296- 13-090	REP	03-09-111
260	PREP	03-09-131	284- 30-3907	NEW-P	03-03-132	296- 13-100	REP-P	03-05-074
260- 08-595	NEW	03-03-041	284- 30-3907	NEW-S	03-09-143	296- 13-100	REP	03-09-111
260- 13-420	PREP	03-03-067	284- 30-3908	NEW-P	03-03-132	296- 13-110	REP-P	03-05-074
260- 13-420	AMD-P	03-07-054	284- 30-3908	NEW-S	03-09-143	296- 13-110	REP	03-09-111
260- 13-420	AMD	03-11-015	284- 30-3909	NEW-P	03-03-132	296- 13-130	REP-P	03-05-074
260- 20-035	PREP	03-03-025	284- 30-3909	NEW-S	03-09-143	296- 13-130	REP	03-09-111
260- 20-035	REP-P	03-07-051	284- 30-3910	NEW-P	03-03-132	296- 13-140	REP-P	03-05-074
260- 20-035	REP	03-11-016	284- 30-3910	NEW-S	03-09-143	296- 13-140	REP	03-09-111
260- 24	PREP	03-05-067	284- 30-3911	NEW-P	03-03-132	296- 13-150	REP-P	03-05-074
260- 24-510	AMD-P	03-09-132	284- 30-3911	NEW-S	03-09-143	296- 13-150	REP	03-09-111
260- 24-510	AMD	03-13-074	284- 30-3912	NEW-P	03-03-132	296- 13-160	REP-P	03-05-074
260- 28-030	AMD-P	03-03-040	284- 30-3912	NEW-S	03-09-143	296- 13-160	REP	03-09-111
260- 28-030	AMD	03-07-056	284- 30-3913	NEW-P	03-03-132	296- 13-170	REP-P	03-05-074
260- 32-005	NEW-P	03-07-074	284- 30-3913	NEW-S	03-09-143	296- 13-170	REP	03-09-111
260- 32-005	NEW-W	03-11-014	284- 30-3914	NEW-P	03-03-132	296- 13-180	REP-P	03-05-074
260- 34-090	AMD	03-05-071	284- 30-3914	NEW-S	03-09-143	296- 13-180	REP	03-09-111
260- 48	PREP	03-05-068	284- 30-3915	NEW-P	03-03-132	296- 13-190	REP-P	03-05-074
260- 48-630	AMD-P	03-04-089	284- 30-3915	NEW-S	03-09-143	296- 13-190	REP	03-09-111
260- 48-630	AMD	03-07-057	284- 30-3916	NEW-S	03-09-143	296- 13-200	REP-P	03-05-074
260- 48-890	AMD-P	03-09-133	284- 30-505	NEW-W	03-08-071	296- 13-200	REP	03-09-111
260- 48-890	AMD-W	03-13-072	284- 30-510	NEW-W	03-10-096	296- 13-210	REP-P	03-05-074
260- 48-900	AMD-P	03-09-133	284- 43-220	AMD-X	03-03-134	296- 13-210	REP	03-09-111
260- 48-900	AMD-W	03-13-072	284- 43-220	AMD	03-09-142	296- 13-220	REP-P	03-05-074
260- 48-910	AMD-P	03-09-133	284- 43-323	NEW	03-07-006	296- 13-220	REP	03-09-111
260- 48-910	AMD-W	03-13-072	284- 91	AMD	03-07-007	296- 13-230	REP-P	03-05-074
260- 48-940	NEW-P	03-07-053	284- 91-001	NEW	03-07-007	296- 13-230	REP	03-09-111
260- 48-940	NEW	03-11-017	284- 91-010	REP	03-07-007	296- 13-240	REP-P	03-05-074
260- 70-610	AMD-P	03-07-052	284- 91-020	REP	03-07-007	296- 13-240	REP	03-09-111

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-13-250	REP-P	03-05-074	296-150V	PREP	03-04-098	296-24-120	AMD-X	03-12-072
296-13-250	REP	03-09-111	296-17	PREP	03-05-072	296-24-12001	REP-X	03-12-072
296-13-260	REP-P	03-05-074	296-17	PREP-W	03-09-106	296-24-12002	REP-X	03-12-072
296-13-260	REP	03-09-111	296-17	PREP	03-13-099	296-24-12010	REP-X	03-12-072
296-13-270	REP-P	03-05-074	296-17-757	PREP	03-03-026	296-24-12011	REP-X	03-12-072
296-13-270	REP	03-09-111	296-17-758	PREP	03-03-026	296-24-12017	REP-X	03-12-072
296-13-280	REP-P	03-05-074	296-17-759	PREP	03-03-026	296-24-650	REP	03-09-009
296-13-280	REP	03-09-111	296-17-760	PREP	03-03-026	296-24-65003	REP	03-09-009
296-13-290	REP-P	03-05-074	296-17-761	PREP	03-03-026	296-24-65005	REP	03-09-009
296-13-290	REP	03-09-111	296-17-762	PREP	03-03-026	296-24-65007	REP	03-09-009
296-13-300	REP-P	03-05-074	296-17-76201	PREP	03-03-026	296-24-655	REP	03-09-009
296-13-300	REP	03-09-111	296-17-76202	PREP	03-03-026	296-24-65501	REP	03-09-009
296-13-310	REP-P	03-05-074	296-17-76203	PREP	03-03-026	296-24-657	REP	03-09-009
296-13-310	REP	03-09-111	296-17-76204	PREP	03-03-026	296-24-65701	REP	03-09-009
296-13-320	REP-P	03-05-074	296-17-76205	PREP	03-03-026	296-24-65703	REP	03-09-009
296-13-320	REP	03-09-111	296-17-76206	PREP	03-03-026	296-24-660	REP	03-09-009
296-13-330	REP-P	03-05-074	296-17-76207	PREP	03-03-026	296-24-66001	REP	03-09-009
296-13-330	REP	03-09-111	296-17-76208	PREP	03-03-026	296-24-66003	REP	03-09-009
296-13-340	REP-P	03-05-074	296-17-76209	PREP	03-03-026	296-24-66005	REP	03-09-009
296-13-340	REP	03-09-111	296-17-76210	PREP	03-03-026	296-24-66007	REP	03-09-009
296-13-350	REP-P	03-05-074	296-17-76211	PREP	03-03-026	296-24-66009	REP	03-09-009
296-13-350	REP	03-09-111	296-17-76212	PREP	03-03-026	296-24-66011	REP	03-09-009
296-13-360	REP-P	03-05-074	296-19A-010	AMD	03-11-009	296-24-663	REP	03-09-009
296-13-360	REP	03-09-111	296-19A-020	AMD	03-11-009	296-24-66301	REP	03-09-009
296-13-370	REP-P	03-05-074	296-19A-025	NEW	03-11-009	296-24-66303	REP	03-09-009
296-13-370	REP	03-09-111	296-19A-030	AMD	03-11-009	296-24-66305	REP	03-09-009
296-13-380	REP-P	03-05-074	296-19A-040	AMD	03-11-009	296-24-66307	REP	03-09-009
296-13-380	REP	03-09-111	296-19A-060	AMD	03-11-009	296-24-66309	REP	03-09-009
296-13-390	REP-P	03-05-074	296-19A-065	NEW	03-11-009	296-24-66311	REP	03-09-009
296-13-390	REP	03-09-111	296-19A-070	AMD	03-11-009	296-24-66313	REP	03-09-009
296-13-400	REP-P	03-05-074	296-19A-090	AMD	03-11-009	296-24-66315	REP	03-09-009
296-13-400	REP	03-09-111	296-19A-100	AMD	03-11-009	296-24-66317	REP	03-09-009
296-13-410	REP-P	03-05-074	296-19A-110	AMD	03-11-009	296-24-66319	REP	03-09-009
296-13-410	REP	03-09-111	296-19A-125	NEW	03-11-009	296-24-66321	REP	03-09-009
296-13-420	REP-P	03-05-074	296-19A-130	AMD	03-11-009	296-24-665	REP	03-09-009
296-13-420	REP	03-09-111	296-19A-135	NEW	03-11-009	296-24-66501	REP	03-09-009
296-13-430	REP-P	03-05-074	296-19A-137	NEW	03-11-009	296-24-66503	REP	03-09-009
296-13-430	REP	03-09-111	296-19A-140	AMD	03-11-009	296-24-66505	REP	03-09-009
296-13-440	REP-P	03-05-074	296-19A-170	AMD	03-11-009	296-24-66507	REP	03-09-009
296-13-440	REP	03-09-111	296-19A-180	AMD	03-11-009	296-24-66509	REP	03-09-009
296-14-310	NEW-P	03-06-074	296-19A-190	AMD	03-11-009	296-24-670	REP	03-09-009
296-14-310	NEW	03-12-046	296-19A-191	NEW	03-11-009	296-24-67001	REP	03-09-009
296-14-315	NEW-P	03-06-074	296-19A-192	NEW	03-11-009	296-24-67003	REP	03-09-009
296-14-315	NEW	03-12-046	296-19A-193	NEW	03-11-009	296-24-67005	REP	03-09-009
296-14-320	NEW-P	03-06-074	296-19A-200	AMD	03-11-009	296-27-01109	AMD	03-09-110
296-14-320	NEW	03-12-046	296-19A-210	AMD	03-11-009	296-30-190	PREP	03-11-057
296-14-325	NEW-P	03-06-074	296-19A-240	AMD	03-11-009	296-30-200	PREP	03-11-058
296-14-325	NEW	03-12-046	296-19A-245	NEW	03-11-009	296-37	PREP	03-04-097
296-14-330	NEW-P	03-06-074	296-19A-260	AMD	03-11-009	296-400A	PREP	03-04-098
296-14-330	NEW	03-12-046	296-19A-270	AMD	03-11-009	296-401B	PREP	03-04-098
296-14-520	NEW	03-11-035	296-19A-300	AMD	03-11-009	296-402A	PREP	03-04-098
296-14-522	NEW	03-11-035	296-19A-350	AMD	03-11-009	296-45	PREP	03-07-072
296-14-524	NEW	03-11-035	296-19A-400	AMD	03-11-009	296-45	PREP	03-10-064
296-14-526	NEW	03-11-035	296-19A-440	AMD	03-11-009	296-45-045	AMD-P	03-10-067
296-14-528	NEW	03-11-035	296-19A-480	AMD	03-11-009	296-45-255	AMD-P	03-10-067
296-14-530	NEW	03-11-035	296-200A	PREP	03-04-098	296-45-325	AMD-P	03-10-067
296-150C	PREP	03-04-098	296-20-135	AMD-P	03-09-107	296-45-48535	AMD-X	03-12-072
296-150F	PREP	03-04-098	296-23-220	AMD-P	03-09-107	296-46A	PREP	03-04-098
296-150M	PREP	03-04-098	296-23-230	AMD-P	03-09-107	296-46A-090	REP-P	03-05-074
296-150P	PREP	03-04-098	296-24	PREP	03-03-110	296-46A-090	REP	03-09-111
296-150R	PREP	03-04-098	296-24	PREP	03-10-064	296-46A-092	REP-P	03-05-074
296-150T	PREP	03-04-098	296-24	PREP	03-10-066	296-46A-092	REP	03-09-111

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46A-095	REP-P	03-05-074	296-46A-553	REP-P	03-05-074	296-46B-300	NEW	03-09-111
296-46A-095	REP	03-09-111	296-46A-553	REP	03-09-111	296-46B-314	NEW-P	03-05-074
296-46A-100	REP-P	03-05-074	296-46A-600	REP-P	03-05-074	296-46B-314	NEW	03-09-111
296-46A-100	REP	03-09-111	296-46A-600	REP	03-09-111	296-46B-334	NEW-P	03-05-074
296-46A-102	REP-P	03-05-074	296-46A-680	REP-P	03-05-074	296-46B-334	NEW	03-09-111
296-46A-102	REP	03-09-111	296-46A-680	REP	03-09-111	296-46B-358	NEW-P	03-05-074
296-46A-104	REP-P	03-05-074	296-46A-700	REP-P	03-05-074	296-46B-358	NEW	03-09-111
296-46A-104	REP	03-09-111	296-46A-700	REP	03-09-111	296-46B-394	NEW-P	03-05-074
296-46A-110	REP-P	03-05-074	296-46A-702	REP-P	03-05-074	296-46B-394	NEW	03-09-111
296-46A-110	REP	03-09-111	296-46A-702	REP	03-09-111	296-46B-410	NEW-P	03-05-074
296-46A-130	REP-P	03-05-074	296-46A-900	REP-P	03-05-074	296-46B-410	NEW	03-09-111
296-46A-130	REP	03-09-111	296-46A-900	REP	03-09-111	296-46B-422	NEW-P	03-05-074
296-46A-140	REP-P	03-05-074	296-46A-910	REP-P	03-05-074	296-46B-422	NEW	03-09-111
296-46A-140	REP	03-09-111	296-46A-910	REP	03-09-111	296-46B-430	NEW-P	03-05-074
296-46A-155	REP-P	03-05-074	296-46A-915	REP-P	03-05-074	296-46B-430	NEW	03-09-111
296-46A-155	REP	03-09-111	296-46A-915	REP	03-09-111	296-46B-450	NEW-P	03-05-074
296-46A-21052	REP-P	03-05-074	296-46A-920	REP-P	03-05-074	296-46B-450	NEW	03-09-111
296-46A-21052	REP	03-09-111	296-46A-920	REP	03-09-111	296-46B-501	NEW-P	03-05-074
296-46A-215	REP-P	03-05-074	296-46A-930	REP-P	03-05-074	296-46B-501	NEW	03-09-111
296-46A-215	REP	03-09-111	296-46A-930	REP	03-09-111	296-46B-514	NEW-P	03-05-074
296-46A-220	REP-P	03-05-074	296-46A-931	REP-P	03-05-074	296-46B-514	NEW	03-09-111
296-46A-220	REP	03-09-111	296-46A-931	REP	03-09-111	296-46B-517	NEW-P	03-05-074
296-46A-22530	REP-P	03-05-074	296-46A-932	REP-P	03-05-074	296-46B-517	NEW	03-09-111
296-46A-22530	REP	03-09-111	296-46A-932	REP	03-09-111	296-46B-520	NEW-P	03-05-074
296-46A-23001	REP-P	03-05-074	296-46A-933	REP-P	03-05-074	296-46B-520	NEW	03-09-111
296-46A-23001	REP	03-09-111	296-46A-933	REP	03-09-111	296-46B-527	NEW-P	03-05-074
296-46A-23028	REP-P	03-05-074	296-46A-934	REP-P	03-05-074	296-46B-527	NEW	03-09-111
296-46A-23028	REP	03-09-111	296-46A-934	REP	03-09-111	296-46B-550	NEW-P	03-05-074
296-46A-23040	REP-P	03-05-074	296-46A-935	REP-P	03-05-074	296-46B-550	NEW	03-09-111
296-46A-23040	REP	03-09-111	296-46A-935	REP	03-09-111	296-46B-553	NEW-P	03-05-074
296-46A-23062	REP-P	03-05-074	296-46A-940	REP-P	03-05-074	296-46B-553	NEW	03-09-111
296-46A-23062	REP	03-09-111	296-46A-940	REP	03-09-111	296-46B-555	NEW-P	03-05-074
296-46A-250	REP-P	03-05-074	296-46A-950	REP-P	03-05-074	296-46B-555	NEW	03-09-111
296-46A-250	REP	03-09-111	296-46A-950	REP	03-09-111	296-46B-600	NEW-P	03-05-074
296-46A-300	REP-P	03-05-074	296-46A-960	REP-P	03-05-074	296-46B-600	NEW	03-09-111
296-46A-300	REP	03-09-111	296-46A-960	REP	03-09-111	296-46B-680	NEW-P	03-05-074
296-46A-30011	REP-P	03-05-074	296-46B	PREP	03-10-065	296-46B-680	NEW	03-09-111
296-46A-30011	REP	03-09-111	296-46B-005	NEW-P	03-05-074	296-46B-700	NEW-P	03-05-074
296-46A-324	REP-P	03-05-074	296-46B-005	NEW	03-09-111	296-46B-700	NEW	03-09-111
296-46A-324	REP	03-09-111	296-46B-010	NEW-P	03-05-074	296-46B-800	NEW-P	03-05-074
296-46A-348	REP-P	03-05-074	296-46B-010	NEW	03-09-111	296-46B-800	NEW	03-09-111
296-46A-348	REP	03-09-111	296-46B-020	NEW-P	03-05-074	296-46B-900	NEW-P	03-05-074
296-46A-365	REP-P	03-05-074	296-46B-020	NEW	03-09-111	296-46B-900	NEW	03-09-111
296-46A-365	REP	03-09-111	296-46B-030	NEW-P	03-05-074	296-46B-905	NEW-P	03-05-074
296-46A-370	REP-P	03-05-074	296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111
296-46A-370	REP	03-09-111	296-46B-040	NEW-P	03-05-074	296-46B-905	AMD-X	03-13-100
296-46A-41004	REP-P	03-05-074	296-46B-040	NEW	03-09-111	296-46B-910	NEW-P	03-05-074
296-46A-41004	REP	03-09-111	296-46B-110	NEW-P	03-05-074	296-46B-910	NEW	03-09-111
296-46A-41030	REP-P	03-05-074	296-46B-110	NEW	03-09-111	296-46B-911	NEW-P	03-05-074
296-46A-41030	REP	03-09-111	296-46B-210	NEW-P	03-05-074	296-46B-911	NEW	03-09-111
296-46A-422	REP-P	03-05-074	296-46B-210	NEW	03-09-111	296-46B-915	NEW-P	03-05-074
296-46A-422	REP	03-09-111	296-46B-215	NEW-P	03-05-074	296-46B-915	NEW	03-09-111
296-46A-450	REP-P	03-05-074	296-46B-215	NEW	03-09-111	296-46B-920	NEW-P	03-05-074
296-46A-450	REP	03-09-111	296-46B-220	NEW-P	03-05-074	296-46B-920	NEW	03-09-111
296-46A-500	REP-P	03-05-074	296-46B-220	NEW	03-09-111	296-46B-925	NEW-P	03-05-074
296-46A-500	REP	03-09-111	296-46B-225	NEW-P	03-05-074	296-46B-925	NEW	03-09-111
296-46A-514	REP-P	03-05-074	296-46B-225	NEW	03-09-111	296-46B-930	NEW-P	03-05-074
296-46A-514	REP	03-09-111	296-46B-230	NEW-P	03-05-074	296-46B-930	NEW	03-09-111
296-46A-517	REP-P	03-05-074	296-46B-230	NEW	03-09-111	296-46B-930	AMD-X	03-13-100
296-46A-517	REP	03-09-111	296-46B-250	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074
296-46A-550	REP-P	03-05-074	296-46B-250	NEW	03-09-111	296-46B-935	NEW	03-09-111
296-46A-550	REP	03-09-111	296-46B-300	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46B-940	NEW	03-09-111	296-56-60001	AMD	03-11-060	296-96-01030	AMD-P	03-09-108
296-46B-945	NEW-P	03-05-074	296-59	PREP	03-03-110	296-96-01030	AMD	03-12-045
296-46B-945	NEW	03-09-111	296-59	PREP	03-10-064	296-96-01050	AMD-P	03-09-108
296-46B-950	NEW-P	03-05-074	296-59-090	AMD	03-11-060	296-96-01050	AMD	03-12-045
296-46B-950	NEW	03-09-111	296-62	PREP	03-04-097	296-96-01055	AMD-P	03-09-108
296-46B-950	AMD-X	03-13-100	296-62	PREP	03-08-073	296-96-01055	AMD	03-12-045
296-46B-951	NEW-P	03-05-074	296-62-054	REP-X	03-04-100	296-104	PREP	03-03-129
296-46B-951	NEW	03-09-111	296-62-054	REP	03-10-068	296-104	PREP	03-12-081
296-46B-955	NEW-P	03-05-074	296-62-05402	REP-X	03-04-100	296-104-055	AMD-P	03-08-076
296-46B-955	NEW	03-09-111	296-62-05402	REP	03-10-068	296-104-055	AMD	03-12-051
296-46B-960	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100	296-104-700	AMD-P	03-08-076
296-46B-960	NEW	03-09-111	296-62-05404	REP	03-10-068	296-104-700	AMD	03-12-051
296-46B-965	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100	296-115-050	AMD-X	03-12-072
296-46B-965	NEW	03-09-111	296-62-05406	REP	03-10-068	296-128-500	AMD	03-03-109
296-46B-970	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100	296-128-532	NEW	03-03-109
296-46B-970	NEW	03-09-111	296-62-05408	REP	03-10-068	296-128-533	NEW	03-03-109
296-46B-971	NEW-P	03-05-074	296-62-05410	REP-X	03-04-100	296-130-010	AMD	03-03-010
296-46B-971	NEW	03-09-111	296-62-05410	REP	03-10-068	296-130-020	AMD	03-03-010
296-46B-975	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100	296-130-030	AMD	03-03-010
296-46B-975	NEW	03-09-111	296-62-05412	REP	03-10-068	296-130-035	AMD	03-03-010
296-46B-980	NEW-P	03-05-074	296-62-070	REP-X	03-04-100	296-130-040	AMD	03-03-010
296-46B-980	NEW	03-09-111	296-62-070	REP	03-10-068	296-130-050	AMD	03-03-010
296-46B-985	NEW-P	03-05-074	296-62-07001	REP-X	03-04-100	296-130-060	AMD	03-03-010
296-46B-985	NEW	03-09-111	296-62-07001	REP	03-10-068	296-130-065	AMD	03-03-010
296-46B-990	NEW-P	03-05-074	296-62-07003	REP-X	03-04-100	296-130-070	AMD	03-03-010
296-46B-990	NEW	03-09-111	296-62-07003	REP	03-10-068	296-130-080	AMD	03-03-010
296-46B-995	NEW-P	03-05-074	296-62-07005	REP-X	03-04-100	296-130-100	NEW	03-03-010
296-46B-995	NEW	03-09-111	296-62-07005	REP	03-10-068	296-130-500	REP	03-03-010
296-46B-998	NEW-P	03-05-074	296-62-071	AMD-P	03-08-044	296-150C	PREP	03-10-065
296-46B-998	NEW	03-09-111	296-62-07308	AMD-X	03-12-072	296-150C-0150	NEW-P	03-09-109
296-46B-999	NEW-P	03-05-074	296-62-07336	AMD-X	03-12-072	296-150C-0150	NEW	03-12-044
296-46B-999	NEW	03-09-111	296-62-07342	AMD-X	03-12-072	296-150C-3000	AMD-P	03-09-108
296-52-60020	AMD	03-06-073	296-62-07347	AMD-X	03-12-072	296-150C-3000	AMD	03-12-045
296-52-60130	AMD	03-06-073	296-62-07419	AMD-X	03-12-072	296-150F	PREP	03-10-065
296-52-61040	AMD-X	03-05-073	296-62-07460	AMD-X	03-12-072	296-150F-3000	AMD-P	03-09-109
296-52-61040	AMD	03-10-037	296-62-075	AMD-P	03-11-059	296-150F-3000	AMD	03-12-044
296-52-62005	AMD-X	03-05-073	296-62-07521	AMD-X	03-12-072	296-150M	PREP	03-10-065
296-52-62005	AMD	03-10-037	296-62-07719	AMD-X	03-12-072	296-150M-0020	AMD-P	03-09-109
296-52-63005	AMD-X	03-05-073	296-62-080	REP-X	03-04-100	296-150M-0020	AMD	03-12-044
296-52-63005	AMD	03-10-037	296-62-080	REP	03-10-068	296-150M-0049	AMD-P	03-09-109
296-52-65005	AMD-X	03-05-073	296-62-08001	AMD	03-09-110	296-150M-0049	AMD	03-12-044
296-52-65005	AMD	03-10-037	296-62-09015	AMD	03-11-060	296-150M-0050	AMD-P	03-09-109
296-52-66005	AMD-X	03-05-073	296-62-11021	REP-X	03-04-100	296-150M-0050	AMD	03-12-044
296-52-66005	AMD	03-10-037	296-62-11021	REP	03-10-068	296-150M-0051	NEW-P	03-09-109
296-52-67065	AMD	03-06-073	296-62-130	REP-X	03-04-100	296-150M-0051	NEW	03-12-044
296-52-67160	AMD	03-06-073	296-62-130	REP	03-10-068	296-150M-0302	AMD-P	03-09-109
296-52-68060	AMD	03-06-073	296-62-20015	AMD-X	03-12-072	296-150M-0302	AMD	03-12-044
296-52-69010	AMD	03-06-073	296-62-31020	AMD-X	03-12-072	296-150M-0320	AMD-P	03-09-109
296-52-69015	AMD	03-06-073	296-62-31335	AMD-X	03-12-072	296-150M-0320	AMD	03-12-044
296-52-69095	AMD	03-06-073	296-78	PREP	03-10-064	296-150M-0322	NEW-P	03-09-109
296-52-69125	AMD	03-06-073	296-78	PREP	03-10-066	296-150M-0322	NEW	03-12-044
296-52-69130	NEW	03-06-073	296-78-56505	AMD	03-06-076	296-150M-0360	AMD-P	03-09-109
296-52-70010	AMD	03-06-073	296-78-71001	AMD	03-06-076	296-150M-0360	AMD	03-12-044
296-52-710	AMD	03-06-073	296-78-71011	AMD	03-06-076	296-150M-0705	NEW-P	03-09-109
296-52-71020	AMD	03-06-073	296-78-835	AMD	03-06-076	296-150M-0705	NEW	03-12-044
296-52-71040	AMD	03-06-073	296-79	PREP	03-03-110	296-150M-0715	NEW-P	03-09-109
296-52-71045	AMD	03-06-073	296-79	PREP	03-10-064	296-150M-0715	NEW	03-12-044
296-54	PREP	03-10-064	296-79	PREP	03-10-066	296-150M-0725	NEW-P	03-09-109
296-54	PREP	03-10-066	296-96	PREP	03-04-098	296-150M-0725	NEW	03-12-044
296-54-51130	AMD	03-11-060	296-96	PREP	03-10-065	296-150M-0800	NEW-P	03-09-109
296-56	PREP	03-03-110	296-96-01005	AMD-P	03-09-108	296-150M-0800	NEW	03-12-044
296-56	PREP	03-10-066	296-96-01005	AMD	03-12-045	296-150M-0805	NEW-P	03-09-109

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150M-0805	NEW	03-12-044	296-304-01003	AMD	03-04-099	296-307-45010	NEW-X	03-04-100
296-150M-0810	NEW-P	03-09-109	296-304-02007	AMD	03-04-099	296-307-45010	NEW	03-10-068
296-150M-0810	NEW	03-12-044	296-304-02009	AMD	03-04-099	296-307-45011	REP-X	03-04-100
296-150M-0815	NEW-P	03-09-109	296-304-03007	AMD	03-04-099	296-307-45011	REP	03-10-068
296-150M-0815	NEW	03-12-044	296-304-04001	AMD	03-04-099	296-307-45013	REP-X	03-04-100
296-150M-0820	NEW-P	03-09-109	296-304-05001	AMD	03-04-099	296-307-45013	REP	03-10-068
296-150M-0820	NEW	03-12-044	296-304-05003	AMD	03-04-099	296-307-45015	AMD-X	03-04-100
296-150M-0830	NEW-P	03-09-109	296-304-05005	AMD	03-04-099	296-307-45015	AMD	03-10-068
296-150M-0830	NEW	03-12-044	296-304-05009	AMD	03-04-099	296-307-45017	REP-X	03-04-100
296-150M-0835	NEW-P	03-09-109	296-304-05013	AMD	03-04-099	296-307-45017	REP	03-10-068
296-150M-0835	NEW	03-12-044	296-304-06003	AMD	03-04-099	296-307-45019	REP-X	03-04-100
296-150M-0840	NEW-P	03-09-109	296-304-07009	AMD	03-04-099	296-307-45019	REP	03-10-068
296-150M-0840	NEW	03-12-044	296-304-07011	AMD	03-04-099	296-307-45020	NEW-X	03-04-100
296-150M-0845	NEW-P	03-09-109	296-304-07013	AMD	03-04-099	296-307-45020	NEW	03-10-068
296-150M-0845	NEW	03-12-044	296-304-08001	AMD	03-04-099	296-307-45021	REP-X	03-04-100
296-150M-0855	NEW-P	03-09-109	296-304-08009	AMD	03-11-060	296-307-45021	REP	03-10-068
296-150M-0855	NEW	03-12-044	296-304-09009	AMD	03-11-060	296-307-45023	REP-X	03-04-100
296-150M-0860	NEW-P	03-09-109	296-304-09017	AMD	03-04-099	296-307-45023	REP	03-10-068
296-150M-0860	NEW	03-12-044	296-304-09021	AMD	03-04-099	296-307-45025	AMD-X	03-04-100
296-150M-0865	NEW-P	03-09-109	296-304-09023	AMD	03-04-099	296-307-45025	AMD	03-10-068
296-150M-0865	NEW	03-12-044	296-304-10003	AMD	03-04-099	296-307-45027	REP-X	03-04-100
296-150M-3000	AMD-P	03-09-109	296-304-10007	AMD	03-04-099	296-307-45027	REP	03-10-068
296-150M-3000	AMD	03-12-044	296-305	PREP	03-04-097	296-307-45029	REP-X	03-04-100
296-150P	PREP	03-10-065	296-305	PREP	03-10-066	296-307-45029	REP	03-10-068
296-150P-0020	AMD-P	03-09-109	296-305-01515	AMD	03-09-110	296-307-45030	NEW-X	03-04-100
296-150P-0020	AMD	03-12-044	296-305-02005	AMD	03-11-060	296-307-45030	NEW	03-10-068
296-150P-3000	AMD-P	03-09-108	296-305-02501	AMD	03-09-110	296-307-45035	NEW-X	03-04-100
296-150P-3000	AMD	03-12-045	296-305-05503	AMD	03-11-060	296-307-45035	NEW	03-10-068
296-150R	PREP	03-10-065	296-307	PREP	03-10-064	296-307-45045	NEW-X	03-04-100
296-150R-0020	AMD-P	03-09-109	296-307	PREP	03-10-066	296-307-45045	NEW	03-10-068
296-150R-0020	AMD	03-12-044	296-307-009	AMD-X	03-04-100	296-307-45050	NEW-X	03-04-100
296-150R-3000	AMD-P	03-09-108	296-307-009	AMD	03-10-068	296-307-45050	NEW	03-10-068
296-150R-3000	AMD	03-12-045	296-307-018	AMD-X	03-04-100	296-307-455	NEW-X	03-04-100
296-150T	PREP	03-10-065	296-307-018	AMD	03-10-068	296-307-455	NEW	03-10-068
296-150T-3000	AMD-P	03-09-108	296-307-03930	NEW-X	03-04-100	296-307-45505	NEW-X	03-04-100
296-150T-3000	AMD	03-12-045	296-307-03930	NEW	03-10-068	296-307-45505	NEW	03-10-068
296-150V	PREP	03-10-065	296-307-03935	NEW-X	03-04-100	296-307-45510	NEW-X	03-04-100
296-150V-0020	AMD-P	03-09-109	296-307-03935	NEW	03-10-068	296-307-45510	NEW	03-10-068
296-150V-0020	AMD	03-12-044	296-307-03940	NEW-X	03-04-100	296-307-45515	NEW-X	03-04-100
296-150V-0800	AMD-P	03-09-109	296-307-03940	NEW	03-10-068	296-307-45515	NEW	03-10-068
296-150V-0800	AMD	03-12-044	296-307-03945	NEW-X	03-04-100	296-307-45520	NEW-X	03-04-100
296-150V-1090	AMD-P	03-09-109	296-307-03945	NEW	03-10-068	296-307-45520	NEW	03-10-068
296-150V-1090	AMD	03-12-044	296-307-40013	AMD-X	03-04-100	296-307-45525	NEW-X	03-04-100
296-150V-1220	REP-P	03-09-109	296-307-40013	AMD	03-10-068	296-307-45525	NEW	03-10-068
296-150V-1220	REP	03-12-044	296-307-40015	AMD-X	03-04-100	296-307-45535	NEW-X	03-04-100
296-150V-1530	AMD-P	03-09-109	296-307-40015	AMD	03-10-068	296-307-45535	NEW	03-10-068
296-150V-1530	AMD	03-12-044	296-307-40027	AMD-X	03-04-100	296-307-45540	NEW-X	03-04-100
296-150V-1600	NEW-P	03-09-109	296-307-40027	AMD	03-10-068	296-307-45540	NEW	03-10-068
296-150V-1600	NEW	03-12-044	296-307-445	NEW-X	03-04-100	296-307-45545	NEW-X	03-04-100
296-150V-3000	AMD-P	03-09-108	296-307-445	NEW	03-10-068	296-307-45545	NEW	03-10-068
296-150V-3000	AMD	03-12-045	296-307-450	AMD-X	03-04-100	296-307-45550	NEW-X	03-04-100
296-155	PREP	03-04-097	296-307-450	AMD	03-10-068	296-307-45550	NEW	03-10-068
296-155	PREP	03-10-064	296-307-45001	REP-X	03-04-100	296-307-45555	NEW-X	03-04-100
296-155	PREP	03-10-066	296-307-45001	REP	03-10-068	296-307-45555	NEW	03-10-068
296-155-145	AMD	03-11-060	296-307-45003	REP-X	03-04-100	296-307-45560	NEW-X	03-04-100
296-155-210	AMD	03-11-060	296-307-45003	REP	03-10-068	296-307-45560	NEW	03-10-068
296-155-300	AMD	03-06-075	296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100
296-155-305	AMD	03-06-075	296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068
296-155-310	AMD	03-06-075	296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100
296-155-315	AMD	03-06-075	296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068
296-200A	PREP	03-10-065	296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100
296-304-01001	AMD	03-04-099	296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-46025	NEW-X	03-04-100	296-401B-330	REP	03-09-111	296-401B-950	REP	03-09-111
296-307-46025	NEW	03-10-068	296-401B-335	REP-P	03-05-074	296-401B-960	REP-P	03-05-074
296-307-46030	NEW-X	03-04-100	296-401B-335	REP	03-09-111	296-401B-960	REP	03-09-111
296-307-46030	NEW	03-10-068	296-401B-340	REP-P	03-05-074	296-401B-970	REP-P	03-05-074
296-307-465	NEW-X	03-04-100	296-401B-340	REP	03-09-111	296-401B-970	REP	03-09-111
296-307-465	NEW	03-10-068	296-401B-350	REP-P	03-05-074	296-401B-980	REP-P	03-05-074
296-307-55030	AMD-X	03-04-100	296-401B-350	REP	03-09-111	296-401B-980	REP	03-09-111
296-307-55030	AMD	03-10-068	296-401B-410	REP-P	03-05-074	296-401B-990	REP-P	03-05-074
296-307-560	NEW-X	03-04-100	296-401B-410	REP	03-09-111	296-401B-990	REP	03-09-111
296-307-560	NEW	03-10-068	296-401B-420	REP-P	03-05-074	296-402A-010	REP-P	03-05-074
296-307-56005	NEW-X	03-04-100	296-401B-420	REP	03-09-111	296-402A-010	REP	03-09-111
296-307-56005	NEW	03-10-068	296-401B-430	REP-P	03-05-074	296-402A-020	REP-P	03-05-074
296-307-56010	NEW-X	03-04-100	296-401B-430	REP	03-09-111	296-402A-020	REP	03-09-111
296-307-56010	NEW	03-10-068	296-401B-440	REP-P	03-05-074	296-402A-030	REP-P	03-05-074
296-307-56015	NEW-X	03-04-100	296-401B-440	REP	03-09-111	296-402A-030	REP	03-09-111
296-307-56015	NEW	03-10-068	296-401B-445	REP-P	03-05-074	296-402A-040	REP-P	03-05-074
296-307-56020	NEW-X	03-04-100	296-401B-445	REP	03-09-111	296-402A-040	REP	03-09-111
296-307-56020	NEW	03-10-068	296-401B-450	REP-P	03-05-074	296-402A-050	REP-P	03-05-074
296-307-56025	NEW-X	03-04-100	296-401B-450	REP	03-09-111	296-402A-050	REP	03-09-111
296-307-56025	NEW	03-10-068	296-401B-455	REP-P	03-05-074	296-402A-060	REP-P	03-05-074
296-307-56030	NEW-X	03-04-100	296-401B-455	REP	03-09-111	296-402A-060	REP	03-09-111
296-307-56030	NEW	03-10-068	296-401B-460	REP-P	03-05-074	296-402A-070	REP-P	03-05-074
296-307-56035	NEW-X	03-04-100	296-401B-460	REP	03-09-111	296-402A-070	REP	03-09-111
296-307-56035	NEW	03-10-068	296-401B-470	REP-P	03-05-074	296-402A-080	REP-P	03-05-074
296-307-56040	NEW-X	03-04-100	296-401B-470	REP	03-09-111	296-402A-080	REP	03-09-111
296-307-56040	NEW	03-10-068	296-401B-475	REP-P	03-05-074	296-402A-090	REP-P	03-05-074
296-307-56045	NEW-X	03-04-100	296-401B-475	REP	03-09-111	296-402A-090	REP	03-09-111
296-307-56045	NEW	03-10-068	296-401B-476	REP-P	03-05-074	296-402A-100	REP-P	03-05-074
296-307-56050	NEW-X	03-04-100	296-401B-476	REP	03-09-111	296-402A-100	REP	03-09-111
296-307-56050	NEW	03-10-068	296-401B-500	REP-P	03-05-074	296-402A-110	REP-P	03-05-074
296-400A	PREP	03-10-065	296-401B-500	REP	03-09-111	296-402A-110	REP	03-09-111
296-400A-045	AMD-P	03-09-108	296-401B-510	REP-P	03-05-074	296-402A-130	REP-P	03-05-074
296-400A-045	AMD	03-12-045	296-401B-510	REP	03-09-111	296-402A-130	REP	03-09-111
296-401B-092	REP-P	03-05-074	296-401B-520	REP-P	03-05-074	296-402A-140	REP-P	03-05-074
296-401B-092	REP	03-09-111	296-401B-520	REP	03-09-111	296-402A-140	REP	03-09-111
296-401B-100	REP-P	03-05-074	296-401B-600	REP-P	03-05-074	296-402A-150	REP-P	03-05-074
296-401B-100	REP	03-09-111	296-401B-600	REP	03-09-111	296-402A-150	REP	03-09-111
296-401B-110	REP-P	03-05-074	296-401B-610	REP-P	03-05-074	296-402A-160	REP-P	03-05-074
296-401B-110	REP	03-09-111	296-401B-610	REP	03-09-111	296-402A-160	REP	03-09-111
296-401B-120	REP-P	03-05-074	296-401B-620	REP-P	03-05-074	296-402A-170	REP-P	03-05-074
296-401B-120	REP	03-09-111	296-401B-620	REP	03-09-111	296-402A-170	REP	03-09-111
296-401B-130	REP-P	03-05-074	296-401B-630	REP-P	03-05-074	296-402A-180	REP-P	03-05-074
296-401B-130	REP	03-09-111	296-401B-630	REP	03-09-111	296-402A-180	REP	03-09-111
296-401B-140	REP-P	03-05-074	296-401B-640	REP-P	03-05-074	296-402A-190	REP-P	03-05-074
296-401B-140	REP	03-09-111	296-401B-640	REP	03-09-111	296-402A-190	REP	03-09-111
296-401B-180	REP-P	03-05-074	296-401B-700	REP-P	03-05-074	296-402A-200	REP-P	03-05-074
296-401B-180	REP	03-09-111	296-401B-700	REP	03-09-111	296-402A-200	REP	03-09-111
296-401B-200	REP-P	03-05-074	296-401B-800	REP-P	03-05-074	296-402A-210	REP-P	03-05-074
296-401B-200	REP	03-09-111	296-401B-800	REP	03-09-111	296-402A-210	REP	03-09-111
296-401B-250	REP-P	03-05-074	296-401B-850	REP-P	03-05-074	296-402A-220	REP-P	03-05-074
296-401B-250	REP	03-09-111	296-401B-850	REP	03-09-111	296-402A-220	REP	03-09-111
296-401B-260	REP-P	03-05-074	296-401B-860	REP-P	03-05-074	296-402A-230	REP-P	03-05-074
296-401B-260	REP	03-09-111	296-401B-860	REP	03-09-111	296-402A-230	REP	03-09-111
296-401B-270	REP-P	03-05-074	296-401B-870	REP-P	03-05-074	296-402A-240	REP-P	03-05-074
296-401B-270	REP	03-09-111	296-401B-870	REP	03-09-111	296-402A-240	REP	03-09-111
296-401B-300	REP-P	03-05-074	296-401B-900	REP-P	03-05-074	296-402A-250	REP-P	03-05-074
296-401B-300	REP	03-09-111	296-401B-900	REP	03-09-111	296-402A-250	REP	03-09-111
296-401B-310	REP-P	03-05-074	296-401B-910	REP-P	03-05-074	296-402A-260	REP-P	03-05-074
296-401B-310	REP	03-09-111	296-401B-910	REP	03-09-111	296-402A-260	REP	03-09-111
296-401B-320	REP-P	03-05-074	296-401B-920	REP-P	03-05-074	296-402A-270	REP-P	03-05-074
296-401B-320	REP	03-09-111	296-401B-920	REP	03-09-111	296-402A-270	REP	03-09-111
296-401B-330	REP-P	03-05-074	296-401B-950	REP-P	03-05-074	296-402A-290	REP-P	03-05-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-290	REP	03-09-111	296-402A-610	REP	03-09-111	296-807-14025	NEW	03-09-009
296-402A-300	REP-P	03-05-074	296-402A-620	REP-P	03-05-074	296-807-14030	NEW	03-09-009
296-402A-300	REP	03-09-111	296-402A-620	REP	03-09-111	296-807-14035	NEW	03-09-009
296-402A-310	REP-P	03-05-074	296-402A-630	REP-P	03-05-074	296-807-14040	NEW	03-09-009
296-402A-310	REP	03-09-111	296-402A-630	REP	03-09-111	296-807-150	NEW	03-09-009
296-402A-320	REP-P	03-05-074	296-402A-640	REP-P	03-05-074	296-807-15005	NEW	03-09-009
296-402A-320	REP	03-09-111	296-402A-640	REP	03-09-111	296-807-15010	NEW	03-09-009
296-402A-330	REP-P	03-05-074	296-402A-650	REP-P	03-05-074	296-807-15015	NEW	03-09-009
296-402A-330	REP	03-09-111	296-402A-650	REP	03-09-111	296-807-15020	NEW	03-09-009
296-402A-340	REP-P	03-05-074	296-402A-660	REP-P	03-05-074	296-807-15025	NEW	03-09-009
296-402A-340	REP	03-09-111	296-402A-660	REP	03-09-111	296-807-15030	NEW	03-09-009
296-402A-350	REP-P	03-05-074	296-402A-670	REP-P	03-05-074	296-807-15035	NEW	03-09-009
296-402A-350	REP	03-09-111	296-402A-670	REP	03-09-111	296-807-15040	NEW	03-09-009
296-402A-360	REP-P	03-05-074	296-402A-675	REP-P	03-05-074	296-807-15045	NEW	03-09-009
296-402A-360	REP	03-09-111	296-402A-675	REP	03-09-111	296-807-15050	NEW	03-09-009
296-402A-370	REP-P	03-05-074	296-402A-680	REP-P	03-05-074	296-807-15055	NEW	03-09-009
296-402A-370	REP	03-09-111	296-402A-680	REP	03-09-111	296-807-160	NEW	03-09-009
296-402A-380	REP-P	03-05-074	296-402A-690	REP-P	03-05-074	296-807-16005	NEW	03-09-009
296-402A-380	REP	03-09-111	296-402A-690	REP	03-09-111	296-807-16010	NEW	03-09-009
296-402A-390	REP-P	03-05-074	296-800	PREP	03-04-097	296-807-16015	NEW	03-09-009
296-402A-390	REP	03-09-111	296-800-110	AMD-X	03-12-072	296-807-16020	NEW	03-09-009
296-402A-400	REP-P	03-05-074	296-800-11030	AMD-X	03-12-072	296-807-16025	NEW	03-09-009
296-402A-400	REP	03-09-111	296-800-15005	AMD	03-09-110	296-807-16030	NEW	03-09-009
296-402A-410	REP-P	03-05-074	296-800-170	AMD-X	03-12-072	296-807-16035	NEW	03-09-009
296-402A-410	REP	03-09-111	296-800-17005	AMD-X	03-12-072	296-807-170	NEW	03-09-009
296-402A-430	REP-P	03-05-074	296-800-17007	NEW-X	03-12-072	296-807-17005	NEW	03-09-009
296-402A-430	REP	03-09-111	296-800-17015	AMD-X	03-12-072	296-807-17010	NEW	03-09-009
296-402A-440	REP-P	03-05-074	296-800-17020	AMD-X	03-12-072	296-807-17015	NEW	03-09-009
296-402A-440	REP	03-09-111	296-800-230	AMD-X	03-12-072	296-807-17020	NEW	03-09-009
296-402A-450	REP-P	03-05-074	296-800-23005	AMD-X	03-12-072	296-807-180	NEW	03-09-009
296-402A-450	REP	03-09-111	296-800-23010	AMD-X	03-12-072	296-807-18005	NEW	03-09-009
296-402A-460	REP-P	03-05-074	296-800-23020	AMD-X	03-12-072	296-807-18010	NEW	03-09-009
296-402A-460	REP	03-09-111	296-800-23025	AMD-X	03-12-072	296-807-18015	NEW	03-09-009
296-402A-470	REP-P	03-05-074	296-800-23030	REP-X	03-12-072	296-807-18020	NEW	03-09-009
296-402A-470	REP	03-09-111	296-800-23035	REP-X	03-12-072	296-807-18025	NEW	03-09-009
296-402A-480	REP-P	03-05-074	296-800-23040	NEW-X	03-12-072	296-807-18030	NEW	03-09-009
296-402A-480	REP	03-09-111	296-800-23045	NEW-X	03-12-072	296-807-18035	NEW	03-09-009
296-402A-490	REP-P	03-05-074	296-800-23050	NEW-X	03-12-072	296-807-18040	NEW	03-09-009
296-402A-490	REP	03-09-111	296-800-23055	NEW-X	03-12-072	296-807-18045	NEW	03-09-009
296-402A-500	REP-P	03-05-074	296-800-23060	NEW-X	03-12-072	296-807-18050	NEW	03-09-009
296-402A-500	REP	03-09-111	296-800-23065	NEW-X	03-12-072	296-807-18055	NEW	03-09-009
296-402A-510	REP-P	03-05-074	296-800-23070	NEW-X	03-12-072	296-807-18060	NEW	03-09-009
296-402A-510	REP	03-09-111	296-800-23075	NEW-X	03-12-072	296-807-18065	NEW	03-09-009
296-402A-520	REP-P	03-05-074	296-800-31050	AMD-X	03-12-072	296-807-18070	NEW	03-09-009
296-402A-520	REP	03-09-111	296-800-350	AMD-X	03-12-072	296-807-18075	NEW	03-09-009
296-402A-530	REP-P	03-05-074	296-800-35038	AMD-X	03-12-072	296-807-18080	NEW	03-09-009
296-402A-530	REP	03-09-111	296-800-35040	AMD-X	03-12-072	296-807-18085	NEW	03-09-009
296-402A-540	REP-P	03-05-074	296-800-35062	AMD-X	03-12-072	296-807-190	NEW	03-09-009
296-402A-540	REP	03-09-111	296-800-35064	AMD-X	03-12-072	296-817-010	NEW-W	03-13-096
296-402A-550	REP-P	03-05-074	296-800-370	AMD-X	03-12-072	296-817-01005	NEW-W	03-13-096
296-402A-550	REP	03-09-111	296-807-100	NEW	03-09-009	296-817-01010	NEW-W	03-13-096
296-402A-560	REP-P	03-05-074	296-807-110	NEW	03-09-009	296-817-01015	NEW-W	03-13-096
296-402A-560	REP	03-09-111	296-807-11005	NEW	03-09-009	296-817-01020	NEW-W	03-13-096
296-402A-570	REP-P	03-05-074	296-807-120	NEW	03-09-009	296-817-01025	NEW-W	03-13-096
296-402A-570	REP	03-09-111	296-807-12005	NEW	03-09-009	296-817-01030	NEW-W	03-13-096
296-402A-580	REP-P	03-05-074	296-807-130	NEW	03-09-009	296-817-01035	NEW-W	03-13-096
296-402A-580	REP	03-09-111	296-807-13005	NEW	03-09-009	296-817-01040	NEW-W	03-13-096
296-402A-590	REP-P	03-05-074	296-807-140	NEW	03-09-009	296-817-020	NEW-W	03-13-096
296-402A-590	REP	03-09-111	296-807-14005	NEW	03-09-009	296-817-02005	NEW-W	03-13-096
296-402A-600	REP-P	03-05-074	296-807-14010	NEW	03-09-009	296-817-02010	NEW-W	03-13-096
296-402A-600	REP	03-09-111	296-807-14015	NEW	03-09-009	296-817-02015	NEW-W	03-13-096
296-402A-610	REP-P	03-05-074	296-807-14020	NEW	03-09-009	296-817-030	NEW-W	03-13-096

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-817-03005	NEW-W	03-13-096	296-823-14040	NEW	03-09-110	296-842-170	NEW-P	03-08-044
296-817-03010	NEW-W	03-13-096	296-823-14045	NEW	03-09-110	296-842-17005	NEW-P	03-08-044
296-817-03015	NEW-W	03-13-096	296-823-14050	NEW	03-09-110	296-842-17010	NEW-P	03-08-044
296-817-03020	NEW-W	03-13-096	296-823-14055	NEW	03-09-110	296-842-17015	NEW-P	03-08-044
296-817-03025	NEW-W	03-13-096	296-823-14060	NEW	03-09-110	296-842-180	NEW-P	03-08-044
296-817-03030	NEW-W	03-13-096	296-823-14065	NEW	03-09-110	296-842-18005	NEW-P	03-08-044
296-817-03035	NEW-W	03-13-096	296-823-150	NEW	03-09-110	296-842-18010	NEW-P	03-08-044
296-817-040	NEW-W	03-13-096	296-823-15005	NEW	03-09-110	296-842-190	NEW-P	03-08-044
296-817-04005	NEW-W	03-13-096	296-823-15010	NEW	03-09-110	296-842-19005	NEW-P	03-08-044
296-817-04010	NEW-W	03-13-096	296-823-15015	NEW	03-09-110	296-842-200	NEW-P	03-08-044
296-817-04015	NEW-W	03-13-096	296-823-15020	NEW	03-09-110	296-842-20005	NEW-P	03-08-044
296-817-04020	NEW-W	03-13-096	296-823-15025	NEW	03-09-110	296-842-20010	NEW-P	03-08-044
296-817-04025	NEW-W	03-13-096	296-823-15030	NEW	03-09-110	296-842-20015	NEW-P	03-08-044
296-817-050	NEW-W	03-13-096	296-823-160	NEW	03-09-110	296-842-210	NEW-P	03-08-044
296-817-100	NEW	03-11-060	296-823-16005	NEW	03-09-110	296-842-21005	NEW-P	03-08-044
296-817-200	NEW	03-11-060	296-823-16010	NEW	03-09-110	296-842-220	NEW-P	03-08-044
296-817-20005	NEW	03-11-060	296-823-16015	NEW	03-09-110	296-842-22005	NEW-P	03-08-044
296-817-20010	NEW	03-11-060	296-823-16020	NEW	03-09-110	296-842-22010	NEW-P	03-08-044
296-817-20015	NEW	03-11-060	296-823-16025	NEW	03-09-110	296-842-22015	NEW-P	03-08-044
296-817-20020	NEW	03-11-060	296-823-16030	NEW	03-09-110	296-842-22020	NEW-P	03-08-044
296-817-20025	NEW	03-11-060	296-823-170	NEW	03-09-110	296-842-300	NEW-P	03-08-044
296-817-20030	NEW	03-11-060	296-823-17005	NEW	03-09-110	296-878	PREP	03-03-110
296-817-20035	NEW	03-11-060	296-823-17010	NEW	03-09-110	308- 13-150	PREP	03-04-056
296-817-20040	NEW	03-11-060	296-823-180	NEW	03-09-110	308- 13-150	AMD-P	03-08-062
296-817-300	NEW	03-11-060	296-823-18005	NEW	03-09-110	308- 13-150	AMD	03-11-074
296-817-30005	NEW	03-11-060	296-823-18010	NEW	03-09-110	308- 15	PREP	03-04-080
296-817-30010	NEW	03-11-060	296-823-18015	NEW	03-09-110	308- 17-120	AMD	03-03-024
296-817-30015	NEW	03-11-060	296-823-18020	NEW	03-09-110	308- 17-240	AMD	03-03-024
296-817-400	NEW	03-11-060	296-823-18025	NEW	03-09-110	308- 20	PREP	03-10-084
296-817-40005	NEW	03-11-060	296-823-18030	NEW	03-09-110	308- 20-010	AMD-P	03-10-085
296-817-40010	NEW	03-11-060	296-823-18035	NEW	03-09-110	308- 20-040	AMD-P	03-10-085
296-817-40015	NEW	03-11-060	296-823-18040	NEW	03-09-110	308- 20-080	AMD-P	03-10-085
296-817-40020	NEW	03-11-060	296-823-18045	NEW	03-09-110	308- 20-090	AMD-P	03-10-085
296-817-40025	NEW	03-11-060	296-823-18050	NEW	03-09-110	308- 20-091	NEW-P	03-10-085
296-817-40030	NEW	03-11-060	296-823-18055	NEW	03-09-110	308- 20-091	NEW-P	03-10-085
296-817-40035	NEW	03-11-060	296-823-18055	NEW	03-09-110	308- 20-105	AMD-P	03-10-085
296-817-500	NEW	03-11-060	296-823-200	NEW	03-09-110	308- 20-107	AMD-P	03-10-085
296-817-50005	NEW	03-11-060	296-824-50030	AMD	03-09-110	308- 20-110	AMD-P	03-10-085
296-817-50010	NEW	03-11-060	296-841	PREP	03-08-073	308- 20-120	AMD-P	03-05-058
296-817-50015	NEW	03-11-060	296-841-100	NEW-P	03-11-059	308- 20-120	AMD	03-08-043
296-817-50020	NEW	03-11-060	296-841-200	NEW-P	03-11-059	308- 20-120	AMD-P	03-10-085
296-817-50025	NEW	03-11-060	296-841-20005	NEW-P	03-11-059	308- 20-180	REP-P	03-10-085
296-817-600	NEW	03-11-060	296-841-20010	NEW-P	03-11-059	308- 20-210	AMD-P	03-03-119
296-823-100	NEW	03-09-110	296-841-20015	NEW-P	03-11-059	308- 20-210	AMD	03-06-054
296-823-110	NEW	03-09-110	296-841-20020	NEW-P	03-11-059	308- 20-210	AMD-P	03-10-085
296-823-11005	NEW	03-09-110	296-841-300	NEW-P	03-11-059	308- 20-210	AMD-P	03-10-085
296-823-11010	NEW	03-09-110	296-842-100	NEW-P	03-08-044	308- 20-520	AMD-P	03-10-085
296-823-120	NEW	03-09-110	296-842-105	NEW-P	03-08-044	308- 20-530	REP-P	03-10-085
296-823-12005	NEW	03-09-110	296-842-10505	NEW-P	03-08-044	308- 20-550	AMD-P	03-10-085
296-823-12010	NEW	03-09-110	296-842-110	NEW-P	03-08-044	308- 20-560	AMD-P	03-10-085
296-823-12015	NEW	03-09-110	296-842-11005	NEW-P	03-08-044	308- 20-570	AMD-P	03-10-085
296-823-130	NEW	03-09-110	296-842-11010	NEW-P	03-08-044	308- 20-575	NEW-P	03-10-085
296-823-13005	NEW	03-09-110	296-842-120	NEW-P	03-08-044	308- 20-575	NEW-P	03-10-085
296-823-13010	NEW	03-09-110	296-842-12005	NEW-P	03-08-044	308- 20-600	AMD-P	03-10-085
296-823-140	NEW	03-09-110	296-842-12010	NEW-P	03-08-044	308- 20-710	AMD-P	03-10-085
296-823-14005	NEW	03-09-110	296-842-130	NEW-P	03-08-044	308- 48-800	PREP	03-04-076
296-823-14010	NEW	03-09-110	296-842-13005	NEW-P	03-08-044	308- 48-800	AMD-P	03-08-010
296-823-14015	NEW	03-09-110	296-842-140	NEW-P	03-08-044	308- 48-800	AMD	03-11-021
296-823-14020	NEW	03-09-110	296-842-14005	NEW-P	03-08-044	308- 56A-020	AMD	03-05-081
296-823-14025	NEW	03-09-110	296-842-150	NEW-P	03-08-044	308- 56A-021	AMD-P	03-07-080
296-823-14030	NEW	03-09-110	296-842-15005	NEW-P	03-08-044	308- 56A-021	AMD	03-11-069
296-823-14035	NEW	03-09-110	296-842-160	NEW-P	03-08-044	308- 56A-021	AMD	03-11-069
			296-842-16005	NEW-P	03-08-044	308- 56A-030	AMD	03-05-081
						308- 56A-040	AMD	03-05-081
						308- 56A-056	AMD	03-05-081
						308- 56A-060	AMD	03-05-081

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-56A-065	AMD-P	03-06-040	308-97-125	PREP	03-13-018	316-45-001	AMD-X	03-08-070
308-56A-065	AMD	03-10-097	308-97-230	PREP	03-13-018	316-45-001	AMD	03-12-074
308-56A-070	AMD-P	03-08-093	308-99-040	AMD	03-04-092	316-45-003	AMD-X	03-08-070
308-56A-070	AMD	03-12-071	308-100-090	AMD-P	03-07-097	316-45-003	AMD	03-12-074
308-56A-075	AMD-P	03-06-040	308-100-090	AMD	03-10-024	316-45-010	AMD-X	03-08-070
308-56A-075	AMD	03-10-097	308-100-180	AMD-P	03-07-097	316-45-010	AMD	03-12-074
308-56A-110	AMD	03-05-081	308-100-180	AMD	03-10-024	316-45-020	AMD-X	03-08-070
308-56A-115	AMD	03-05-081	308-124B-150	AMD-P	03-09-059	316-45-020	AMD	03-12-074
308-56A-140	AMD-P	03-05-001	308-124C-010	PREP	03-09-049	316-45-030	AMD-X	03-08-070
308-56A-140	AMD	03-12-006	308-124C-020	PREP	03-09-049	316-45-030	AMD	03-12-074
308-56A-150	AMD-P	03-05-001	308-124E-013	PREP	03-09-049	316-45-050	AMD-X	03-08-070
308-56A-150	AMD	03-05-081	308-124E-013	AMD-P	03-13-024	316-45-050	AMD	03-12-074
308-56A-150	AMD	03-12-006	308-124H-029	PREP	03-03-080	316-45-110	AMD-X	03-08-070
308-56A-160	AMD-P	03-05-001	308-124H-029	AMD-P	03-09-058	316-45-110	AMD	03-12-074
308-56A-160	AMD	03-12-006	308-124H-061	PREP	03-03-080	316-45-130	AMD-X	03-08-070
308-56A-200	AMD-P	03-05-001	308-124H-061	AMD-P	03-09-058	316-45-130	AMD	03-12-074
308-56A-200	AMD	03-12-006	308-125-090	AMD-P	03-11-050	316-45-150	AMD-X	03-08-070
308-56A-210	AMD	03-05-081	308-129-100	AMD	03-03-055	316-45-150	AMD	03-12-074
308-56A-215	AMD-P	03-05-001	308-420-010	REP	03-03-054	316-45-170	AMD-X	03-08-070
308-56A-215	AMD	03-12-006	308-420-020	AMD	03-03-054	316-45-170	AMD	03-12-074
308-56A-250	AMD-P	03-03-095	308-420-050	AMD	03-03-054	316-45-190	AMD-X	03-08-070
308-56A-250	AMD	03-08-055	308-420-060	AMD	03-03-054	316-45-190	AMD	03-12-074
308-56A-265	AMD-P	03-03-095	308-420-070	AMD	03-03-054	316-45-210	AMD-X	03-08-070
308-56A-265	AMD	03-08-055	308-420-080	REP	03-03-054	316-45-210	AMD	03-12-074
308-56A-270	AMD-P	03-03-095	308-420-090	AMD	03-03-054	316-45-230	AMD-X	03-08-070
308-56A-270	AMD	03-08-055	308-420-100	AMD	03-03-054	316-45-230	AMD	03-12-074
308-56A-275	AMD-P	03-03-095	308-420-130	REP	03-03-054	316-45-250	AMD-X	03-08-070
308-56A-275	AMD	03-08-055	308-420-140	AMD	03-03-054	316-45-250	AMD	03-12-074
308-56A-295	AMD	03-05-081	308-420-190	AMD	03-03-054	316-45-270	AMD-X	03-08-070
308-56A-300	AMD-P	03-08-093	308-420-200	AMD	03-03-054	316-45-270	AMD	03-12-074
308-56A-300	AMD	03-12-071	308-420-210	AMD	03-03-054	316-45-290	AMD-X	03-08-070
308-56A-305	AMD-P	03-08-093	308-420-230	AMD	03-03-054	316-45-290	AMD	03-12-074
308-56A-305	AMD	03-12-071	314-12-170	REP-P	03-02-097	316-45-310	AMD-X	03-08-070
308-56A-315	AMD-P	03-08-093	314-12-170	REP	03-09-015	316-45-310	AMD	03-12-074
308-56A-315	AMD	03-12-071	314-12-180	REP-P	03-02-097	316-45-330	AMD-X	03-08-070
308-56A-320	AMD-P	03-08-093	314-12-180	REP	03-09-015	316-45-330	AMD	03-12-074
308-56A-320	AMD	03-12-071	314-12-300	REP-P	03-02-097	316-45-350	AMD-X	03-08-070
308-56A-325	AMD-P	03-08-093	314-12-300	REP	03-09-015	316-45-350	AMD	03-12-074
308-56A-325	AMD	03-12-071	314-12-310	REP-P	03-02-097	316-45-370	AMD-X	03-08-070
308-56A-330	AMD-P	03-08-093	314-12-310	REP	03-09-015	316-45-370	AMD	03-12-074
308-56A-330	AMD	03-12-071	314-12-320	REP-P	03-02-097	316-45-390	AMD-X	03-08-070
308-56A-455	AMD-P	03-06-040	314-12-320	REP	03-09-015	316-45-390	AMD	03-12-074
308-56A-455	AMD	03-10-097	314-12-330	REP-P	03-02-097	316-45-410	AMD-X	03-08-070
308-56A-640	PREP-W	03-07-078	314-12-330	REP	03-09-015	316-45-410	AMD	03-12-074
308-56A-640	AMD-P	03-09-031	314-12-340	REP-P	03-02-097	316-45-430	AMD-X	03-08-070
308-56A-640	AMD-W	03-09-075	314-12-340	REP	03-09-015	316-45-430	AMD	03-12-074
308-57	PREP-W	03-07-077	314-29-003	NEW-P	03-02-097	316-45-550	AMD-X	03-08-070
308-57-030	PREP	03-12-018	314-29-003	NEW	03-09-015	316-45-550	AMD	03-12-074
308-88	PREP	03-11-069A	314-29-015	NEW-P	03-02-097	316-55-001	AMD-X	03-08-070
308-93-230	AMD-P	03-10-045	314-29-015	NEW	03-09-015	316-55-001	AMD	03-12-074
308-93-370	AMD	03-07-076	314-29-020	NEW-P	03-02-097	316-55-005	AMD-X	03-08-070
308-93-380	AMD	03-07-076	314-29-020	NEW	03-09-015	316-55-005	AMD	03-12-074
308-93-390	AMD	03-07-076	314-29-025	NEW-P	03-02-097	316-55-010	AMD-X	03-08-070
308-93-440	AMD	03-07-076	314-29-025	NEW	03-09-015	316-55-010	AMD	03-12-074
308-96A-021	AMD	03-05-080	314-29-030	NEW-P	03-02-097	316-55-020	AMD-X	03-08-070
308-96A-047	NEW	03-05-080	314-29-030	NEW	03-09-015	316-55-020	AMD	03-12-074
308-96A-074	AMD	03-05-082	314-29-035	NEW-P	03-02-097	316-55-030	AMD-X	03-08-070
308-96A-177	REP	03-05-080	314-29-035	NEW	03-09-015	316-55-030	AMD	03-12-074
308-96A-314	AMD	03-05-082	314-29-040	NEW-P	03-02-097	316-55-070	AMD-X	03-08-070
308-96A-316	AMD	03-05-082	314-29-040	NEW	03-09-015	316-55-070	AMD	03-12-074
308-96A-550	AMD	03-05-082	315-04-065	NEW-C	03-07-067	316-55-090	AMD-X	03-08-070
308-97-011	PREP	03-13-018	315-04-065	NEW	03-11-054	316-55-090	AMD	03-12-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
316- 55-110	AMD-X	03-08-070	352- 40-130	AMD-P	03-08-101	388- 14A-3120	AMD-E	03-12-064
316- 55-110	AMD	03-12-074	352- 40-130	AMD	03-11-068	388- 14A-3120	AMD-P	03-13-092
316- 55-120	AMD-X	03-08-070	352- 40-140	REP-P	03-08-101	388- 14A-3122	NEW-E	03-04-088
316- 55-120	AMD	03-12-074	352- 40-140	REP	03-11-068	388- 14A-3122	NEW-E	03-12-064
316- 55-130	AMD-X	03-08-070	352- 40-150	AMD-P	03-08-101	388- 14A-3131	AMD-P	03-13-092
316- 55-130	AMD	03-12-074	352- 40-150	AMD	03-11-068	388- 14A-3132	AMD-P	03-13-092
316- 55-150	AMD-X	03-08-070	352- 40-900	REP-P	03-08-101	388- 14A-3133	AMD-P	03-13-092
316- 55-150	AMD	03-12-074	352- 40-900	REP	03-11-068	388- 14A-3370	AMD-E	03-04-088
316- 55-160	AMD-X	03-08-070	356- 06-065	AMD-X	03-12-092	388- 14A-3370	AMD-E	03-12-064
316- 55-160	AMD	03-12-074	363-116-185	AMD-P	03-09-135	388- 14A-3370	AMD-P	03-13-092
316- 55-170	AMD-X	03-08-070	363-116-300	AMD-P	03-08-058	388- 14A-3600	AMD-P	03-13-092
316- 55-170	AMD	03-12-074	363-116-300	AMD	03-12-019	388- 14A-3810	AMD-E	03-04-088
316- 55-500	AMD-X	03-08-070	363-116-365	NEW-P	03-06-061	388- 14A-3810	AMD-E	03-12-064
316- 55-500	AMD	03-12-074	363-116-365	NEW	03-09-097	388- 14A-3810	AMD-P	03-13-092
316- 55-505	AMD-X	03-08-070	363-116-405	NEW-P	03-06-060	388- 14A-4500	PREP	03-09-090
316- 55-505	AMD	03-12-074	363-116-405	NEW	03-09-096	388- 14A-4505	PREP	03-09-090
316- 55-510	AMD-X	03-08-070	365-210-030	AMD	03-07-035	388- 14A-4510	PREP	03-09-090
316- 55-510	AMD	03-12-074	365-210-060	AMD	03-07-035	388- 14A-4515	PREP	03-09-090
316- 55-515	AMD-X	03-08-070	365-210-061	NEW	03-07-035	388- 14A-4520	PREP	03-09-090
316- 55-515	AMD	03-12-074	365-210-062	NEW	03-07-035	388- 14A-4525	PREP	03-09-090
316- 55-517	AMD-X	03-08-070	365-210-063	NEW	03-07-035	388- 14A-4530	PREP	03-09-090
316- 55-517	AMD	03-12-074	365-210-090	NEW	03-07-035	388- 14A-6105	NEW-E	03-07-030
316- 55-525	AMD-X	03-08-070	365-210-100	NEW	03-07-035	388- 14A-6105	NEW-P	03-13-092
316- 55-525	AMD	03-12-074	365-210-110	NEW	03-07-035	388- 14A-6110	NEW-E	03-07-030
316- 55-600	AMD-X	03-08-070	365-210-120	NEW	03-07-035	388- 14A-6110	NEW-P	03-13-092
316- 55-600	AMD	03-12-074	365-210-130	NEW	03-07-035	388- 14A-6115	NEW-E	03-07-030
316- 55-700	AMD-X	03-08-070	365-210-140	NEW	03-07-035	388- 14A-6115	NEW-P	03-13-092
316- 55-700	AMD	03-12-074	365-210-150	NEW	03-07-035	388- 14A-6120	NEW-E	03-07-030
316- 55-710	AMD-X	03-08-070	365-210-160	NEW	03-07-035	388- 14A-6120	NEW-P	03-13-092
316- 55-710	AMD	03-12-074	365-210-170	NEW	03-07-035	388- 14A-6125	NEW-E	03-07-030
316- 55-730	AMD-X	03-08-070	365-210-180	NEW	03-07-035	388- 14A-6125	NEW-P	03-13-092
316- 55-730	AMD	03-12-074	365-210-190	NEW	03-07-035	388- 15-650	REP	03-06-024
352- 28	PREP	03-04-115	365-212-010	NEW	03-07-036	388- 15-651	REP	03-06-024
352- 40	PREP	03-04-038	365-212-020	NEW	03-07-036	388- 15-652	REP	03-06-024
352- 40-010	AMD-P	03-08-101	365-212-030	NEW	03-07-036	388- 15-653	REP	03-06-024
352- 40-010	AMD	03-11-068	365-212-040	NEW	03-07-036	388- 15-654	REP	03-06-024
352- 40-020	AMD-P	03-08-101	365-212-050	NEW	03-07-036	388- 15-655	REP	03-06-024
352- 40-020	AMD	03-11-068	365-212-060	NEW	03-07-036	388- 15-656	REP	03-06-024
352- 40-030	AMD-P	03-08-101	365-212-070	NEW	03-07-036	388- 15-657	REP	03-06-024
352- 40-030	AMD	03-11-068	365-212-080	NEW	03-07-036	388- 15-658	REP	03-06-024
352- 40-040	AMD-P	03-08-101	365-212-090	NEW	03-07-036	388- 15-659	REP	03-06-024
352- 40-040	AMD	03-11-068	374- 80-010	AMD	03-06-015	388- 15-660	REP	03-06-024
352- 40-050	REP-P	03-08-101	374- 80-040	AMD	03-06-015	388- 15-661	REP	03-06-024
352- 40-050	REP	03-11-068	374- 80-050	AMD	03-06-015	388- 15-662	REP	03-06-024
352- 40-060	AMD-P	03-08-101	388- 01-030	PREP	03-10-087	388- 25-0018	NEW-X	03-08-087
352- 40-060	AMD	03-11-068	388- 02-0005	AMD-W	03-06-070	388- 27-0120	AMD-E	03-11-067
352- 40-070	AMD-P	03-08-101	388- 02-0215	AMD-E	03-07-043	388- 27-0120	PREP	03-11-090
352- 40-070	AMD	03-11-068	388- 02-0215	AMD-P	03-09-116	388- 27-0130	AMD-E	03-11-067
352- 40-080	AMD-P	03-08-101	388- 02-0215	AMD	03-13-046	388- 27-0130	PREP	03-11-090
352- 40-080	AMD	03-11-068	388- 14A-3100	AMD-E	03-04-088	388- 27-0135	AMD-E	03-11-067
352- 40-090	AMD-P	03-08-101	388- 14A-3100	AMD-E	03-12-064	388- 27-0135	PREP	03-11-090
352- 40-090	AMD	03-11-068	388- 14A-3100	AMD-P	03-13-092	388- 27-0155	AMD-E	03-11-067
352- 40-100	AMD-P	03-08-101	388- 14A-3102	AMD-E	03-04-088	388- 27-0155	PREP	03-11-090
352- 40-100	AMD	03-11-068	388- 14A-3102	AMD-E	03-12-064	388- 27-0160	AMD-E	03-11-067
352- 40-110	AMD-P	03-08-101	388- 14A-3102	AMD-P	03-13-092	388- 27-0160	PREP	03-11-090
352- 40-110	AMD	03-11-068	388- 14A-3110	AMD-E	03-04-088	388- 27-0165	AMD-E	03-11-067
352- 40-120	AMD-P	03-08-101	388- 14A-3110	AMD-E	03-12-064	388- 27-0165	PREP	03-11-090
352- 40-120	AMD	03-11-068	388- 14A-3110	AMD-P	03-13-092	388- 27-0175	AMD-E	03-11-067
352- 40-125	REP-P	03-08-101	388- 14A-3115	AMD-E	03-04-088	388- 27-0175	PREP	03-11-090
352- 40-125	REP	03-11-068	388- 14A-3115	AMD-E	03-12-064	388- 27-0190	AMD-E	03-11-067
352- 40-127	REP-P	03-08-101	388- 14A-3115	AMD-P	03-13-092	388- 27-0190	PREP	03-11-090
352- 40-127	REP	03-11-068	388- 14A-3120	AMD-E	03-04-088	388- 27-0195	AMD-E	03-11-067

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 27-0195	PREP	03-11-090	388- 71-0425	AMD-E	03-05-044	388- 71-0610	AMD	03-13-052
388- 27-0200	AMD-E	03-11-067	388- 71-0425	AMD-E	03-05-098	388- 71-0702	NEW	03-06-024
388- 27-0200	PREP	03-11-090	388- 71-0425	AMD-P	03-09-042	388- 71-0704	NEW	03-06-024
388- 27-0210	AMD-E	03-11-067	388- 71-0425	AMD-E	03-13-007	388- 71-0706	NEW	03-06-024
388- 27-0210	PREP	03-11-090	388- 71-0425	AMD	03-13-052	388- 71-0708	NEW	03-06-024
388- 27-0215	AMD-E	03-11-067	388- 71-0430	AMD-E	03-05-044	388- 71-0710	NEW	03-06-024
388- 27-0215	PREP	03-11-090	388- 71-0430	AMD-E	03-05-098	388- 71-0712	NEW	03-06-024
388- 27-0220	AMD-E	03-11-067	388- 71-0430	AMD-P	03-09-042	388- 71-0714	NEW	03-06-024
388- 27-0220	PREP	03-11-090	388- 71-0430	AMD-E	03-13-007	388- 71-0716	NEW	03-06-024
388- 27-0225	REP-E	03-11-067	388- 71-0430	AMD	03-13-052	388- 71-0718	NEW	03-06-024
388- 27-0225	PREP	03-11-090	388- 71-0435	AMD-E	03-05-044	388- 71-0720	NEW	03-06-024
388- 27-0230	AMD-E	03-11-067	388- 71-0435	AMD-E	03-05-098	388- 71-0722	NEW	03-06-024
388- 27-0235	REP-E	03-11-067	388- 71-0435	AMD-P	03-09-042	388- 71-0724	NEW	03-06-024
388- 27-0235	PREP	03-11-090	388- 71-0435	AMD-E	03-13-007	388- 71-0726	NEW	03-06-024
388- 27-0240	REP-E	03-11-067	388- 71-0435	AMD	03-13-052	388- 71-0728	NEW	03-06-024
388- 27-0240	PREP	03-11-090	388- 71-0442	NEW-E	03-05-044	388- 71-0730	NEW	03-06-024
388- 27-0245	REP-E	03-11-067	388- 71-0442	NEW-E	03-05-098	388- 71-0732	NEW	03-06-024
388- 27-0245	PREP	03-11-090	388- 71-0442	NEW-P	03-09-042	388- 71-0734	NEW	03-06-024
388- 27-0270	REP-E	03-11-067	388- 71-0442	NEW-E	03-13-007	388- 71-0736	NEW	03-06-024
388- 27-0270	PREP	03-11-090	388- 71-0442	NEW	03-13-052	388- 71-0738	NEW	03-06-024
388- 32-0025	PREP	03-03-056	388- 71-0445	AMD-E	03-05-044	388- 71-0740	NEW	03-06-024
388- 32-0025	AMD-E	03-03-069	388- 71-0445	AMD-E	03-05-098	388- 71-0742	NEW	03-06-024
388- 32-0025	AMD-E	03-11-024	388- 71-0445	AMD-P	03-09-042	388- 71-0744	NEW	03-06-024
388- 32-0030	PREP	03-03-056	388- 71-0445	AMD-E	03-13-007	388- 71-0746	NEW	03-06-024
388- 32-0030	AMD-E	03-03-069	388- 71-0445	AMD	03-13-052	388- 71-0748	NEW	03-06-024
388- 32-0030	AMD-E	03-11-024	388- 71-0460	AMD-E	03-05-044	388- 71-0750	NEW	03-06-024
388- 71-0194	AMD-E	03-05-044	388- 71-0460	AMD-E	03-05-098	388- 71-0752	NEW	03-06-024
388- 71-0194	AMD-E	03-05-098	388- 71-0460	AMD-P	03-09-042	388- 71-0754	NEW	03-06-024
388- 71-0194	AMD-P	03-09-042	388- 71-0460	AMD-W	03-11-025	388- 71-0756	NEW	03-06-024
388- 71-0194	PREP	03-11-088	388- 71-0460	AMD-P	03-11-066	388- 71-0758	NEW	03-06-024
388- 71-0194	AMD-E	03-13-007	388- 71-0465	AMD-E	03-05-044	388- 71-0760	NEW	03-06-024
388- 71-0194	AMD	03-13-052	388- 71-0465	AMD-E	03-05-098	388- 71-0762	NEW	03-06-024
388- 71-0202	AMD-E	03-05-044	388- 71-0465	AMD-P	03-09-042	388- 71-0764	NEW	03-06-024
388- 71-0202	AMD-E	03-05-098	388- 71-0465	AMD-E	03-13-007	388- 71-0766	NEW	03-06-024
388- 71-0202	AMD-P	03-09-042	388- 71-0465	AMD	03-13-052	388- 71-0768	NEW	03-06-024
388- 71-0202	AMD-E	03-13-007	388- 71-0470	AMD-E	03-05-044	388- 71-0770	NEW	03-06-024
388- 71-0202	AMD	03-13-052	388- 71-0470	AMD-E	03-05-098	388- 71-0772	NEW	03-06-024
388- 71-0203	AMD-E	03-05-044	388- 71-0470	AMD-P	03-09-042	388- 71-0774	NEW	03-06-024
388- 71-0203	AMD-E	03-05-098	388- 71-0470	AMD-E	03-13-007	388- 71-0776	NEW	03-06-024
388- 71-0203	AMD-P	03-09-042	388- 71-0470	AMD	03-13-052	388- 71-0800	AMD-P	03-09-091
388- 71-0203	AMD-E	03-13-007	388- 71-0475	REP-P	03-06-093	388- 71-0800	AMD	03-13-091
388- 71-0203	AMD	03-13-052	388- 71-0475	REP	03-09-092	388- 71-0805	AMD-P	03-09-091
388- 71-0405	AMD-E	03-05-044	388- 71-0480	AMD-E	03-05-044	388- 71-0805	AMD	03-13-091
388- 71-0405	AMD-E	03-05-098	388- 71-0480	AMD-E	03-05-098	388- 71-0810	AMD-P	03-09-091
388- 71-0405	AMD-P	03-09-042	388- 71-0480	AMD-P	03-09-042	388- 71-0810	AMD	03-13-091
388- 71-0405	AMD-E	03-13-007	388- 71-0480	AMD-E	03-13-007	388- 71-0815	AMD-P	03-09-091
388- 71-0405	AMD	03-13-052	388- 71-0480	AMD	03-13-052	388- 71-0815	AMD	03-13-091
388- 71-0410	AMD-E	03-05-044	388- 71-05923	PREP	03-09-089	388- 71-0820	AMD-P	03-09-091
388- 71-0410	AMD-E	03-05-098	388- 71-0600	AMD-E	03-05-044	388- 71-0820	AMD	03-13-091
388- 71-0410	AMD-P	03-09-042	388- 71-0600	AMD-E	03-05-098	388- 71-0825	AMD-P	03-09-091
388- 71-0410	AMD-E	03-13-007	388- 71-0600	AMD-P	03-09-042	388- 71-0825	AMD	03-13-091
388- 71-0410	AMD	03-13-052	388- 71-0600	AMD-E	03-13-007	388- 71-0835	AMD-P	03-09-091
388- 71-0415	AMD-E	03-05-044	388- 71-0600	AMD	03-13-052	388- 71-0835	AMD	03-13-091
388- 71-0415	AMD-E	03-05-098	388- 71-0605	AMD-E	03-05-044	388- 71-0840	AMD-P	03-09-091
388- 71-0415	AMD-P	03-09-042	388- 71-0605	AMD-E	03-05-098	388- 71-0840	AMD	03-13-091
388- 71-0415	AMD-E	03-13-007	388- 71-0605	AMD-P	03-09-042	388- 71-0845	AMD-P	03-09-091
388- 71-0415	AMD	03-13-052	388- 71-0605	AMD-E	03-13-007	388- 71-0845	AMD	03-13-091
388- 71-0420	AMD-E	03-05-044	388- 71-0605	AMD	03-13-052	388- 72A-0005	NEW	03-05-097
388- 71-0420	AMD-E	03-05-098	388- 71-0610	AMD-E	03-05-044	388- 72A-0010	NEW	03-05-097
388- 71-0420	AMD-P	03-09-042	388- 71-0610	AMD-E	03-05-098	388- 72A-0015	NEW	03-05-097
388- 71-0420	AMD-E	03-13-007	388- 71-0610	AMD-P	03-09-042	388- 72A-0020	NEW	03-05-097
388- 71-0420	AMD	03-13-052	388- 71-0610	AMD-E	03-13-007	388- 72A-0025	NEW	03-05-097

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-145-1150	NEW	03-08-026	388-148-1215	NEW-E	03-06-091	388-150-360	REP-P	03-09-005
388-145-1160	NEW	03-08-026	388-148-1220	NEW-E	03-06-091	388-150-370	REP-P	03-09-005
388-145-1170	NEW	03-08-026	388-148-1225	NEW-E	03-06-091	388-150-380	REP-P	03-09-005
388-145-1180	NEW	03-08-026	388-148-1230	NEW-E	03-06-091	388-150-390	REP-P	03-09-005
388-145-1190	NEW	03-08-026	388-148-1235	NEW-E	03-06-091	388-150-400	REP-P	03-09-005
388-145-1200	NEW	03-08-026	388-148-1240	NEW-E	03-06-091	388-150-410	REP-P	03-09-005
388-145-1210	NEW	03-08-026	388-148-1245	NEW-E	03-06-091	388-150-420	REP-P	03-09-005
388-145-1220	NEW	03-08-026	388-148-1250	NEW-E	03-06-091	388-150-430	REP-P	03-09-005
388-148-0040	AMD-E	03-05-099	388-148-1255	NEW-E	03-06-091	388-150-440	REP-P	03-09-005
388-148-0045	AMD-E	03-05-099	388-148-1260	NEW-E	03-06-091	388-150-450	REP-P	03-09-005
388-148-0050	AMD-E	03-05-099	388-148-1265	NEW-E	03-06-091	388-150-460	REP-P	03-09-005
388-148-0058	NEW-E	03-05-099	388-148-1270	NEW-E	03-06-091	388-150-470	REP-P	03-09-005
388-148-0060	AMD-E	03-05-099	388-148-1275	NEW-E	03-06-091	388-150-480	REP-P	03-09-005
388-148-0065	AMD-E	03-05-099	388-148-1280	NEW-E	03-06-091	388-150-490	REP-P	03-09-005
388-148-0120	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091	388-150-500	REP-P	03-09-005
388-148-0125	AMD-E	03-05-099	388-148-1290	NEW-E	03-06-091	388-150-990	REP-P	03-09-005
388-148-0140	AMD-E	03-05-099	388-148-1295	NEW-E	03-06-091	388-150-991	REP-P	03-09-005
388-148-0220	AMD-E	03-05-099	388-148-1300	NEW-E	03-06-091	388-150-992	REP-P	03-09-005
388-148-0260	AMD-E	03-05-099	388-150-005	REP-P	03-09-005	388-150-993	REP-P	03-09-005
388-148-0270	AMD-E	03-05-099	388-150-010	REP-P	03-09-005	388-155-070	AMD-P	03-06-092
388-148-0335	AMD-E	03-05-099	388-150-020	REP-P	03-09-005	388-155-070	AMD	03-09-074
388-148-0345	AMD-E	03-05-099	388-150-040	REP-P	03-09-005	388-155-090	AMD-P	03-06-092
388-148-0350	AMD-E	03-05-099	388-150-050	REP-P	03-09-005	388-155-090	AMD	03-09-074
388-148-0395	AMD-E	03-05-099	388-150-060	REP-P	03-09-005	388-165-130	REP-P	03-09-033
388-148-0427	NEW-E	03-05-099	388-150-070	REP-P	03-09-005	388-180-0100	NEW	03-04-013
388-148-0460	AMD-E	03-05-099	388-150-080	REP-P	03-09-005	388-180-0110	NEW	03-04-013
388-148-0462	NEW-E	03-05-099	388-150-085	REP-P	03-09-005	388-180-0120	NEW	03-04-013
388-148-0520	AMD-E	03-05-099	388-150-090	REP-P	03-09-005	388-180-0130	NEW	03-04-013
388-148-0542	NEW-E	03-05-099	388-150-092	REP-P	03-09-005	388-180-0140	NEW	03-04-013
388-148-0560	AMD-E	03-05-099	388-150-093	REP-P	03-09-005	388-180-0150	NEW	03-04-013
388-148-0585	AMD-E	03-05-099	388-150-094	REP-P	03-09-005	388-180-0160	NEW	03-04-013
388-148-0630	AMD-E	03-05-099	388-150-095	REP-P	03-09-005	388-180-0170	NEW	03-04-013
388-148-0700	AMD-E	03-05-099	388-150-096	REP-P	03-09-005	388-180-0180	NEW	03-04-013
388-148-0720	AMD-E	03-05-099	388-150-097	REP-P	03-09-005	388-180-0190	NEW	03-04-013
388-148-0722	NEW-E	03-05-099	388-150-098	REP-P	03-09-005	388-180-0200	NEW	03-04-013
388-148-0725	AMD-E	03-05-099	388-150-098	REP-P	03-09-005	388-180-0210	NEW	03-04-013
388-148-0785	AMD-E	03-05-099	388-150-100	REP-P	03-09-005	388-180-0220	NEW	03-04-013
388-148-0880	AMD-E	03-05-099	388-150-110	REP-P	03-09-005	388-180-0230	NEW	03-04-013
388-148-0892	NEW-E	03-05-099	388-150-120	REP-P	03-09-005	388-273-0025	AMD-E	03-12-057
388-148-0915	AMD-E	03-05-099	388-150-130	REP-P	03-09-005	388-273-0025	PREP	03-13-044
388-148-0995	AMD-E	03-05-099	388-150-140	REP-P	03-09-005	388-273-0030	AMD-E	03-12-057
388-148-1060	AMD-E	03-05-099	388-150-150	REP-P	03-09-005	388-273-0030	PREP	03-13-044
388-148-1070	AMD-E	03-05-099	388-150-160	REP-P	03-09-005	388-273-0035	AMD-E	03-12-057
388-148-1076	NEW-E	03-05-099	388-150-165	REP-P	03-09-005	388-273-0035	PREP	03-13-044
388-148-1077	NEW-E	03-05-099	388-150-170	REP-P	03-09-005	388-290-0075	AMD-E	03-06-045
388-148-1078	NEW-E	03-05-099	388-150-180	REP-P	03-09-005	388-290-0085	AMD-E	03-06-045
388-148-1079	NEW-E	03-05-099	388-150-190	REP-P	03-09-005	388-290-0130	AMD-E	03-12-026
388-148-1115	AMD-E	03-05-099	388-150-200	REP-P	03-09-005	388-290-0190	AMD-E	03-06-045
388-148-1120	AMD-E	03-05-099	388-150-210	REP-P	03-09-005	388-290-0210	REP-E	03-06-045
388-148-1140	NEW-E	03-05-099	388-150-220	REP-P	03-09-005	388-292-0001	NEW-P	03-09-033
388-148-1145	NEW-E	03-05-099	388-150-230	REP-P	03-09-005	388-292-0003	NEW-P	03-09-033
388-148-1150	NEW-E	03-05-099	388-150-240	REP-P	03-09-005	388-292-0005	NEW-P	03-09-033
388-148-1155	NEW-E	03-05-099	388-150-250	REP-P	03-09-005	388-292-0010	NEW-P	03-09-033
388-148-1160	NEW-E	03-05-099	388-150-260	REP-P	03-09-005	388-292-0015	NEW-P	03-09-033
388-148-1165	NEW-E	03-05-099	388-150-270	REP-P	03-09-005	388-292-0020	NEW-P	03-09-033
388-148-1170	NEW-E	03-05-099	388-150-280	REP-P	03-09-005	388-292-0025	NEW-P	03-09-033
388-148-1175	NEW-E	03-05-099	388-150-290	REP-P	03-09-005	388-292-0030	NEW-P	03-09-033
388-148-1180	NEW-E	03-05-099	388-150-295	REP-P	03-09-005	388-292-0035	NEW-P	03-09-033
388-148-1185	NEW-E	03-05-099	388-150-310	REP-P	03-09-005	388-292-0040	NEW-P	03-09-033
388-148-1190	NEW-E	03-05-099	388-150-320	REP-P	03-09-005	388-292-0045	NEW-P	03-09-033
388-148-1205	NEW-E	03-06-091	388-150-330	REP-P	03-09-005	388-292-0050	NEW-P	03-09-033
388-148-1210	NEW-E	03-06-091	388-150-340	REP-P	03-09-005	388-292-0055	NEW-P	03-09-033
			388-150-350	REP-P	03-09-005			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-292-0060	NEW-P	03-09-033	388-295-2120	NEW-P	03-09-005	388-295-7020	NEW-P	03-09-005
388-292-0065	NEW-P	03-09-033	388-295-2130	NEW-P	03-09-005	388-295-7030	NEW-P	03-09-005
388-292-0070	NEW-P	03-09-033	388-295-3010	NEW-P	03-09-005	388-295-7040	NEW-P	03-09-005
388-292-0075	NEW-P	03-09-033	388-295-3020	NEW-P	03-09-005	388-295-7050	NEW-P	03-09-005
388-292-0080	NEW-P	03-09-033	388-295-3030	NEW-P	03-09-005	388-295-7060	NEW-P	03-09-005
388-292-0085	NEW-P	03-09-033	388-295-3040	NEW-P	03-09-005	388-295-7070	NEW-P	03-09-005
388-292-0090	NEW-P	03-09-033	388-295-3050	NEW-P	03-09-005	388-295-7080	NEW-P	03-09-005
388-292-0095	NEW-P	03-09-033	388-295-3060	NEW-P	03-09-005	388-310-0800	AMD-E	03-04-066
388-292-0100	NEW-P	03-09-033	388-295-3070	NEW-P	03-09-005	388-310-0800	PREP	03-11-087
388-292-0102	NEW-P	03-09-033	388-295-3080	NEW-P	03-09-005	388-310-0800	AMD-E	03-12-025
388-292-0105	NEW-P	03-09-033	388-295-3090	NEW-P	03-09-005	388-400-0040	AMD	03-05-028
388-292-0110	NEW-P	03-09-033	388-295-3100	NEW-P	03-09-005	388-400-0045	AMD	03-05-028
388-292-0115	NEW-P	03-09-033	388-295-3110	NEW-P	03-09-005	388-406-0015	PREP-W	03-03-112
388-292-0120	NEW-P	03-09-033	388-295-3120	NEW-P	03-09-005	388-408-0005	AMD-P	03-13-090
388-292-0125	NEW-P	03-09-033	388-295-3130	NEW-P	03-09-005	388-408-0034	PREP	03-06-056
388-292-0130	NEW-P	03-09-033	388-295-3140	NEW-P	03-09-005	388-408-0035	PREP	03-06-056
388-292-0135	NEW-P	03-09-033	388-295-3150	NEW-P	03-09-005	388-408-0040	PREP	03-06-056
388-292-0140	NEW-P	03-09-033	388-295-3160	NEW-P	03-09-005	388-408-0045	PREP	03-06-056
388-292-0145	NEW-P	03-09-033	388-295-3170	NEW-P	03-09-005	388-408-0050	PREP	03-06-056
388-292-0150	NEW-P	03-09-033	388-295-3180	NEW-P	03-09-005	388-410-0030	PREP	03-07-040
388-292-0155	NEW-P	03-09-033	388-295-3190	NEW-P	03-09-005	388-418	PREP	03-13-035
388-292-0160	NEW-P	03-09-033	388-295-3200	NEW-P	03-09-005	388-424-0005	PREP	03-03-007
388-295-0001	NEW-P	03-09-005	388-295-3210	NEW-P	03-09-005	388-424-0010	PREP	03-03-007
388-295-0010	NEW-P	03-09-005	388-295-3220	NEW-P	03-09-005	388-424-0015	PREP	03-03-007
388-295-0020	NEW-P	03-09-005	388-295-3230	NEW-P	03-09-005	388-424-0020	AMD	03-05-029
388-295-0030	NEW-P	03-09-005	388-295-4010	NEW-P	03-09-005	388-424-0025	AMD	03-05-029
388-295-0040	NEW-P	03-09-005	388-295-4020	NEW-P	03-09-005	388-436-0002	AMD-E	03-04-067
388-295-0050	NEW-P	03-09-005	388-295-4030	NEW-P	03-09-005	388-436-0002	PREP	03-11-089
388-295-0055	NEW-P	03-09-005	388-295-4040	NEW-P	03-09-005	388-436-0002	AMD-E	03-12-027
388-295-0060	NEW-P	03-09-005	388-295-4050	NEW-P	03-09-005	388-438	PREP	03-12-054
388-295-0070	NEW-P	03-09-005	388-295-4060	NEW-P	03-09-005	388-438-0110	PREP	03-10-088
388-295-0080	NEW-P	03-09-005	388-295-4070	NEW-P	03-09-005	388-444	PREP	03-13-035
388-295-0090	NEW-P	03-09-005	388-295-4080	NEW-P	03-09-005	388-444-0035	AMD	03-05-031
388-295-0100	NEW-P	03-09-005	388-295-4090	NEW-P	03-09-005	388-448	PREP	03-13-033
388-295-0110	NEW-P	03-09-005	388-295-4100	NEW-P	03-09-005	388-448-0130	AMD-P	03-08-079
388-295-0120	NEW-P	03-09-005	388-295-4110	NEW-P	03-09-005	388-448-0140	AMD-P	03-08-079
388-295-0130	NEW-P	03-09-005	388-295-4120	NEW-P	03-09-005	388-450	PREP	03-13-035
388-295-0140	NEW-P	03-09-005	388-295-4130	NEW-P	03-09-005	388-450-0020	PREP	03-08-083
388-295-0140	NEW-P	03-09-005	388-295-4130	NEW-P	03-09-005	388-450-0045	AMD	03-03-071
388-295-0150	NEW-P	03-09-005	388-295-4140	NEW-P	03-09-005	388-450-0050	AMD-P	03-03-008
388-295-1010	NEW-P	03-09-005	388-295-5010	NEW-P	03-09-005	388-450-0050	AMD	03-06-095
388-295-1020	NEW-P	03-09-005	388-295-5020	NEW-P	03-09-005	388-450-0080	PREP	03-06-057
388-295-1030	NEW-P	03-09-005	388-295-5030	NEW-P	03-09-005	388-450-0080	AMD-P	03-09-073
388-295-1040	NEW-P	03-09-005	388-295-5040	NEW-P	03-09-005	388-450-0080	AMD	03-13-045
388-295-1050	NEW-P	03-09-005	388-295-5050	NEW-P	03-09-005	388-450-0085	AMD-P	03-09-073
388-295-1060	NEW-P	03-09-005	388-295-5060	NEW-P	03-09-005	388-450-0085	AMD	03-13-045
388-295-1070	NEW-P	03-09-005	388-295-5070	NEW-P	03-09-005	388-450-0156	AMD	03-05-030
388-295-1080	NEW-P	03-09-005	388-295-5080	NEW-P	03-09-005	388-450-0185	PREP	03-13-034
388-295-1090	NEW-P	03-09-005	388-295-5090	NEW-P	03-09-005	388-450-0190	PREP	03-13-034
388-295-1100	NEW-P	03-09-005	388-295-5100	NEW-P	03-09-005	388-450-0195	PREP	03-13-034
388-295-1110	NEW-P	03-09-005	388-295-5110	NEW-P	03-09-005	388-452-0005	PREP	03-07-042
388-295-1120	NEW-P	03-09-005	388-295-5120	NEW-P	03-09-005	388-460-0005	AMD	03-03-072
388-295-2010	NEW-P	03-09-005	388-295-5140	NEW-P	03-09-005	388-470-0005	AMD	03-05-015
388-295-2020	NEW-P	03-09-005	388-295-5150	NEW-P	03-09-005	388-470-0010	REP	03-05-015
388-295-2030	NEW-P	03-09-005	388-295-5160	NEW-P	03-09-005	388-470-0012	AMD	03-05-015
388-295-2040	NEW-P	03-09-005	388-295-5170	NEW-P	03-09-005	388-470-0015	REP	03-05-015
388-295-2050	NEW-P	03-09-005	388-295-6010	NEW-P	03-09-005	388-470-0020	REP	03-05-015
388-295-2060	NEW-P	03-09-005	388-295-6020	NEW-P	03-09-005	388-470-0025	REP	03-05-015
388-295-2070	NEW-P	03-09-005	388-295-6030	NEW-P	03-09-005	388-470-0030	REP	03-05-015
388-295-2080	NEW-P	03-09-005	388-295-6040	NEW-P	03-09-005	388-470-0035	REP	03-05-015
388-295-2090	NEW-P	03-09-005	388-295-6050	NEW-P	03-09-005	388-470-0045	AMD	03-05-015
388-295-2100	NEW-P	03-09-005	388-295-6060	NEW-P	03-09-005	388-470-0050	REP	03-05-015
388-295-2110	NEW-P	03-09-005	388-295-7010	NEW-P	03-09-005			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-470-0055	AMD	03-05-015	388-530-1300	PREP	03-11-086	388-550-4900	AMD-P	03-06-111
388-470-0065	REP	03-05-015	388-531	PREP	03-04-087	388-550-4900	AMD	03-13-055
388-474-0012	NEW	03-03-114	388-531	PREP	03-08-084	388-550-5000	AMD-P	03-06-111
388-475	PREP	03-12-054	388-531	PREP	03-08-086	388-550-5000	AMD	03-13-055
388-476-0005	PREP	03-04-086	388-531-0050	AMD	03-06-049	388-550-5100	AMD-P	03-06-111
388-478-0055	AMD	03-03-114	388-532	PREP	03-08-086	388-550-5100	AMD	03-13-055
388-478-0060	PREP	03-13-034	388-532-001	NEW-P	03-12-067	388-550-5150	AMD-P	03-06-111
388-478-0075	PREP	03-06-058	388-532-050	AMD-P	03-12-067	388-550-5150	AMD	03-13-055
388-478-0075	AMD-E	03-08-066	388-532-100	AMD-P	03-12-067	388-550-5200	AMD-P	03-06-111
388-478-0075	AMD-P	03-12-068	388-532-110	NEW-P	03-12-067	388-550-5200	AMD	03-13-055
388-478-0080	PREP	03-08-085	388-532-120	NEW-P	03-12-067	388-550-5400	AMD-P	03-06-111
388-478-0085	AMD-E	03-08-065	388-532-130	NEW-P	03-12-067	388-550-5400	AMD	03-13-055
388-478-0085	PREP	03-08-081	388-532-140	NEW-P	03-12-067	388-550-5450	PREP	03-04-087
388-478-0085	PREP-W	03-10-051	388-532-500	NEW-P	03-12-067	388-550-5600	AMD-P	03-06-111
388-484-0005	AMD	03-06-046	388-532-510	NEW-P	03-12-067	388-550-5600	AMD	03-13-055
388-492	PREP	03-07-087	388-532-520	NEW-P	03-12-067	388-550-6000	PREP	03-04-087
388-492-0040	PREP	03-13-034	388-532-530	NEW-P	03-12-067	388-550-6000	PREP	03-10-050
388-492-0070	PREP	03-13-034	388-532-540	NEW-P	03-12-067	388-550-6800	NEW-P	03-06-111
388-500	PREP	03-08-086	388-532-550	NEW-P	03-12-067	388-550-6800	NEW	03-13-055
388-500-0005	AMD-W	03-13-095	388-533	PREP	03-08-086	388-550-6900	NEW-P	03-06-111
388-501	PREP	03-08-086	388-533	PREP	03-11-085	388-550-6900	NEW	03-13-055
388-502	PREP	03-08-086	388-534	PREP	03-08-086	388-551	PREP	03-08-086
388-502-0010	PREP	03-03-017	388-535	PREP	03-08-086	388-552	PREP	03-08-086
388-502-0010	AMD-E	03-03-027	388-535	PREP	03-12-054	388-555	PREP	03-08-086
388-502-0010	AMD-P	03-10-091	388-535A	PREP	03-08-086	388-556	PREP	03-08-086
388-502-0010	AMD-E	03-10-092	388-537	PREP	03-08-086	388-557-5000	NEW-P	03-09-119
388-503	PREP	03-08-086	388-538	PREP	03-08-086	388-557-5000	NEW	03-13-054
388-505	PREP	03-08-086	388-538	PREP	03-10-086	388-557-5050	NEW-P	03-09-119
388-505-0110	PREP	03-12-054	388-539	PREP	03-08-086	388-557-5050	NEW	03-13-054
388-505-0210	PREP	03-06-055	388-540	PREP	03-08-086	388-557-5100	NEW-P	03-09-119
388-505-0210	AMD-P	03-10-048	388-542	PREP	03-08-086	388-557-5100	NEW	03-13-054
388-506	PREP	03-08-086	388-543	PREP	03-08-086	388-557-5150	NEW-P	03-09-119
388-510	PREP	03-08-086	388-543-1100	AMD-X	03-05-054	388-557-5150	NEW	03-13-054
388-510-1005	REP-X	03-10-093	388-543-1100	AMD	03-12-005	388-557-5200	NEW-P	03-09-119
388-511	PREP	03-08-086	388-543-1225	NEW	03-05-051	388-557-5200	NEW	03-13-054
388-512	PREP	03-08-086	388-544	PREP	03-08-086	388-557-5250	NEW-P	03-09-119
388-513	PREP	03-08-086	388-544	PREP	03-12-054	388-557-5250	NEW	03-13-054
388-513-1340	PREP	03-08-083	388-545	PREP	03-08-086	388-557-5300	NEW-P	03-09-119
388-513-1350	AMD-E	03-08-064	388-546	PREP	03-04-087	388-557-5300	NEW	03-13-054
388-513-1350	PREP	03-08-082	388-546	PREP	03-08-023	388-561	PREP	03-08-086
388-513-1364	NEW	03-06-048	388-546	PREP	03-08-086	388-561-0001	AMD	03-06-048
388-513-1364	AMD-X	03-13-112	388-550	PREP	03-08-086	388-561-0100	AMD-P	03-09-117
388-513-1365	AMD-P	03-09-117	388-550	PREP	03-10-050	388-561-0100	AMD	03-13-113
388-513-1380	AMD-E	03-08-064	388-550-1300	PREP	03-10-050	388-730-0010	AMD	03-03-070
388-513-1380	PREP	03-08-082	388-550-1400	PREP	03-10-050	388-730-0060	AMD	03-03-070
388-515	PREP	03-08-086	388-550-1500	PREP	03-10-050	388-730-0065	AMD	03-03-070
388-515-1530	REP	03-08-067	388-550-2501	AMD	03-06-047	388-730-0070	AMD	03-03-070
388-515-1540	NEW-E	03-05-044	388-550-2511	AMD	03-06-047	388-730-0090	AMD	03-03-070
388-515-1540	NEW-E	03-05-098	388-550-2521	AMD	03-06-047	388-805-005	AMD-E	03-06-059
388-515-1540	NEW-P	03-09-042	388-550-2531	AMD	03-06-047	388-805-005	AMD-P	03-12-066
388-515-1540	NEW-E	03-13-007	388-550-2541	AMD	03-06-047	388-805-010	AMD-P	03-12-066
388-515-1540	NEW	03-13-052	388-550-2551	AMD	03-06-047	388-805-015	AMD-P	03-12-066
388-517	PREP	03-08-086	388-550-2561	AMD	03-06-047	388-805-030	AMD-E	03-06-059
388-519	PREP	03-08-086	388-550-2800	PREP	03-04-087	388-805-030	AMD-P	03-12-066
388-523	PREP	03-08-086	388-550-3381	AMD	03-06-047	388-805-035	NEW-E	03-06-059
388-523-0120	PREP	03-04-085	388-550-3401	REP	03-06-047	388-805-035	NEW-P	03-12-066
388-523-0120	AMD-P	03-10-089	388-550-3700	AMD-P	03-09-118	388-805-040	NEW-E	03-06-059
388-526	PREP	03-08-086	388-550-3700	AMD	03-13-053	388-805-040	NEW-P	03-12-066
388-527	PREP	03-08-086	388-550-4500	AMD-P	03-06-111	388-805-065	AMD-E	03-06-059
388-529	PREP	03-08-086	388-550-4500	AMD	03-13-055	388-805-065	AMD-P	03-12-066
388-530	PREP	03-08-086	388-550-4800	PREP	03-04-087	388-805-075	AMD-P	03-12-066
388-530-1270	NEW	03-05-043	388-550-4800	PREP	03-13-089	388-805-085	AMD-P	03-12-066

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-805-090	AMD-P	03-12-066	388-818-005	REP	03-05-100	388-825-180	AMD-E	03-03-115
388-805-100	AMD-P	03-12-066	388-818-0050	NEW	03-05-100	388-825-180	AMD-E	03-10-027
388-805-120	AMD-P	03-12-066	388-818-0060	NEW	03-05-100	388-825-205	AMD-E	03-03-115
388-805-130	AMD-P	03-12-066	388-818-0070	NEW	03-05-100	388-825-205	AMD-E	03-10-027
388-805-140	AMD-P	03-12-066	388-818-0080	NEW	03-05-100	388-825-252	AMD-E	03-03-115
388-805-145	AMD-E	03-06-059	388-818-0090	NEW	03-05-100	388-825-252	AMD-E	03-10-027
388-805-145	AMD-P	03-12-066	388-818-010	REP	03-05-100	388-825-254	AMD-E	03-03-115
388-805-150	AMD-P	03-12-066	388-818-0100	NEW	03-05-100	388-825-254	AMD-E	03-10-027
388-805-205	AMD-E	03-06-059	388-818-0110	NEW	03-05-100	388-825-500	NEW-E	03-03-115
388-805-205	AMD-P	03-12-066	388-818-0120	NEW	03-05-100	388-825-500	NEW-E	03-10-027
388-805-210	AMD-P	03-12-066	388-818-0130	NEW	03-05-100	388-825-505	NEW-E	03-03-115
388-805-220	AMD-P	03-12-066	388-818-0140	NEW	03-05-100	388-825-505	NEW-E	03-10-027
388-805-250	AMD-P	03-12-066	388-818-0150	NEW	03-05-100	388-825-510	NEW-E	03-03-115
388-805-300	AMD-E	03-06-059	388-818-0160	NEW	03-05-100	388-825-510	NEW-E	03-10-027
388-805-300	AMD-P	03-12-066	388-818-0170	NEW	03-05-100	388-825-515	NEW-E	03-03-115
388-805-305	AMD-P	03-12-066	388-818-0180	NEW	03-05-100	388-825-515	NEW-E	03-10-027
388-805-310	AMD-P	03-12-066	388-818-0190	NEW	03-05-100	388-825-520	NEW-E	03-03-115
388-805-315	AMD-P	03-12-066	388-818-020	REP	03-05-100	388-825-520	NEW-E	03-10-027
388-805-320	AMD-P	03-12-066	388-818-0200	NEW	03-05-100	388-825-525	NEW-E	03-03-115
388-805-325	AMD-P	03-12-066	388-818-0210	NEW	03-05-100	388-825-525	NEW-E	03-10-027
388-805-350	AMD-P	03-12-066	388-818-0220	NEW	03-05-100	388-825-530	NEW-E	03-03-115
388-805-400	AMD-P	03-12-066	388-818-0230	NEW	03-05-100	388-825-530	NEW-E	03-10-027
388-805-410	AMD-P	03-12-066	388-818-0240	NEW	03-05-100	388-825-535	NEW-E	03-03-115
388-805-500	AMD-P	03-12-066	388-818-0250	NEW	03-05-100	388-825-535	NEW-E	03-10-027
388-805-520	AMD-P	03-12-066	388-818-0260	NEW	03-05-100	388-825-540	NEW-E	03-03-115
388-805-530	AMD-P	03-12-066	388-818-0270	NEW	03-05-100	388-825-540	NEW-E	03-10-027
388-805-540	AMD-P	03-12-066	388-818-0280	NEW	03-05-100	388-825-545	NEW-E	03-03-115
388-805-550	AMD-P	03-12-066	388-818-0290	NEW	03-05-100	388-825-545	NEW-E	03-10-027
388-805-600	AMD-P	03-12-066	388-818-030	REP	03-05-100	388-825-546	NEW-E	03-03-115
388-805-610	AMD-P	03-12-066	388-818-0300	NEW	03-05-100	388-825-546	NEW-E	03-10-027
388-805-625	NEW-P	03-12-066	388-818-0310	NEW	03-05-100	388-825-550	NEW-E	03-03-115
388-805-700	AMD-P	03-12-066	388-818-0320	NEW	03-05-100	388-825-550	NEW-E	03-10-027
388-805-710	AMD-E	03-06-059	388-818-0330	NEW	03-05-100	388-825-555	NEW-E	03-03-115
388-805-710	AMD-P	03-12-066	388-818-0340	NEW	03-05-100	388-825-555	NEW-E	03-10-027
388-805-715	NEW-P	03-12-066	388-818-0350	NEW	03-05-100	388-825-560	NEW-E	03-03-115
388-805-720	AMD-E	03-06-059	388-818-0360	NEW	03-05-100	388-825-560	NEW-E	03-10-027
388-805-720	AMD-P	03-12-066	388-818-0370	NEW	03-05-100	388-825-565	NEW-E	03-03-115
388-805-730	AMD-E	03-06-059	388-818-0380	NEW	03-05-100	388-825-570	NEW-E	03-03-115
388-805-730	AMD-P	03-12-066	388-818-0390	NEW	03-05-100	388-825-570	NEW-E	03-10-027
388-805-740	AMD-E	03-06-059	388-818-040	REP	03-05-100	388-825-571	NEW-E	03-03-115
388-805-740	AMD-P	03-12-066	388-818-0400	NEW	03-05-100	388-825-571	NEW-E	03-10-027
388-805-750	AMD-E	03-06-059	388-818-050	REP	03-05-100	388-825-575	NEW-E	03-03-115
388-805-750	AMD-P	03-12-066	388-818-060	REP	03-05-100	388-825-575	NEW-E	03-10-027
388-805-800	AMD-P	03-12-066	388-818-070	REP	03-05-100	388-825-576	NEW-E	03-03-115
388-805-810	AMD-P	03-12-066	388-818-080	REP	03-05-100	388-825-576	NEW-E	03-10-027
388-805-820	AMD-P	03-12-066	388-818-090	REP	03-05-100	388-825-580	NEW-E	03-03-115
388-805-850	AMD-P	03-12-066	388-818-110	REP	03-05-100	388-825-580	NEW-E	03-10-027
388-805-900	REP-P	03-12-066	388-818-130	REP	03-05-100	388-825-585	NEW-E	03-03-115
388-805-905	REP-P	03-12-066	388-820-020	AMD-E	03-03-115	388-825-585	NEW-E	03-10-027
388-805-910	REP-P	03-12-066	388-820-020	AMD-E	03-10-026	388-825-590	NEW-E	03-03-115
388-805-915	REP-P	03-12-066	388-820-060	AMD-E	03-03-115	388-825-590	NEW-E	03-10-027
388-805-920	REP-P	03-12-066	388-820-060	AMD-E	03-10-026	388-825-591	NEW-E	03-03-115
388-805-925	REP-P	03-12-066	388-820-120	AMD-E	03-03-115	388-825-591	NEW-E	03-10-027
388-805-930	REP-P	03-12-066	388-820-120	AMD-E	03-10-026	388-825-592	NEW-E	03-03-115
388-805-935	REP-P	03-12-066	388-825-020	AMD-E	03-03-115	388-825-592	NEW-E	03-10-027
388-818-001	REP	03-05-100	388-825-020	AMD-E	03-10-027	388-825-600	NEW-E	03-03-115
388-818-0010	NEW	03-05-100	388-825-055	AMD-E	03-03-115	388-825-600	NEW-E	03-10-027
388-818-002	REP	03-05-100	388-825-055	AMD-E	03-10-027	388-850-035	AMD-E	03-03-115
388-818-0020	NEW	03-05-100	388-825-100	AMD-E	03-03-115	388-850-035	AMD-E	03-10-027
388-818-003	REP	03-05-100	388-825-100	AMD-E	03-10-027	388-850-045	AMD-E	03-03-115
388-818-0030	NEW	03-05-100	388-825-120	AMD-E	03-03-115	388-850-045	AMD-E	03-10-027
388-818-0040	NEW	03-05-100	388-825-120	AMD-E	03-10-027	388-865-0100	PREP	03-08-077

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-865-0105	PREP	03-08-077	388-865-0460	PREP	03-08-077	391-08-670	AMD-P	03-07-093
388-865-0110	PREP	03-08-077	388-865-0462	PREP	03-08-077	391-08-670	AMD	03-11-029
388-865-0115	PREP	03-08-077	388-865-0464	PREP	03-08-077	391-25-001	AMD	03-03-064
388-865-0120	PREP	03-08-077	388-865-0466	PREP	03-08-077	391-25-002	AMD	03-03-064
388-865-0150	PREP	03-08-077	388-865-0468	PREP	03-08-077	391-25-011	AMD	03-03-064
388-865-0200	PREP	03-08-077	388-865-0470	PREP	03-08-077	391-25-011	REP-P	03-07-093
388-865-0201	PREP	03-08-077	388-865-0472	PREP	03-08-077	391-25-011	AMD-E	03-11-028
388-865-0203	PREP	03-08-077	388-865-0474	PREP	03-08-077	391-25-011	REP	03-11-029
388-865-0205	PREP	03-08-077	388-865-0476	PREP	03-08-077	391-25-032	NEW	03-03-064
388-865-0210	PREP	03-08-077	388-865-0478	PREP	03-08-077	391-25-036	NEW	03-03-064
388-865-0215	PREP	03-08-077	388-865-0480	PREP	03-08-077	391-25-037	NEW	03-03-064
388-865-0220	PREP	03-08-077	388-865-0482	PREP	03-08-077	391-25-051	NEW	03-03-064
388-865-0221	PREP	03-08-077	388-865-0484	PREP	03-08-077	391-25-076	NEW	03-03-064
388-865-0222	PREP	03-08-077	388-865-0500	PREP	03-07-041	391-25-096	NEW	03-03-064
388-865-0225	PREP	03-08-077	388-865-0501	PREP	03-07-041	391-25-136	NEW	03-03-064
388-865-0229	PREP	03-08-077	388-865-0502	PREP	03-07-041	391-25-137	NEW	03-03-064
388-865-0230	PREP	03-08-077	388-865-0504	PREP	03-07-041	391-25-197	NEW	03-03-064
388-865-0235	PREP	03-08-077	388-865-0505	PREP	03-07-041	391-25-210	AMD-P	03-07-093
388-865-0240	PREP	03-08-077	388-865-0510	PREP	03-07-041	391-25-210	AMD	03-11-029
388-865-0245	PREP	03-08-077	388-865-0515	PREP	03-07-041	391-25-216	NEW	03-03-064
388-865-0250	PREP	03-08-077	388-865-0525	PREP	03-07-041	391-25-216	PREP	03-03-066
388-865-0255	PREP	03-08-077	388-865-0530	PREP	03-07-041	391-25-216	REP-P	03-07-093
388-865-0260	PREP	03-08-077	388-865-0535	PREP	03-07-041	391-25-216	REP	03-11-029
388-865-0265	PREP	03-08-077	388-865-0540	PREP	03-07-041	391-25-217	NEW	03-03-064
388-865-0270	PREP	03-08-077	388-865-0545	PREP	03-07-041	391-25-396	NEW	03-03-064
388-865-0275	PREP	03-08-077	388-865-0546	PREP	03-07-041	391-25-416	NEW	03-03-064
388-865-0280	PREP	03-08-077	388-865-0550	PREP	03-07-041	391-25-426	NEW-E	03-03-065
388-865-0282	PREP	03-08-077	388-865-0555	PREP	03-07-041	391-25-426	PREP	03-03-066
388-865-0284	PREP	03-08-077	388-865-0557	PREP	03-07-041	391-25-426	NEW-P	03-07-093
388-865-0286	PREP	03-08-077	388-865-0560	PREP	03-07-041	391-25-426	NEW-E	03-11-028
388-865-0288	PREP	03-08-077	388-865-0565	PREP	03-07-041	391-25-426	NEW	03-11-029
388-865-0300	PREP	03-08-077	388-880	PREP	03-08-078	391-25-427	NEW	03-03-064
388-865-0305	PREP	03-08-077	388-880	AMD-E	03-12-003	391-25-476	NEW	03-03-064
388-865-0310	PREP	03-08-077	388-880-005	AMD-E	03-12-003	391-25-496	NEW	03-03-064
388-865-0315	PREP	03-08-077	388-880-007	AMD-E	03-12-003	391-35-001	AMD	03-03-064
388-865-0320	PREP	03-08-077	388-880-010	AMD-E	03-12-003	391-35-002	AMD	03-03-064
388-865-0325	PREP	03-08-077	388-880-020	AMD-E	03-12-003	391-35-026	NEW	03-03-064
388-865-0330	PREP	03-08-077	388-880-030	AMD-E	03-12-003	391-35-326	NEW	03-03-064
388-865-0335	PREP	03-08-077	388-880-031	AMD-E	03-12-003	391-35-327	NEW	03-03-064
388-865-0340	PREP	03-08-077	388-880-032	REP-E	03-12-003	391-35-346	NEW	03-03-064
388-865-0345	PREP	03-08-077	388-880-033	NEW-E	03-12-003	391-35-347	NEW	03-03-064
388-865-0350	PREP	03-08-077	388-880-034	NEW-E	03-12-003	391-35-356	NEW	03-03-064
388-865-0355	PREP	03-08-077	388-880-035	NEW-E	03-12-003	391-45-001	AMD	03-03-064
388-865-0360	PREP	03-08-077	388-880-036	NEW-E	03-12-003	391-45-002	AMD	03-03-064
388-865-0363	PREP	03-08-077	388-880-044	AMD-E	03-12-003	391-45-056	NEW	03-03-064
388-865-0365	PREP	03-08-077	388-880-045	AMD-E	03-12-003	391-55-001	AMD	03-03-064
388-865-0400	PREP	03-08-077	388-880-055	NEW-E	03-12-003	391-55-002	AMD	03-03-064
388-865-0405	PREP	03-08-077	390	PREP	03-04-095	391-55-200	AMD	03-03-064
388-865-0410	PREP	03-08-077	390	PREP	03-13-104	391-65-001	AMD	03-03-064
388-865-0415	PREP	03-08-077	390-16-245	AMD-P	03-08-051	391-65-002	AMD	03-03-064
388-865-0420	PREP	03-08-077	390-16-245	AMD	03-12-033	391-65-110	AMD	03-03-064
388-865-0425	PREP	03-08-077	390-17-100	AMD	03-08-052	391-95-001	AMD	03-03-064
388-865-0430	PREP	03-08-077	390-17-110	NEW-S	03-04-094	391-95-010	AMD	03-03-064
388-865-0435	PREP	03-08-077	390-17-110	NEW	03-08-050	392-121-124	PREP	03-13-009
388-865-0436	PREP	03-08-077	390-18-010	AMD-P	03-08-051	392-139	PREP	03-05-093
388-865-0440	PREP	03-08-077	390-18-010	AMD	03-12-034	392-139-008	AMD-P	03-13-103
388-865-0445	PREP	03-08-077	390-37-063	AMD-X	03-13-105	392-139-310	AMD-P	03-13-103
388-865-0450	PREP	03-08-077	390-37-134	AMD-X	03-13-105	392-139-345	NEW-P	03-13-103
388-865-0452	PREP	03-08-077	391-08-001	AMD	03-03-064	392-139-350	NEW-P	03-13-103
388-865-0454	PREP	03-08-077	391-08-630	AMD	03-03-064	392-140-908	AMD	03-03-001
388-865-0456	PREP	03-08-077	391-08-670	AMD	03-03-064	392-140-908	AMD-W	03-07-070
388-865-0458	PREP	03-08-077	391-08-670	PREP	03-03-066	392-140-912	AMD	03-03-001

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-140-912	AMD-W	03-07-070	415- 02-380	AMD	03-12-014	434-240-010	AMD-P	03-10-055
392-142	PREP	03-03-033	415- 02-380	PREP	03-13-026	434-262-010	PREP	03-07-086
392-142-010	AMD-P	03-09-050	415- 02-500	NEW-P	03-05-042	434-262-010	AMD-P	03-10-055
392-142-010	AMD	03-13-049	415- 02-500	NEW	03-12-014	434-262-020	PREP	03-07-086
392-142-090	REP-P	03-09-050	415- 02-500	PREP	03-13-026	434-262-020	AMD-P	03-10-055
392-142-090	REP	03-13-049	415- 02-510	NEW-P	03-05-042	434-670-010	NEW	03-06-069
392-142-120	REP-P	03-09-050	415- 02-510	NEW	03-12-014	434-670-020	NEW	03-06-069
392-142-120	REP	03-13-049	415- 02-510	PREP	03-13-026	434-670-030	NEW	03-06-069
392-142-125	AMD-P	03-09-050	415- 02-520	NEW-P	03-05-042	434-670-040	NEW	03-06-069
392-142-125	AMD	03-13-049	415- 02-520	NEW	03-12-014	434-670-050	NEW	03-06-069
392-142-140	REP-P	03-09-050	415- 02-520	PREP	03-13-026	434-670-060	NEW	03-06-069
392-142-140	REP	03-13-049	415- 02-530	NEW-P	03-05-042	434-670-070	NEW	03-06-069
392-142-145	AMD-P	03-09-050	415- 02-530	NEW	03-12-014	434-670-080	NEW	03-06-069
392-142-145	AMD	03-13-049	415- 02-530	PREP	03-13-026	434-670-090	NEW	03-06-069
392-142-150	REP-P	03-09-050	415- 02-540	NEW-P	03-05-042	446- 20-285	AMD	03-05-007
392-142-150	REP	03-13-049	415- 02-540	NEW	03-12-014	446- 75-010	AMD-P	03-04-070
392-142-155	AMD-P	03-09-050	415- 02-540	PREP	03-13-026	446- 75-010	AMD	03-08-053
392-142-155	AMD	03-13-049	415- 02-550	NEW-P	03-05-042	446- 75-020	AMD-P	03-04-070
392-142-165	AMD-P	03-09-050	415- 02-550	NEW	03-12-014	446- 75-020	AMD	03-08-053
392-142-165	AMD	03-13-049	415- 02-550	PREP	03-13-026	446- 75-030	AMD-P	03-04-070
392-142-170	REP-P	03-09-050	415- 02-700	NEW-P	03-13-101	446- 75-030	AMD	03-08-053
392-142-170	REP	03-13-049	415- 10	PREP	03-04-017	446- 75-060	AMD-P	03-04-070
392-142-180	AMD-P	03-09-050	415- 10-020	AMD-E	03-10-007	446- 75-060	AMD	03-08-053
392-142-180	AMD	03-13-049	415- 10-020	AMD-P	03-11-043	446- 75-070	AMD-P	03-04-070
392-142-185	AMD-P	03-09-050	415- 10-030	AMD-E	03-10-007	446- 75-070	AMD	03-08-053
392-142-185	AMD	03-13-049	415- 10-030	AMD-P	03-11-043	446- 75-080	AMD-P	03-04-070
392-142-190	AMD-P	03-09-050	415- 10-040	AMD-E	03-10-007	446- 75-080	AMD	03-08-053
392-142-190	AMD	03-13-049	415- 10-040	AMD-P	03-11-043	458- 12-060	PREP	03-03-100
392-142-195	AMD-P	03-09-050	415-103	PREP	03-07-063	458- 12-065	PREP	03-03-100
392-142-195	AMD	03-13-049	415-104	PREP	03-07-063	458- 12-070	PREP	03-03-100
392-142-200	REP-P	03-09-050	415-104-202	NEW-P	03-05-042	458- 12-075	PREP	03-03-100
392-142-200	REP	03-13-049	415-104-202	NEW	03-12-014	458- 12-080	PREP	03-03-100
392-142-212	AMD-P	03-09-050	415-104-202	PREP	03-13-026	458- 12-360	PREP	03-03-100
392-142-212	AMD	03-13-049	415-104-211	AMD-P	03-05-042	458- 12-360	AMD-P	03-09-098
392-142-213	AMD-P	03-09-050	415-104-211	AMD	03-12-014	458- 16-010	REP-P	03-03-099
392-142-213	AMD	03-13-049	415-104-211	PREP	03-13-026	458- 16-010	REP	03-09-002
392-142-225	AMD-P	03-09-050	415-104-215	AMD-P	03-05-042	458- 16-011	REP-P	03-03-099
392-142-225	AMD	03-13-049	415-104-215	AMD	03-12-014	458- 16-011	REP	03-09-002
392-142-230	REP-P	03-09-050	415-104-215	PREP	03-13-026	458- 16-012	REP-P	03-03-099
392-142-230	REP	03-13-049	415-104-299	AMD	03-06-042	458- 16-012	REP	03-09-002
392-142-235	REP-P	03-09-050	415-104-3402	AMD	03-06-042	458- 16-013	REP-P	03-03-099
392-142-235	REP	03-13-049	415-104-385	AMD	03-06-042	458- 16-013	REP	03-09-002
392-142-240	AMD-P	03-09-050	415-108	PREP	03-07-063	458- 16-020	REP-P	03-03-099
392-142-240	AMD	03-13-049	415-108-425	AMD-P	03-11-044	458- 16-020	REP	03-09-002
392-142-245	AMD-P	03-09-050	415-108-443	AMD	03-06-042	458- 16-022	REP-P	03-03-099
392-142-245	AMD	03-13-049	415-108-475	AMD	03-06-042	458- 16-022	REP	03-09-002
392-142-250	AMD-P	03-09-050	415-108-550	AMD-P	03-05-041	458- 16-030	REP-P	03-03-099
392-142-250	AMD	03-13-049	415-108-550	AMD	03-08-090	458- 16-030	REP	03-09-002
392-142-255	AMD-P	03-09-050	415-108-560	AMD-P	03-05-041	458- 16-040	REP-P	03-03-099
392-142-255	AMD	03-13-049	415-108-560	AMD	03-08-090	458- 16-040	REP	03-09-002
392-142-260	AMD-P	03-09-050	415-108-575	NEW-P	03-05-041	458- 16-060	REP-P	03-03-099
392-142-260	AMD	03-13-049	415-108-575	NEW	03-08-090	458- 16-060	REP	03-09-002
392-142-270	AMD-P	03-09-050	415-110-443	AMD	03-06-042	458- 16-070	REP-P	03-03-099
392-142-270	AMD	03-13-049	415-110-475	AMD	03-06-042	458- 16-070	REP	03-09-002
392-143	PREP	03-03-034	415-110-575	NEW-P	03-05-041	458- 16-079	REP-P	03-03-099
415- 02	PREP	03-04-017	415-110-575	NEW	03-08-090	458- 16-079	REP	03-09-002
415- 02-140	NEW	03-06-043	415-111-450	REP-P	03-05-042	458- 16A	AMD-P	03-03-099
415- 02-310	NEW	03-06-044	415-111-450	REP	03-12-014	458- 16A	AMD	03-09-002
415- 02-350	NEW	03-06-044	415-112-445	AMD	03-06-042	458- 16A-100	NEW-P	03-03-099
415- 02-370	NEW-E	03-10-007	415-112-480	AMD	03-06-042	458- 16A-100	NEW	03-09-002
415- 02-370	NEW-P	03-11-043	434-208-010	PREP	03-07-086	458- 16A-110	NEW-P	03-03-099
415- 02-380	AMD-P	03-05-042	434-208-100	NEW-P	03-10-055	458- 16A-110	NEW	03-09-002

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
458-16A-115	NEW-P	03-03-099	468-95-020	REP	03-06-053	468-95-190	NEW-P	03-03-029
458-16A-115	NEW	03-09-002	468-95-025	REP-E	03-03-028	468-95-190	NEW	03-06-053
458-16A-120	NEW-P	03-03-099	468-95-025	REP-P	03-03-029	468-95-200	NEW-E	03-03-028
458-16A-120	NEW	03-09-002	468-95-025	REP	03-06-053	468-95-200	NEW-P	03-03-029
458-16A-130	NEW-P	03-03-099	468-95-030	REP-E	03-03-028	468-95-200	NEW	03-06-053
458-16A-130	NEW	03-09-002	468-95-030	REP-P	03-03-029	468-95-210	NEW-E	03-03-028
458-16A-135	NEW-P	03-03-099	468-95-030	REP	03-06-053	468-95-210	NEW-P	03-03-029
458-16A-135	NEW	03-09-002	468-95-035	REP-E	03-03-028	468-95-210	NEW	03-06-053
458-16A-140	NEW-P	03-03-099	468-95-035	REP-P	03-03-029	468-95-220	NEW-E	03-03-028
458-16A-140	NEW	03-09-002	468-95-035	REP	03-06-053	468-95-220	NEW-P	03-03-029
458-16A-150	NEW-P	03-03-099	468-95-037	REP-E	03-03-028	468-95-220	NEW	03-06-053
458-16A-150	NEW	03-09-002	468-95-037	REP-P	03-03-029	468-95-230	NEW-E	03-03-028
458-17-101	NEW-P	03-09-147	468-95-037	REP	03-06-053	468-95-230	NEW-P	03-03-029
458-17-105	REP-P	03-09-147	468-95-040	REP-E	03-03-028	468-95-230	NEW	03-06-053
458-17-110	REP-P	03-09-147	468-95-040	REP-P	03-03-029	468-95-240	NEW-E	03-03-028
458-17-115	REP-P	03-09-147	468-95-040	REP	03-06-053	468-95-240	NEW-P	03-03-029
458-17-120	REP-P	03-09-147	468-95-050	REP-E	03-03-028	468-95-240	NEW	03-06-053
458-20-122	REP-P	03-09-146	468-95-050	REP-P	03-03-029	468-95-250	NEW-E	03-03-028
458-20-135	AMD-P	03-04-032	468-95-050	REP	03-06-053	468-95-250	NEW-P	03-03-029
458-20-177	PREP	03-11-048	468-95-055	REP-E	03-03-028	468-95-250	NEW	03-06-053
458-20-17803	NEW-E	03-04-031	468-95-055	REP-P	03-03-029	468-95-260	NEW-E	03-03-028
458-20-185	AMD-E	03-06-016	468-95-055	REP	03-06-053	468-95-260	NEW-P	03-03-029
458-20-185	AMD-S	03-08-042	468-95-060	REP-E	03-03-028	468-95-260	NEW	03-06-053
458-20-185	AMD	03-12-058	468-95-060	REP-P	03-03-029	468-95-270	NEW-E	03-03-028
458-20-208	AMD	03-07-066	468-95-060	REP	03-06-053	468-95-270	NEW-P	03-03-029
458-20-209	AMD-P	03-09-146	468-95-070	REP-E	03-03-028	468-95-270	NEW	03-06-053
458-20-210	AMD-P	03-09-146	468-95-070	REP-P	03-03-029	468-95-280	NEW-E	03-03-028
458-20-231	REP-X	03-04-030	468-95-070	REP	03-06-053	468-95-280	NEW-P	03-03-029
458-20-231	REP	03-09-062	468-95-080	REP-E	03-03-028	468-95-280	NEW	03-06-053
458-20-24003	PREP	03-03-101	468-95-080	REP-P	03-03-029	468-95-290	NEW-E	03-03-028
458-20-24003	NEW-P	03-08-069	468-95-080	REP	03-06-053	468-95-290	NEW-P	03-03-029
458-20-24003	NEW	03-12-053	468-95-090	REP-E	03-03-028	468-95-290	NEW	03-06-053
458-20-251	AMD-P	03-13-022	468-95-090	REP-P	03-03-029	468-95-300	NEW-E	03-03-028
458-40-660	PREP	03-05-084	468-95-090	REP	03-06-053	468-95-300	NEW-P	03-03-029
458-40-660	AMD-P	03-10-079	468-95-100	REP-E	03-03-028	468-95-300	NEW	03-06-053
458-40-680	PREP	03-09-100	468-95-100	REP-P	03-03-029	468-95-310	NEW-E	03-03-028
458-61-100	PREP	03-07-065	468-95-100	REP	03-06-053	468-95-310	NEW-P	03-03-029
458-61-100	AMD-P	03-11-079	468-95-110	NEW-E	03-03-028	468-95-310	NEW	03-06-053
468-06-040	AMD-X	03-04-062	468-95-110	NEW-P	03-03-029	468-95-320	NEW-E	03-03-028
468-06-040	AMD	03-09-103	468-95-110	NEW	03-06-053	468-95-320	NEW-P	03-03-029
468-15-010	NEW	03-03-012	468-95-120	NEW-E	03-03-028	468-95-320	NEW	03-06-053
468-15-020	NEW	03-03-012	468-95-120	NEW-P	03-03-029	468-95-330	NEW-E	03-03-028
468-15-030	NEW	03-03-012	468-95-120	NEW	03-06-053	468-95-330	NEW-P	03-03-029
468-15-040	NEW	03-03-012	468-95-130	NEW-E	03-03-028	468-95-330	NEW	03-06-053
468-15-050	NEW	03-03-012	468-95-130	NEW-P	03-03-029	468-95-340	NEW-E	03-03-028
468-15-060	NEW	03-03-012	468-95-130	NEW	03-06-053	468-95-340	NEW-P	03-03-029
468-38-265	PREP	03-11-075	468-95-140	NEW-E	03-03-028	468-95-340	NEW	03-06-053
468-38-340	AMD	03-03-035	468-95-140	NEW-P	03-03-029	468-95-350	NEW-E	03-03-028
468-58-080	AMD-E	03-04-040	468-95-140	NEW	03-06-053	468-95-350	NEW-P	03-03-029
468-58-080	AMD-E	03-08-008	468-95-150	NEW-E	03-03-028	468-95-350	NEW	03-06-053
468-58-080	AMD-P	03-08-061	468-95-150	NEW-P	03-03-029	468-95-360	NEW-E	03-03-028
468-58-080	AMD	03-11-076	468-95-150	NEW	03-06-053	468-95-360	NEW-P	03-03-029
468-70	PREP	03-13-040	468-95-160	NEW-E	03-03-028	468-95-360	NEW	03-06-053
468-70-050	AMD-E	03-11-071	468-95-160	NEW-P	03-03-029	468-95-370	NEW-E	03-03-028
468-70-070	AMD-E	03-06-052	468-95-160	NEW	03-06-053	468-95-370	NEW-P	03-03-029
468-70-080	REP-E	03-06-052	468-95-170	NEW-E	03-03-028	468-95-370	NEW	03-06-053
468-95-010	AMD-E	03-03-028	468-95-170	NEW-P	03-03-029	468-95-400	NEW-E	03-03-028
468-95-010	AMD-P	03-03-029	468-95-170	NEW	03-06-053	468-95-400	NEW-P	03-03-029
468-95-010	AMD	03-06-053	468-95-180	NEW-E	03-03-028	468-95-400	NEW	03-06-053
468-95-020	REP-E	03-03-028	468-95-180	NEW-P	03-03-029	468-300-010	AMD-P	03-04-102
468-95-020	REP-P	03-03-029	468-95-180	NEW	03-06-053	468-300-010	AMD	03-08-072
			468-95-190	NEW-E	03-03-028	468-300-020	AMD-P	03-04-102

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-300-020	AMD	03-08-072	504- 25-050	AMD-P	03-10-060			
468-300-040	AMD-P	03-04-102	504- 25-051	NEW-P	03-10-060			
468-300-040	AMD	03-08-072	504- 25-085	AMD-P	03-10-060			
468-300-220	AMD-P	03-04-102	504- 25-137	AMD-P	03-10-060			
468-300-220	AMD	03-08-072	504- 25-138	AMD-P	03-10-060			
468-300-700	AMD-P	03-04-102	504- 25-200	AMD-P	03-10-060			
468-300-700	AMD	03-08-072	504- 25-201	AMD-P	03-10-060			
468-510-010	AMD-E	03-06-014	504- 25-205	AMD-P	03-10-060			
478- 04	PREP	03-09-040	504- 25-215	AMD-P	03-10-060			
478-132-030	AMD	03-08-040	504- 25-222	AMD-P	03-10-060			
478-138-060	AMD-X	03-05-019	504- 25-224	AMD-P	03-10-060			
478-138-060	AMD	03-12-007	504- 25-226	AMD-P	03-10-060			
478-140-018	AMD-X	03-05-019	504- 25-227	AMD-P	03-10-060			
478-140-018	AMD	03-12-007	504- 25-228	AMD-P	03-10-060			
478-160-085	AMD-X	03-05-019	504- 25-229	AMD-P	03-10-060			
478-160-085	AMD	03-12-007	504- 25-230	AMD-P	03-10-060			
478-168-170	AMD-X	03-05-019	504- 25-231	REP-P	03-10-060			
478-168-170	AMD	03-12-007	504- 25-245	AMD-P	03-10-060			
478-276-140	AMD-X	03-05-019	504- 25-310	AMD-P	03-10-060			
478-276-140	AMD	03-12-007	504- 25-315	AMD-P	03-10-060			
478-324-020	AMD-X	03-05-019	504- 25-320	AMD-P	03-10-060			
478-324-020	AMD	03-12-007	504- 25-325	AMD-P	03-10-060			
478-324-045	AMD-X	03-05-019	504- 25-330	AMD-P	03-10-060			
478-324-045	AMD	03-12-007	504- 25-335	AMD-P	03-10-060			
478-324-140	AMD-X	03-05-019	504- 25-340	AMD-P	03-10-060			
478-324-140	AMD	03-12-007	504- 25-350	AMD-P	03-10-060			
478-324-145	NEW-X	03-05-019	504- 25-355	AMD-P	03-10-060			
478-324-145	NEW	03-12-007	504- 25-360	AMD-P	03-10-060			
478-324-180	AMD-X	03-05-019						
478-324-180	AMD	03-12-007						
479- 01-010	AMD-P	03-12-009						
479- 01-050	AMD-P	03-12-009						
479- 05-010	AMD-P	03-12-009						
479- 05-050	AMD-P	03-12-009						
479- 05-240	AMD-P	03-12-009						
479- 12-260	REP-P	03-12-009						
479- 12-430	AMD-P	03-12-009						
480- 90-238	PREP	03-09-069						
480-100-238	PREP	03-09-068						
480-107	PREP	03-09-070						
480-120-017	NEW	03-03-090						
480-120-019	NEW	03-03-090						
480-120-173	NEW	03-03-090						
495A-121-011	PREP	03-09-041						
495A-121-041	PREP	03-09-041						
495A-121-044	PREP	03-09-041						
495D-135-040	PREP	03-07-085						
495D-135-040	AMD-P	03-10-063						
495D-135-040	AMD	03-13-080						
504- 14-810	AMD-P	03-10-057						
504- 14-830	AMD-P	03-10-057						
504- 18-170	AMD-P	03-10-058						
504- 19-810	AMD-P	03-10-059						
504- 19-830	AMD-P	03-10-059						
504- 25-001	AMD-P	03-10-060						
504- 25-004	REP-P	03-10-060						
504- 25-012	REP-P	03-10-060						
504- 25-025	AMD-P	03-10-060						
504- 25-030	AMD-P	03-10-060						
504- 25-035	AMD-P	03-10-060						
504- 25-040	AMD-P	03-10-060						
504- 25-043	NEW-P	03-10-060						

TABLE



Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY

COMMISSION
 Meetings MISC 03-02-027
 Performance and improvement goals PREP 03-02-013
 PROP 03-05-101
 PERM 03-09-144

ACCOUNTANCY, BOARD OF

Ethics and prohibited acts independence PREP 03-12-083
 Examinations application procedure PREP 03-01-101
 PROP 03-09-051
 PROP 03-10-036
 PREP 03-05-012
 PROP 03-09-052
 PREP 03-01-102
 General provisions PREP 03-12-052
 Meetings MISC 03-01-100

ADVANCED TUITION PAYMENT, COMMITTEE ON

Meetings MISC 03-03-050

AGING AND ADULT SERVICES

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

AGRICULTURE, DEPARTMENT OF

Aquaculture identification requirements EXPE 03-08-088
PERM 03-13-005
 Asparagus commission MISC 03-03-005
 MISC 03-06-082
 Barley commission MISC 03-04-034
 Beef commission MISC 03-03-073
 MISC 03-05-013
 MISC 03-08-014
 MISC 03-10-031
 Caneberry certification fees PREP 03-03-120
 PROP 03-07-089
 PERM 03-10-081
 Canola/rapeseed commission MISC 03-01-120
 Dairy products commission MISC 03-04-015
 Dry pea and lentil marketing order Fertilizer PROP 03-06-101
 label information **PREP 03-13-114**
 violations PERM 03-02-100
 Forest reproductive material PROP 03-02-094
 PERM 03-06-006
 Fruit and vegetable inspection fees PREP 03-03-131
 PROP 03-07-081
 PREP 03-10-102
 Grain inspection fees PREP 03-03-086
 PROP 03-07-082
 PERM 03-12-040
 Grapevines, inspection fees PERM 03-09-112
 Grass sod EXPE 03-03-124
 PERM 03-08-018
 Honey **EXPE 03-13-129**
 Hop commission MISC 03-01-074
 Horticulture bacterial ring rot in seed potatoes EXPE 03-01-126
 PERM 03-05-079
 nursery inspection fees PROP 03-07-091
 PERM 03-10-083
 plant tagging requirements PREP 03-01-125
 Liquefied petroleum gas, motor and heating fuel Livestock PREP 03-03-122
 inspection and identification **PREP 03-13-128**
 Noxious weed control board meetings MISC 03-04-037
 MISC 03-08-059
 MISC 03-10-013
 MISC 03-12-015
 PREP 03-10-012
 noxious weed list PERM 03-04-001
 yellow nutsedge EXPE 03-11-098
 Nursery inspection fees PROP 03-06-102
 Organic foods certification of processors PERM 03-03-044
 standards and certification PERM 03-03-045
 Pesticides Franklin County, restricted use EXPE 03-07-037
 PERM 03-11-097

mevinphos (phosdrin) EXPE 03-09-088
 mosquito larvae control PROP 03-02-099
 PERM 03-05-034
 secondary and operational area containment of bulk pesticides PROP 03-05-075
 PERM 03-09-034
 PROP 03-02-098
 PERM 03-05-033
 thiamethoxam

Poultry chicken slaughter PREP 03-12-093
 Exotic Newcastle Disease quarantine EMER 03-03-085
 Public notice spartina treatment MISC 03-09-067
 MISC 03-11-049
 MISC 03-13-102

Quarantine Exotic Newcastle Disease (END) PREP 03-12-020
 EMER 03-12-021
 PROP 03-07-092
 PERM 03-10-082
 EXPE 03-11-098
 EXPE 03-13-130
 plant pathology fees

yellow nutsedge Refrigerator locker establishments Rules agenda MISC 03-04-068
 MISC 03-06-025
 PROP 03-09-035
 PROP 03-10-062
 PROP 03-12-042

withdrawal PROP 03-02-095
 PROP 03-03-130
 PERM 03-06-005
 PERM 03-08-005
 PREP 03-12-084
 PREP 03-12-085
 PREP 03-03-121
 PROP 03-07-090
 PERM 03-10-080

Erratum See PREP 03-06
 Turfgrass seed commission MISC 03-01-121
 Warehouses and grain dealers, emergency storage PREP 03-12-086

Weights and measures national standards EXPE 03-03-123
 PERM 03-08-017
 PERM 03-01-048
 MISC 03-04-002
 Wine commission

AIR POLLUTION

(See **ECOLOGY, DEPARTMENT OF**; individual air pollution control agencies)

ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 03-04-057

ATTORNEY GENERAL

Notice of request for opinion MISC 03-04-114
 MISC 03-05-045
 MISC 03-06-022
 MISC 03-07-084
 MISC 03-09-056
 MISC 03-10-023

BATES TECHNICAL COLLEGE

Meetings MISC 03-01-090
 MISC 03-03-088
 MISC 03-03-094
 MISC 03-04-014
 MISC 03-06-068
 MISC 03-08-007
 MISC 03-09-039
 MISC 03-11-011
 MISC 03-11-012
 MISC 03-12-001
 MISC 03-12-059
 MISC 03-12-073
 MISC 03-13-010
 MISC 03-13-016
 MISC 03-13-076
 MISC 03-13-097
 Student rights and responsibilities PREP 03-09-041

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

BELLEVUE COMMUNITY COLLEGE

Calendar
Complaint procedures

Meetings
Organization and operating policies
Parking and traffic procedures
State Environmental Policy Act
Student code

PROP 03-08-019
PREP 03-04-073
PROP 03-08-020
MISC 03-01-085
PERM 03-01-009
PREP 03-04-074
PERM 03-01-008
PREP 03-04-075
PROP 03-08-021

BELLINGHAM TECHNICAL COLLEGE

Meetings

MISC 03-01-028
MISC 03-01-083
MISC 03-03-003
MISC 03-03-013
MISC 03-05-066
MISC 03-06-023
MISC 03-07-029
MISC 03-08-016
MISC 03-08-091
MISC 03-09-037
MISC 03-09-038
MISC 03-10-054
MISC 03-13-020
MISC 03-03-014

Rules coordinator

BENTON CLEAN AIR AUTHORITY

Meetings MISC 03-03-104

BIG BEND COMMUNITY COLLEGE

Meetings MISC 03-02-048
Policies and procedures PROP 03-11-006

BLIND, DEPARTMENT OF SERVICES FOR THE

Meetings MISC 03-03-058
MISC 03-10-047

BUILDING CODE COUNCIL

Building code review PREP 03-08-027
Elevator shaft pressurization PERM 03-01-055
Meetings MISC 03-01-056
Policies and procedures PREP 03-12-017

CAMPING

(See GENERAL ADMINISTRATION, DEPARTMENT OF;
GOVERNOR OFFICE OF THE)

CASCADIA COMMUNITY COLLEGE

Meetings MISC 03-01-099

CENTRAL WASHINGTON UNIVERSITY

Meetings MISC 03-03-049

CLARK COLLEGE

Meetings MISC 03-02-025
Rules coordinator MISC 03-02-034

CODE REVISER'S OFFICE

Quarterly reports
02-19 - 02-24 See Issue 03-01
03-01 - 03-06 See Issue 03-07

COLUMBIA BASIN COLLEGE

Meetings MISC 03-01-036

COLUMBIA RIVER GORGE COMMISSION

Appeals
county ordinances PROP 03-09-078
Gorge commission ordinances PROP 03-09-079
Rules coordinator MISC 03-09-011

COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR

Tuition charges for upgraded courses PREP 03-09-043

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Community development, office of
low-income home energy assistance program
abbreviated model plan MISC 03-11-038
public hearings MISC 03-08-063

Community economic revitalization board
meetings MISC 03-08-015

Manufactured housing installer training and
certification program application fees PERM 03-07-035
Office of manufactured housing PERM 03-07-036

Public works board meetings MISC 03-03-036
MISC 03-05-032

CONSERVATION COMMISSION

Meetings MISC 03-01-066

CONVENTION AND TRADE CENTER

Meetings MISC 03-01-067
MISC 03-01-068
MISC 03-01-098
MISC 03-03-092
MISC 03-05-055
MISC 03-05-056
MISC 03-07-060
MISC 03-09-045
MISC 03-09-046
MISC 03-11-036
MISC 03-12-010
MISC 03-13-057
MISC 03-13-058

CORRECTIONS, DEPARTMENT OF

Meetings MISC 03-03-030

MISC 03-10-025

Rules agenda MISC 03-02-075

COUNTY ROAD ADMINISTRATION BOARD

County road log PERM 03-05-009
Meetings MISC 03-04-106
MISC 03-10-056

Rules coordinator MISC 03-01-091
MISC 03-07-017

Rural arterial trust account (RATA)

eligibility PERM 03-05-010
emergency projects PERM 03-05-011
limitations on allocations PROP 03-05-008
PERM 03-11-046

CRIMINAL JUSTICE TRAINING COMMISSION

Basic certification PROP 03-01-038
PREP 03-05-090
PERM 03-07-099
PROP 03-09-010
PERM 03-13-098

Corrections training PERM 03-02-009
Firearms certification PERM 03-02-007
PERM 03-02-008

Fully commissioned part-time officers, training PREP 03-11-055
Peace officer certification PERM 03-02-010
Police dog handlers PROP 03-03-091
PERM 03-07-100

Private investigators PERM 03-07-098
Railroad police officers PREP 03-11-056

Rules withdrawal PROP 03-01-092

DEAF, WASHINGTON STATE SCHOOL FOR THE

Meetings MISC 03-01-105
MISC 03-03-087
MISC 03-05-004
MISC 03-11-022

EASTERN WASHINGTON UNIVERSITY

Alcoholic beverages on campus, policies PREP 03-08-013
PROP 03-11-099
Meetings MISC 03-01-073
MISC 03-03-125
MISC 03-04-016
MISC 03-06-017
MISC 03-06-077
MISC 03-07-021
MISC 03-07-069
MISC 03-10-052

Subject/Agency Index
(Citation in bold type refer to material in this issue)

	MISC 03-11-064	Endorsements	PREP 03-02-073
	MISC 03-12-008		PREP 03-04-021
ECOLOGY, DEPARTMENT OF			PERM 03-04-023
Agricultural water supply facilities	PROP 03-02-033		PROP 03-09-024
	PERM 03-07-104		EMER 03-09-025
Controlled substances, disposal of dangerous waste	EMER 03-03-047	First people's language certification	PROP 03-09-026
	PERM 03-07-049	GED	EMER 03-09-027
Delegation, employees	EXPE 03-04-081	High school graduation requirements	PERM 03-04-026
	PERM 03-10-019		PREP 03-10-073
Implementation plan revision, state Meetings	MISC 03-05-091		PREP 03-04-110
	MISC 03-01-057		EMER 03-09-018
Oil spill compensation	MISC 03-05-049	transcripts	PROP 03-09-028
	EXPE 03-06-036	Library media centers	PERM 03-04-055
Public hearings	PERM 03-11-010		PREP 03-01-075
	MISC 03-10-061	Meetings	PREP 03-10-074
	MISC 03-12-097		MISC 03-01-046
Rules			MISC 03-06-041
agenda	MISC 03-02-089	National certification	MISC 03-11-065
withdrawal	PREP 03-06-034		PREP 03-04-020
	PREP 03-06-035		EMER 03-04-027
Shorelines management	PREP 03-03-019		EMER 03-04-028
	PROP 03-13-108	Preparation programs	EMER 03-09-025
Skagit River instream flow rule	PREP 03-10-011		PREP 03-09-019
Solid waste			PREP 03-09-021
financial assurance requirements	PERM 03-04-103		PREP 03-09-085
handling standards	PERM 03-03-043		PREP 03-09-086
	EXPE 03-05-095		EMER 03-12-038
	PERM 03-10-020	Private schools	EMER 03-12-039
incinerator facilities	PROP 03-13-077	Pupils	PERM 03-04-053
State Environmental Policy Act (SEPA)	PROP 03-03-082	immunization	
Total maximum daily load (TMDL)	MISC 03-05-050	Rules	PERM 03-13-079
	MISC 03-13-109	withdrawal	PROP 03-03-060
Wastewater			PROP 03-03-061
stormwater management manual	MISC 03-11-096	School accreditation	PROP 03-03-062
Water			PREP 03-04-111
surface water quality standards	PROP 03-01-124	School construction	PREP 03-04-112
	PROP 03-04-082		PREP 03-10-077
underground artificial storage	PERM 03-03-081		
Water rights		EDUCATOR STANDARDS BOARD, PROFESSIONAL	
water conservancy boards	PERM 03-01-039	Meetings	MISC 03-02-061
ECONOMIC DEVELOPMENT FINANCE AUTHORITY			
Meetings	MISC 03-04-071	EMPLOYMENT SECURITY, DEPARTMENT OF	
	MISC 03-09-077	Extended benefits	PROP 03-01-103
	MISC 03-13-021		PERM 03-06-038
EDMONDS COMMUNITY COLLEGE		Rules	
Meetings	MISC 03-02-028	agenda	MISC 03-04-064
		coordinator	MISC 03-06-037
EDUCATION, STATE BOARD OF		Shared work program	PREP 03-11-072
Adult education	PREP 03-10-075		
Assignment of classroom teachers	PREP 03-09-022	ENERGY FACILITY SITE EVALUATION COUNCIL	
	PREP 03-09-084	Rules	
Certification		coordinator	MISC 03-12-031
investigative proceedings	PREP 03-09-082		
	PREP 03-09-083	EVERGREEN STATE COLLEGE, THE	
	PREP 03-10-028	Meetings	MISC 03-02-085
	PREP 03-10-029		
renewal	EXPE 03-10-071	EXECUTIVE ETHICS BOARD	
standards	PREP 03-01-081	Meetings	MISC 03-07-026
	PROP 03-04-019		MISC 03-11-013
	PERM 03-04-022		
	PERM 03-04-024	FINANCIAL INSTITUTIONS, DEPARTMENT OF	
	PERM 03-04-025	Rules	
	PREP 03-04-109	agenda	MISC 03-04-039
	PREP 03-09-019		
	PROP 03-09-023	FINANCIAL MANAGEMENT, OFFICE OF	
	PROP 03-10-070	Pay dates	EXPE 03-07-083
	PREP 03-10-076		PERM 03-11-073
	PERM 03-12-035		
	PREP 03-12-036	FISH AND WILDLIFE, DEPARTMENT OF	
teacher professional certificate	PREP 03-09-020	Enforcement officers, disability payments	PREP 03-06-031
uniform expiration date	PREP 03-07-004		PROP 03-12-076
	EMER 03-08-060	Falcons	PERM 03-03-016
	PROP 03-09-029	Fish and wildlife commission	MISC 03-03-048
	PERM 03-04-054	Fishing, commercial	
Courses of study		area boundary definitions	PREP 03-08-046
District organization	PREP 03-12-037	bottomfish	PROP 03-02-105
clarifications, rules	PREP 03-02-074		EMER 03-04-058
small schools	PREP 03-10-072		PERM 03-05-078
Education centers			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	EMER 03-07-002	squid	PREP 03-01-076
	EMER 03-07-024		PROP 03-06-064
	EMER 03-13-008	shrimp	PROP 03-02-030
catch tracking and reporting	PREP 03-07-013		PROP 03-02-037
	PROP 03-13-087		PERM 03-05-060
coastal pilchard fishery	PROP 03-08-100		PERM 03-05-064
cod	EMER 03-13-025		EMER 03-09-013
crab	EMER 03-01-033		EMER 03-09-081
	EMER 03-01-063		EMER 03-09-122
	EMER 03-02-019		PREP 03-09-122
	EMER 03-04-007		EMER 03-11-008
	EMER 03-04-046		EMER 03-12-016
	EMER 03-05-006		PROP 03-13-030
	EMER 03-05-047		EMER 03-13-084
	EMER 03-06-020		PROP 03-13-147
	EMER 03-07-014	smelt	EMER 03-02-017
	EMER 03-08-048		EMER 03-07-015
	EMER 03-09-081	sturgeon	EMER 03-13-017
	EMER 03-10-021	transportation ticket, imprinter	EMER 03-12-024
	EMER 03-10-022	Fishing, recreational	
	EMER 03-13-067	bottomfish	
	PROP 03-13-087		EMER 03-07-032
Deep River	PROP 03-02-044		PREP 03-09-071
	PERM 03-05-061		EMER 03-09-123
Denman Island disease	EMER 03-01-078	crab	PROP 03-13-083
direct retail endorsement	PERM 03-05-059		EMER 03-01-108
dogfish	PROP 03-02-036		EMER 03-05-005
	PERM 03-05-063		EMER 03-05-026
	EMER 03-13-078		EMER 03-06-020
herring	PROP 03-02-077		EMER 03-06-030
	EMER 03-05-002		EMER 03-07-003
	PERM 03-05-062		EMER 03-08-049
pilchard	EMER 03-11-027		EMER 03-09-060
	EMER 03-13-036		EMER 03-11-023
pollock	EMER 03-05-027		EMER 03-11-039
prawns	PREP 03-09-087		EMER 03-11-051
salmon	EMER 03-01-032		EMER 03-11-082
	PROP 03-02-031		EMER 03-12-032
	EMER 03-02-091		EMER 03-12-060
	EMER 03-02-092		EMER 03-13-039
	EMER 03-04-033	gamefish	EMER 03-13-066
	EMER 03-04-078		EMER 03-06-028
	EMER 03-05-036		EMER 03-07-023
	PERM 03-05-076		EMER 03-08-054
	EMER 03-07-044		EMER 03-13-013
	EMER 03-08-004	halibut	EMER 03-09-061
	EMER 03-09-080		EMER 03-11-026
	PREP 03-09-121		EMER 03-11-081
	EMER 03-10-003		EMER 03-13-019
	EMER 03-10-005		EMER 03-13-070
	EMER 03-10-006	licenses	
	EMER 03-10-042	permanent annual	PREP 03-13-031
	EMER 03-12-002	lingcod	EMER 03-07-032
	EMER 03-12-023	rules, areas and seasons	PERM 03-05-057
	EMER 03-13-014		EXPE 03-12-094
	EXPE 03-13-106	salmon	EMER 03-05-037
	EXPE 03-13-145		EMER 03-06-007
	PROP 03-13-146		EMER 03-07-001
salmon eggs	PROP 03-02-032		EMER 03-09-001
	PERM 03-10-010		EMER 03-10-001
sardines	PREP 03-03-053		EMER 03-10-015
	PROP 03-08-100		EMER 03-10-032
	PERM 03-13-002		EMER 03-10-033
sea cucumbers	PROP 03-13-085		EMER 03-10-039
sea urchins	EMER 03-01-054		EMER 03-10-053
	EMER 03-02-046		EMER 03-11-001
	EMER 03-03-002		EMER 03-11-037
	EMER 03-03-068		EMER 03-12-022
	EMER 03-11-080		EMER 03-12-041
shad	EMER 03-11-002		EXPE 03-12-095
shellfish			EMER 03-13-001
clam sales from oyster reserve lands	PREP 03-09-036		EMER 03-13-068
	PROP 03-13-032		EMER 03-13-094
	EMER 03-10-002	sea urchins	EMER 03-06-001
clams other than razor clams		shellfish	
embedded shellfish that are not private sector	PREP 03-07-033	clams other than razor clams	EMER 03-02-093
cultured aquatic products	PROP 03-13-140		EMER 03-07-025
	PREP 03-01-053	oysters	EMER 03-02-093
geoduck	PROP 03-06-065	shrimp	EMER 03-09-014
	EMER 03-09-072		EMER 03-10-034
	PERM 03-10-008		EMER 03-11-003
horse clams	PREP 03-01-053		EMER 03-12-079

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	EMER 03-13-038	withdrawals	PROP 03-02-082
	EMER 03-13-107		PROP 03-02-084
smelt	EMER 03-02-018		PROP 03-10-095
	EMER 03-05-025	SEPA procedures	PREP 03-02-076
stationary gear	EXPE 03-13-144		PROP 03-06-080
steelhead	EMER 03-03-004		PERM 03-10-038
	EMER 03-03-098	Wildlife	
	EMER 03-04-047	dogs, custody for harassing deer or elk	EMER 03-08-075
	EMER 03-05-003	possession	PREP 03-06-033
	EMER 03-05-038		PROP 03-12-078
	EMER 03-06-008		
	EMER 03-06-009	FOREST PRACTICES BOARD	
	EMER 03-07-016	(See NATURAL RESOURCES, DEPARTMENT OF)	
	EMER 03-07-064		
	EMER 03-07-068	GAMBLING COMMISSION	
	EMER 03-10-053	Bingo	PREP 03-02-042
sturgeon	EMER 03-03-135		PREP 03-03-084
	EMER 03-07-075		PROP 03-05-088
	PREP 03-08-099		PREP 03-06-021
	EXPE 03-13-011		PREP 03-09-101
	EMER 03-13-069		PREP 03-09-102
	PROP 03-13-086		PERM 03-11-040
trout	EMER 03-09-016	Card rooms	PREP 03-05-086
	EMER 03-10-053		PROP 03-05-087
	EMER 03-13-003		PERM 03-09-076
Fishing, subsistence			PROP 03-13-135
sturgeon	EMER 03-08-047	Control of gambling equipment	PERM 03-02-043
Hatchery genetic management plans	MISC 03-12-080	Equipment	PREP 03-04-065
Hunting			PERM 03-05-089
advanced hunter education	PERM 03-01-077		PROP 03-08-002
big game and wild turkey auction	PERM 03-03-016		PERM 03-11-042
	PROP 03-13-141	House-banked card rooms	PREP 03-05-085
black bear	PERM 03-02-005		PROP 03-13-137
cougar removal	PREP 03-13-111	Licenses	
	PROP 03-13-142	fees	PERM 03-01-031
depredation permits	PREP 03-01-052	financial reporting requirements	PREP 03-05-035
	PROP 03-06-066		PROP 03-08-001
	PERM 03-10-009		PERM 03-11-041
designated hunter companion rules	PREP 03-02-045	Punch boards and pull tabs	PREP 03-13-136
	PROP 03-06-079		
	PERM 03-10-040	GENERAL ADMINISTRATION, DEPARTMENT OF	
equipment restrictions	PROP 03-06-104	Capitol grounds, camping	EMER 03-08-006
	PERM 03-13-047		PREP 03-08-098
game management units	PROP 03-02-103	Competitive contracting procedures	PREP 03-12-096
	PERM 03-06-110	Meetings	MISC 03-01-042
	PROP 03-06-112		MISC 03-03-021
	PERM 03-13-047		MISC 03-03-126
	PROP 03-13-117		MISC 03-04-048
	PROP 03-13-118		MISC 03-05-039
	PROP 03-13-119		MISC 03-07-028
	PROP 03-13-120	GOVERNOR, OFFICE OF THE	
	PROP 03-13-121	Agency service delivery standards	MISC 03-10-046
nontoxic shot requirements	PROP 03-13-088	Capitol grounds, camping	EMER 03-09-030
private lands wildlife management	PERM 03-03-016		EMER 03-09-136
season and limits	PROP 03-06-106	Clemency and pardons board	
	PREP 03-09-120	meetings	MISC 03-04-018
	PERM 03-13-047		MISC 03-04-036
small game seasons	PROP 03-13-116		MISC 03-13-015
special closures	PREP 03-02-102	Notice of appeal	MISC 03-07-022
	PROP 03-06-108		MISC 03-09-136
	PROP 03-06-113		MISC 03-13-037
	PROP 03-06-114	Special session	MISC 03-10-035
	PERM 03-13-047	State of emergency	MISC 03-05-092
special hunting season permits	PERM 03-02-005		
	PREP 03-06-032	GRAYS HARBOR COLLEGE	
	PROP 03-06-105	Meetings	MISC 03-01-086
	PROP 03-12-077		
	PERM 03-13-047	GREEN RIVER COMMUNITY COLLEGE	
trapping seasons and regulations	PROP 03-06-107	Meetings	MISC 03-02-026
	PERM 03-13-047		
waterfowl	EMER 03-02-006	GROWTH MANAGEMENT HEARINGS BOARD	
	EMER 03-03-102	Administrative updates	EXPE 03-10-069
	PROP 03-13-115		
	PERM 03-03-016	GUARANTEED EDUCATION TUITION PROGRAM	
Livestock grazing	PERM 03-02-047	(See ADVANCED TUITION PAYMENT, COMMITTEE ON)	
Marine fin fish aquaculture	PREP 03-13-139		
Nuisance wildlife control operator permits	PREP 03-02-035	HEALTH CARE AUTHORITY	
Oyster diseases and shellfish pests	PROP 03-06-109	Basic health plan	
	PERM 03-10-041	enrollment limits	PREP 03-02-096
	PERM 03-02-005		PROP 03-05-094
Raptors		Public employees benefits board	
Rules			
agenda	MISC 03-02-107		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

eligibility	PROP	03-13-138			PROP	03-07-094
meetings	MISC	03-06-013			PERM	03-12-062
procedures	PROP	03-13-138		protection, air emissions	PREP	03-10-016
				protection, fees	PROP	03-08-034
HEALTH, DEPARTMENT OF					PROP	03-08-035
Biological specimens	PREP	03-02-101			PERM	03-13-122
Communicable diseases	PERM	03-05-048		Radiologic technologists		
	PERM	03-06-003		alternative training	PROP	03-01-110
Decontamination of illegal drug operations	PERM	03-02-022			PERM	03-10-100
	PROP	03-08-033		Recreational therapists		
	PERM	03-13-123		AIDS education and training	PREP	03-02-020
Denture technology				registration and renewal fees	PROP	03-05-022
licensure	EXPE	03-01-113			PERM	03-09-065
	PERM	03-12-061		Rules		
Department description and organization	EXPE	03-04-105		agenda	MISC	03-03-075
	PERM	03-11-032			MISC	03-04-050
EMS and trauma training course requirements	PREP	03-09-125		withdrawal	PREP	03-04-042
Fees					PREP	03-06-051
humane society and animal care control agency	PROP	03-05-023			PREP	03-07-101
	PERM	03-10-044			PREP	03-07-102
medical records, searching and duplicating	PROP	03-10-099		Sewer systems		
residential treatment facilities for	PROP	03-10-043		large on-site sewage systems	PREP	03-08-028
psychiatrically impaired children and youth	PROP	03-03-077			PROP	03-12-089
shellfish, sanitary control	PERM	03-07-095		Uniform controlled substances		
Health care credential fees	PERM	03-07-095		xyrem	EXPE	03-03-096
	MISC	03-12-082		Veterinary board of governors		
Hearing and speech, board of	PROP	03-01-112		animal technician	PROP	03-04-104
Heart surgery and cardiac programs	PROP	03-03-097			PERM	03-11-034
Hospice services	PERM	03-07-096		services for low-income persons	PROP	03-06-100
				Water recreation facilities	PROP	03-11-030
Hospital licensing definitions, emergency				Water systems		
contraception	PROP	03-12-090		drinking water	PROP	03-03-078
Hospital patient discharge information reporting	PROP	03-05-024			PROP	03-03-079
	PROP	03-09-127		fees	PREP	03-04-044
	PERM	03-13-029			PREP	03-05-020
Immunization of child care and school children	PREP	03-09-126		group A public water systems	PERM	03-08-037
Interpretive or policy statements	MISC	03-04-041			PROP	03-08-036
	MISC	03-09-128			PERM	03-13-028
	MISC	03-09-129			PREP	03-07-103
	MISC	03-09-130				
	MISC	03-10-017				
	MISC	03-10-018				
	MISC	03-13-127				
	EXPE	03-09-066				
Local health officers				HIGHER EDUCATION CONSORTIUM		
Massage				Meetings	MISC	03-01-059
animal massage training	PROP	03-01-111			MISC	03-02-029
	PERM	03-11-033			MISC	03-05-065
Medical quality assurance commission					MISC	03-08-045
office-based surgery	PREP	03-08-032		HIGHER EDUCATION COORDINATING BOARD		
rules, clarifications	EXPE	03-12-091		Branch campuses	PREP	03-13-075
Midwifery				Community scholarship matching grant program	PERM	03-04-101
licensing fees	PREP	03-13-126		Degree-granting Institutions Act	PREP	03-04-079
Nursing care quality commission				Meetings	MISC	03-03-046
nursing technicians	EMER	03-12-063		Student residency	PREP	03-06-081
	PREP	03-12-087			PROP	03-09-145
	EMER	03-13-143			PERM	03-13-056
Occupational therapy	PREP	03-08-029			PREP	03-13-110
	PREP	03-08-030				
	PREP	03-08-031		HIGHLINE COMMUNITY COLLEGE		
	PREP	03-08-092		Meetings	MISC	03-01-084
Optometry				HISPANIC AFFAIRS, COMMISSION ON		
continuing education credit	PREP	03-04-043		Meetings	MISC	03-05-077
controlled substances, prescription and					MISC	03-09-048
administration	PREP	03-13-124		HORSE RACING COMMISSION		
	PREP	03-13-125		Association officials and employees	PREP	03-05-067
practice under trade name	PERM	03-05-021			PROP	03-09-132
Orthotists and prosthetists	PROP	03-12-088		Claiming process and procedure	PERM	03-13-074
				Closing of wager	PREP	03-07-050
Pharmacy					PREP	03-01-016
electronic transmission of prescription				Communications systems	PROP	03-04-089
information	PROP	03-11-092			PERM	03-07-057
schedule II nonnarcotic stimulants	PERM	03-04-045			PROP	03-02-015
schedule III controlled substances	PERM	03-09-064			PROP	03-05-070
	PREP	03-09-124			PROP	03-09-134
schedule IV controlled substances	PROP	03-06-002			PERM	03-13-073
suspicious transactions	PERM	03-13-027		Executive secretary, duties	PERM	03-03-041
				Financial responsibility	PROP	03-03-040
Physicians					PERM	03-07-056
visa waivers	EMER	03-06-050		Furosemide	PROP	03-01-019
	PREP	03-09-017			PERM	03-06-004
Prenatal tests	PERM	03-11-031		Head to head wagering	PREP	03-03-039
Radiation					PROP	03-07-053
dosimetry and well-loggers	PREP	03-03-076				

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Jockeys, communications devices in quarters	PERM 03-11-017	JUDICIAL CONDUCT, COMMISSION ON	
Licenses	PROP 03-07-074	Meetings	MISC 03-01-021
	PREP 03-03-067		MISC 03-01-106
	PROP 03-07-054		MISC 03-09-044
Marijuana testing	PERM 03-11-015	Rules	
	PROP 03-02-016	withdrawals	PROP 03-13-064
Medication	PERM 03-05-071	Table of rules	PROP 03-05-046
	PREP 03-03-108		
	PROP 03-07-055	LABOR AND INDUSTRIES, DEPARTMENT OF	
	EMER 03-09-057	Access to records and trade secrets	PREP 03-04-097
	PERM 03-11-019	Agriculture, safety standards	EXPE 03-04-100
	PREP 03-13-071		PERM 03-10-068
Meetings	MISC 03-07-071	Bloodborne pathogens	PROP 03-01-097
Mutuels	PREP 03-05-068		PERM 03-09-110
	PROP 03-09-133		
Nonparimutuel wagering	PREP 03-03-025	Boiler rules, board of	
	PROP 03-07-051	fee	PREP 03-03-129
	PERM 03-11-016		PROP 03-08-076
Policy and interpretive statements	MISC 03-09-095		PERM 03-12-051
Rules		rules, clarifications	PREP 03-12-081
reviews	PREP 03-09-131	Conversion factors and daily reimbursement level	PREP 03-01-095
withdrawals	PROP 03-05-069		PROP 03-09-107
	PROP 03-11-014	Crime victims	
	PROP 03-13-072	family member of a homicide victim, counseling	PREP 03-11-057
Samples taken from horses	PREP 03-03-038	permanent total disability benefit	PREP 03-11-058
	PROP 03-07-052	Factory assembled structures	PROP 03-09-109
	PERM 03-11-018		PERM 03-12-044
Transmission of simulcast signal	PREP 03-01-017	Family care	PERM 03-03-010
	PROP 03-04-090	Fees	PREP 03-04-098
	PERM 03-07-058		PROP 03-09-108
Who may claim	PREP 03-01-018		PREP 03-10-065
			PERM 03-12-045
HUMAN RIGHTS COMMISSION		Fire fighters	
Meetings	MISC 03-02-052	tobacco use	PROP 03-06-074
			PERM 03-12-046
HUNTING		Hazardous energy (lockout/tagout)	PREP 03-10-064
(See FISH AND WILDLIFE, DEPARTMENT OF)		Manufacturers, importers, and	
		distributors-hazard communication	PERM 03-01-096
INDUSTRIAL INSURANCE APPEALS, BOARD OF		Meetings	MISC 03-02-090
Practice and procedure	PERM 03-02-038	Minimum wages	PERM 03-03-109
		Policy and interpretive statements	MISC 03-01-094
INSURANCE COMMISSIONER			MISC 03-04-096
Automobile claims, repairs, and total loss		Portable power tools	MISC 03-12-043
settlements	PROP 03-03-132	Powered industrial trucks (forklifts)	PERM 03-09-009
	PROP 03-09-143	Prevailing wage rates	PREP 03-10-066
Health insurance			MISC 03-06-103
state health insurance pool	PERM 03-07-007		MISC 03-09-007
Longshore and harbor workers assigned risk plan	PERM 03-03-052		MISC 03-09-008
Mortality tables	PREP 03-07-005	Rules	
Network reports	EXPE 03-03-134	agenda	MISC 03-03-009
	PERM 03-09-142	technical corrections	EXPE 03-13-100
Pharmacy identification cards	PERM 03-07-006	withdrawals	PROP 03-02-083
Rules			PREP 03-09-106
withdrawal	PROP 03-03-063		PROP 03-13-096
	PROP 03-08-071	Safety and health standards	
	PROP 03-10-096	electrical	PROP 03-05-074
Special liability report	PERM 03-03-133		PERM 03-09-111
Technical assistance advisory	MISC 03-03-093	electrical workers	PREP 03-07-072
	MISC 03-13-048		PROP 03-10-067
		explosives	EXPE 03-05-073
INTERAGENCY COMMITTEE, OFFICE OF THE			PERM 03-06-073
Interagency committee for outdoor recreation		hearing loss prevention	PERM 03-10-037
meetings	MISC 03-01-041	manual on uniform traffic control devices	PERM 03-11-060
	MISC 03-03-037	respirators	PERM 03-06-075
	MISC 03-06-018	respiratory hazards	PROP 03-08-044
	MISC 03-13-131		PREP 03-08-073
salmon recovery funding board	MISC 03-01-043	sawmills and woodworking operations	PROP 03-11-059
Rules		scaffold	PERM 03-06-076
agenda	MISC 03-03-006	shipbuilding and shipbreaking	PREP 03-03-110
		showers, change rooms, and consumption of food	PERM 03-04-099
INTEREST RATES		Vocational rehabilitation	EXPE 03-12-072
(See inside cover)		Workers' compensation	PERM 03-11-009
INVESTMENT BOARD, STATE		monthly wage calculation	
Meetings	MISC 03-03-020	premium rates	PERM 03-11-035
	MISC 03-03-057	reporting rules	PREP 03-13-099
Rules			PREP 03-03-026
coordinator	MISC 03-09-113		PREP 03-05-072
JAIL INDUSTRIES BOARD		LAKE WASHINGTON TECHNICAL COLLEGE	
Meetings	MISC 03-01-037	Meetings	MISC 03-01-034
	MISC 03-03-107		MISC 03-07-061

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Refund of tuition and fees	PREP 03-07-085	Vessels	
	PROP 03-10-063	registration and certification	PROP 03-01-104
	PERM 03-13-080		PERM 03-07-076
Rules			PROP 03-10-045
corrections	PERM 03-01-070	Wastewater treatment system, on-site	PREP 03-03-111
LAW BOARD, PRACTICE OF		LIQUOR CONTROL BOARD	
Meetings	MISC 03-01-118	Violations	PROP 03-02-097
			PERM 03-09-015
LICENSING, DEPARTMENT OF		LOTTERY COMMISSION	
Camping resorts	PERM 03-03-054	Licensing procedure	
Cemetery board	PREP 03-04-077	promotional license	PROP 03-01-047
	PROP 03-08-009		PROP 03-07-067
	PERM 03-11-020		PERM 03-11-054
Commercial motor vehicle instruction permit	PROP 03-07-097	Meetings	MISC 03-03-059
	PERM 03-10-024		MISC 03-04-107
Cosmetology, barber, manicurist, and		Policy statements	MISC 03-04-063
estheticians	PROP 03-03-119		
	PROP 03-05-058		
	PERM 03-06-054	LOWER COLUMBIA COLLEGE	
	PERM 03-08-043	Meetings	MISC 03-01-035
	PREP 03-10-084		MISC 03-09-006
	PROP 03-10-085		
Engineers, board of		MARINE EMPLOYEES' COMMISSION	
rules, technical corrections	PREP 03-13-012	Meetings	MISC 03-01-049
Firearms, aliens	PERM 03-03-024		MISC 03-06-078
Funeral directors and embalmers, board of	PREP 03-04-076		MISC 03-09-138
	PROP 03-08-010		MISC 03-12-075
	PERM 03-11-021	Policy statement	MISC 03-12-028
	PREP 03-04-080	Rules	
Geologists	PREP 03-04-056	clarifications	EXPE 03-08-070
Landscape architects	PROP 03-08-062		PERM 03-12-074
	PERM 03-11-074		
Meeting	MISC 03-07-073	MEDICAL ASSISTANCE	
Motor vehicles		(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
certificates of title	PROP 03-01-014	MILITARY, DEPARTMENT	
	PROP 03-03-095	Enhanced 9-1-1 funding	PROP 03-04-108
	PROP 03-05-001		PERM 03-10-014
	PERM 03-05-081	Meetings	MISC 03-03-032
	PROP 03-06-040		
	PROP 03-07-080	MONORAIL	
	PERM 03-08-055	(See SEATTLE MONORAIL PROJECT)	
	PROP 03-08-093	NATURAL RESOURCES, DEPARTMENT OF	
	PROP 03-09-031	Board of natural resources	
	PERM 03-10-097	meetings	MISC 03-09-063
	PERM 03-11-069		MISC 03-10-030
	PERM 03-12-006	Forest practices board	
	PERM 03-12-071	administrative procedures	
excise tax	PREP 03-12-018	meetings	PROP 03-09-114
licenses	PREP 03-01-006		MISC 03-01-128
	PROP 03-01-013		MISC 03-03-011
	PROP 03-01-015		MISC 03-06-019
	PERM 03-05-080	rules coordinator	MISC 03-01-127
	PERM 03-05-082	small forest landowners	
	PREP 03-13-018	riparian easement program	PERM 03-06-039
registration	PERM 03-04-092	road maintenance and abandonment	PREP 03-11-061
rental car taxation and licensing	PREP 03-11-069A	Natural heritage advisory council	MISC 03-04-093
Real estate	PERM 03-02-001		MISC 03-09-104
	PREP 03-02-002		
	PERM 03-02-040	Rules	
	PREP 03-03-080	agenda	MISC 03-02-108
	PREP 03-08-011		MISC 03-04-061
	PREP 03-09-049	coordinator	MISC 03-13-132
	PROP 03-09-058		
	PROP 03-09-059	NORTHWEST AIR POLLUTION AUTHORITY (NWAPA)	
	PROP 03-11-050	Regulation amendments	PROP 03-11-091
	PROP 03-13-024		
Real estate commission		OLYMPIC COLLEGE	
meetings	MISC 03-02-003	Meetings	MISC 03-01-122
Rules			MISC 03-02-049
agenda	MISC 03-01-080	OLYMPIC REGION CLEAN AIR AGENCY	
	MISC 03-13-023	Conformity with state and federal air quality laws	PROP 03-11-045
	PREP 03-09-032	Open fires	PROP 03-06-029
clarifications	PREP 03-01-012		PERM 03-09-053
withdrawals	PROP 03-06-072		
	PREP 03-07-077	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
	PREP 03-07-078	(See INTERAGENCY COMMITTEE, OFFICE OF THE)	
	PREP 03-07-079	PARKS AND RECREATION COMMISSION	
	PROP 03-09-075	Meetings	MISC 03-02-039
	PREP 03-10-004		MISC 03-02-104
Sellers of travel	PERM 03-03-055		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Public records	PREP 03-04-038	PUBLIC INSTRUCTION, SUPERINTENDENT OF	
	PROP 03-08-101	Allocations, special	PERM 03-03-001
Public use of state parks	PERM 03-11-068	Buses	PREP 03-03-033
	PERM 03-01-079		PROP 03-09-050
Tree, plant and fungi cutting, removal and/or disposal	PREP 03-01-129		PERM 03-13-049
	PREP 03-04-115	Enrollment	PREP 03-13-009
PENINSULA COLLEGE		Finance	
Policies, practices, and procedures	PROP 03-04-056	maintenance and operation levies	PREP 03-05-093
	PREP 03-04-091		PROP 03-13-103
	PROP 03-08-056	Rules	
	PERM 03-13-133	withdrawal	PROP 03-07-070
		Special education	
		safety net	PERM 03-02-053
PERSONNEL RESOURCES BOARD			
(See PERSONNEL, DEPARTMENT OF)			
PERSONNEL, DEPARTMENT OF		PUGET SOUND CLEAN AIR AGENCY	
Community and technical colleges, state board for definitions	EMER 03-03-042	Asbestos-containing waste material	PROP 03-03-128
Exemptions	PROP 03-07-059		PERM 03-06-062
Higher education exemptions	PROP 03-10-101	Fees	
	EMER 03-11-004	asbestos program	PROP 03-08-095
	PERM 03-13-051	construction, notice of	PERM 03-12-050
Incumbent status for converted positions	EXPE 03-12-092	general regulatory orders	PROP 03-08-094
Meetings	MISC 03-01-001	operating permit	PROP 03-08-094
Rules		registration	PERM 03-12-048
withdrawals	PROP 03-11-005		PROP 03-08-097
		Gasoline marketing	PERM 03-12-049
PIERCE COLLEGE		Mitigation of greenhouse gas emissions	PROP 03-08-096
Meetings	MISC 03-01-119	Motor vehicle refinishing, EPA compliance	PERM 03-12-047
	MISC 03-08-003	Rules	PERM 03-02-024
	MISC 03-11-093	withdrawal	PROP 03-01-107
	MISC 03-11-094		PROP 03-13-134
			PROP 03-04-049
PILOTAGE COMMISSIONERS, BOARD OF		QUARTERLY REPORTS	
Docking and undocking of certain vessels	PROP 03-06-061	(See CODE REVISER'S OFFICE)	
	PERM 03-09-097		
Grays Harbor pilotage district annual tariff	PROP 03-09-135	RENTON TECHNICAL COLLEGE	
Puget Sound pilotage district tariff and rates	PROP 03-08-058	Meetings	MISC 03-02-012
	PERM 03-12-019		MISC 03-05-017
Relieving pilots for cause	PROP 03-06-060		
	PERM 03-09-096		
POLLUTION LIABILITY INSURANCE AGENCY		RETIREMENT SYSTEMS, DEPARTMENT OF	
Technical assistance reference	PROP 03-01-007	Actuarial factors	PROP 03-02-041
	PERM 03-06-015		PERM 03-06-044
		Annuities	PREP 03-09-137
PROFESSIONAL EDUCATOR STANDARDS BOARD		Emergency payments for terminally ill members	PREP 03-06-099
(See EDUCATOR STANDARDS BOARD, PROFESSIONAL)		General provisions	
PUBLIC DISCLOSURE COMMISSION		excess compensation	PROP 03-01-050
Contribution limitations			PERM 03-06-043
voluntary payroll deductions	PROP 03-01-089	property division in dissolution orders	PROP 03-05-042
	PROP 03-04-094	Law enforcement officers' and fire fighters' retirement system	
	PERM 03-08-050	earnable compensation	PROP 03-01-051
withholding authorizations	PROP 03-01-088	survivor benefit options	PROP 03-05-042
	PERM 03-08-052		PERM 03-12-014
Enforcement procedures	EXPE 03-13-105	Legal orders, processing fees	PREP 03-08-012
Meetings	MISC 03-01-020	Military service credit	PREP 03-09-054
Primary election pledges	PREP 03-04-095	Pension-related bills	PREP 03-07-062
	PROP 03-08-051	Public employees' retirement system	
	PERM 03-12-033	choice rights or transfer rights to Plan 3	PROP 03-11-044
Reporting requirements	PERM 03-12-034	earnable compensation	PROP 03-01-051
Rules	PREP 03-13-104		PERM 03-06-042
agenda	MISC 03-04-069	elected and appointed officials	PROP 03-05-041
			PERM 03-08-090
PUBLIC EMPLOYMENT RELATIONS COMMISSION		Public safety officers	PREP 03-07-063
Personnel System Reform Act of 2002	PERM 03-03-064		PROP 03-13-101
	EMER 03-03-065	Purchasing service credit, lump sum costs	PREP 03-04-017
Practice and procedure	PREP 03-03-066		EMER 03-10-007
	PROP 03-07-093	Rules	PROP 03-11-043
Representation case rules	PREP 03-03-066	clarifications	PREP 03-02-086
	PROP 03-07-093		PERM 03-02-087
	EMER 03-11-028	School employees' retirement system	
	PERM 03-11-029	earnable compensation	PROP 03-01-051
Rules		elected and appointed officials	PROP 03-05-041
agenda	MISC 03-01-058	Survivor benefits	PREP 03-13-026
		Teachers' retirement system	
		earnable compensation	PROP 03-01-051
		time limit	PREP 03-09-093
		REVENUE, DEPARTMENT OF	
		Business and occupation tax	

Subject/Agency Index

(Citation in bold type refer to material in this issue)

motor vehicles, sales to nonresidents	PREP	03-11-048	Help America Vote Act		
new motor vehicles, exemption for wholesale sales	PERM	03-07-066	complaint procedure	PREP	03-09-141
tangible personal property	PERM	03-09-062	preliminary plan	MISC	03-11-063
Excise tax			presidential primary	PREP	03-09-140
extracting natural products	PROP	03-04-032	registering voters with nontraditional addresses	PREP	03-07-086
farmers, tax-reporting responsibilities	PROP	03-09-146		PROP	03-10-055
high technology business tax incentives	PREP	03-03-101	Salaries for elected officials	PREP	03-13-004
	PROP	03-08-069			
	PERM	03-12-053	SHORELINE COMMUNITY COLLEGE		
sewage collection businesses	PROP	03-13-022	Meetings	MISC	03-05-040
tax on internal distribution	EXPE	03-04-030		MISC	03-07-027
tobacco distributors	EMER	03-06-016		MISC	03-12-011
	PROP	03-08-042	SKAGIT VALLEY COLLEGE		
	PERM	03-12-058	Meetings	MISC	03-03-015
Forest land and timber	PERM	03-02-004		MISC	03-04-059
	PREP	03-05-084		MISC	03-04-060
	PREP	03-09-100		MISC	03-05-018
	PROP	03-10-079		MISC	03-06-010
Interpretive or policy statements	MISC	03-02-054		MISC	03-06-011
	MISC	03-03-116		MISC	03-06-012
	MISC	03-03-117		MISC	03-09-105
	MISC	03-03-118		MISC	03-13-050
	MISC	03-04-029			
	MISC	03-05-083	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF		
	MISC	03-08-068	Aging and adult services		
	MISC	03-09-099	abuse, reporting of incidents	PREP	03-12-056
	MISC	03-11-047	adult day services	PROP	03-01-010
	MISC	03-11-077	adult family homes	PERM	03-06-024
	MISC	03-11-078	boarding home licensing	PROP	03-10-090
Property tax				PREP	03-12-055
listing personal property	PREP	03-03-100	comprehensive assessment reporting evaluation (CARE)	PROP	03-03-018
	PROP	03-09-098		PROP	03-07-088
seniors and disabled, exemptions	PROP	03-03-099	contracted residential care services		
	PERM	03-09-002	COPEs care payment rate	PROP	03-01-116
	EXPE	03-11-095		PERM	03-05-097
Real estate excise tax				PREP	03-02-078
refunds of tax paid	PREP	03-07-065	guardianship fees	PROP	03-06-093
	PROP	03-11-079	home and community services and programs	PERM	03-09-092
Rules				PROP	03-06-094
agenda	MISC	03-02-106	Medicaid nursing facility payment system	PREP	03-09-089
Sales tax			medically needy residential waiver program	PROP	03-09-091
motor vehicles, sales to nonresidents	PREP	03-11-048		PROP	03-11-066
Ships and vessels	PREP	03-01-109		PREP	03-11-088
	PROP	03-09-147		PERM	03-13-091
Use tax				PREP	03-07-031
promotional material	EMER	03-04-031		PROP	03-09-042
				EMER	03-13-007
				PERM	03-13-052
RULES COORDINATORS			Alcohol and substance abuse		
(See Issue 03-01 for complete list designated as of 12/19/02)			chemical dependency assistance programs	PERM	03-02-079
Bates technical college	MISC	03-03-013	Assistance programs		
Clark college	MISC	03-02-034	additional requirements for emergent needs program	EMER	03-04-067
Columbia River Gorge Commission	MISC	03-09-011	alien emergency medical	PREP	03-10-088
County road administration board	MISC	03-01-091	assistance units	PROP	03-13-090
	MISC	03-07-017	benefit error	PREP	03-07-040
Employment security department	MISC	03-06-037	cash assistance	PERM	03-06-046
Energy facility site evaluation council	MISC	03-12-031	citizenship/alien status	PREP	03-03-007
Forest practices board	MISC	03-01-127	emergency cash assistance	PREP	03-11-089
Investment board, state	MISC	03-09-113		EMER	03-12-027
Natural resources, department of	MISC	03-13-132	family child care homes	PROP	03-06-092
Washington state patrol	MISC	03-08-039	food assistance	PERM	03-09-074
Washington State University	MISC	03-07-008		PERM	03-01-005
				PREP	03-01-061
SALARIES FOR ELECTED OFFICIALS, WASHINGTON				PROP	03-01-062
CITIZENS' COMMISSION ON				PROP	03-02-064
Meetings	MISC	03-01-087		PROP	03-02-065
	MISC	03-08-074		PROP	03-02-066
				PERM	03-03-072
SEATTLE COMMUNITY COLLEGES				PERM	03-05-028
Administration	PROP	03-06-067		PERM	03-05-029
	PROP	03-10-078		PERM	03-05-030
Meetings	MISC	03-06-027		PERM	03-05-031
				PREP	03-06-056
SEATTLE MONORAIL PROJECT				PREP	03-13-034
Corridor and design public hearings	PROP	03-08-041	incapacity	PREP	03-13-035
	PERM	03-11-007	income	PROP	03-08-079
				PREP	03-13-033
SECRETARY OF STATE				PROP	03-03-008
Archives grant program	PERM	03-06-069		PERM	03-03-071
Elections				PERM	03-06-095
absentee ballots	PREP	03-11-062			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

interview requirements	PREP	03-07-042			
limited English proficient services (LEP)	PERM	03-01-115	income standards		PERM 03-13-053
resource eligibility and limits	EMER	03-02-080	interpretive or policy statements		EMER 03-08-065
	PERM	03-05-015			MISC 03-01-002
self-employment income	PREP	03-06-057			MISC 03-01-003
	PROP	03-09-073			MISC 03-01-004
	PERM	03-13-045			MISC 03-02-067
standards for payment	PERM	03-03-114			MISC 03-02-068
telephone assistance program	EMER	03-12-057			MISC 03-02-069
	PREP	03-13-044			MISC 03-02-070
Washington combined application project (WASHCAP)	PREP	03-07-087			MISC 03-02-071
	PREP	03-13-034			MISC 03-02-072
working connections child care	EMER	03-06-045			MISC 03-04-008
	EMER	03-12-026			MISC 03-04-009
Child care agencies/licensing requirements					MISC 03-04-010
child day care centers	PROP	03-09-005			MISC 03-04-011
child foster homes, group care					MISC 03-04-012
programs/facilities, and agencies	EMER	03-05-099			MISC 03-04-083
emergency respite centers	PROP	03-01-117			MISC 03-04-084
	PERM	03-08-026			MISC 03-05-053
seasonal child care program	PREP	03-01-060			MISC 03-05-096
	PROP	03-09-033			MISC 03-06-083
Child support, division of					MISC 03-06-084
administrative orders and procedures	PROP	03-13-092			MISC 03-06-085
hearings and conference boards	EMER	03-07-030			MISC 03-06-086
license suspension program	PREP	03-09-090			MISC 03-06-087
Uniform Parentage Act	EMER	03-04-088			MISC 03-06-088
	EMER	03-12-064			MISC 03-06-089
Children's administration					MISC 03-06-090
adoption	PERM	03-02-059			MISC 03-06-096
	EMER	03-11-067			MISC 03-06-097
	PREP	03-11-090			MISC 03-06-098
Deaf, Washington State School for the	PERM	03-04-013			MISC 03-07-039
emergency respite centers	EMER	03-06-091			MISC 03-08-022
family reconciliation services	PREP	03-03-056			MISC 03-08-024
	EMER	03-03-069			MISC 03-08-025
	EMER	03-11-024			MISC 03-08-080
foster care	EXPE	03-08-087			MISC 03-09-003
group receiving centers	EMER	03-04-035			MISC 03-09-004
	EMER	03-12-004			MISC 03-09-115
Deaf and hard of hearing services	PERM	03-05-100			MISC 03-11-083
Developmental disabilities services					MISC 03-11-084
community residential services and supports	PREP	03-02-063			MISC 03-12-065
state supplemental payment (SSP)	EMER	03-03-115			MISC 03-13-006
	EMER	03-10-026			MISC 03-13-042
	EMER	03-10-027			MISC 03-13-043
Health and rehabilitative services			legislative amendments		PREP 03-12-054
chemical dependency service providers	PROP	03-12-066	long-term care		PERM 03-02-056
opiate substitution program	EMER	03-06-059			PERM 03-06-048
special commitment--sexually violent predators	EMER	03-12-003			EMER 03-08-064
Hearing rules	EMER	03-07-043			PREP 03-08-082
	PROP	03-09-116			PROP 03-09-117
	PERM	03-13-046			EXPE 03-13-112
Juvenile rehabilitation			managed care		PERM 03-13-113
placement	PERM	03-03-070	maternity-related services		PREP 03-10-086
powers of administrative law judge	PERM	03-01-044	medically needy residential waiver program (MNRW)		PREP 03-11-085
Medical assistance					EMER 03-05-044
acute physical medicine and rehabilitation					EMER 03-05-098
program	PERM	03-06-047			PREP 03-08-023
administration of programs	PREP	03-02-058	nonemergency medical transportation		PROP 03-06-111
	PREP	03-03-017	payment method - inpatient and outpatient		PERM 03-13-055
	EMER	03-03-027			PROP 03-01-011
	PROP	03-10-091	pharmacy services		PERM 03-05-043
	EMER	03-10-092			PREP 03-11-086
AIDS, CASA services	EXPE	03-02-060	physician-related services		PERM 03-06-049
	PERM	03-08-067			PREP 03-08-084
aliens	EXPE	03-10-093	standards for payment		PREP 03-06-058
children's health program	PREP	03-04-086			EMER 03-08-066
children's medical eligibility	PREP	03-06-055			PREP 03-08-081
	PROP	03-10-048			PREP 03-08-083
disease management program	PROP	03-09-119			PREP 03-08-085
	PERM	03-13-054			PROP 03-12-068
durable medical equipment	PERM	03-05-051	trauma services		PREP 03-04-087
	EXPE	03-05-054	trusts, annuities, and life estates		PROP 03-02-055
	PERM	03-12-005	unearned income		PREP 03-04-085
	PREP	03-08-086			PROP 03-10-089
electronic health information transactions	PROP	03-12-067	Mental health		
family planning services	PREP	03-10-049	community mental health and involuntary		
home infusion therapy	PREP	03-13-089	treatment programs		PREP 03-07-041
hospital payment methods	PROP	03-09-118	community support service providers		PREP 03-08-077
hospital services	PREP	03-10-050	Public meetings		MISC 03-02-109
					MISC 03-06-115

Subject/Agency Index

(Citation in bold type refer to material in this issue)

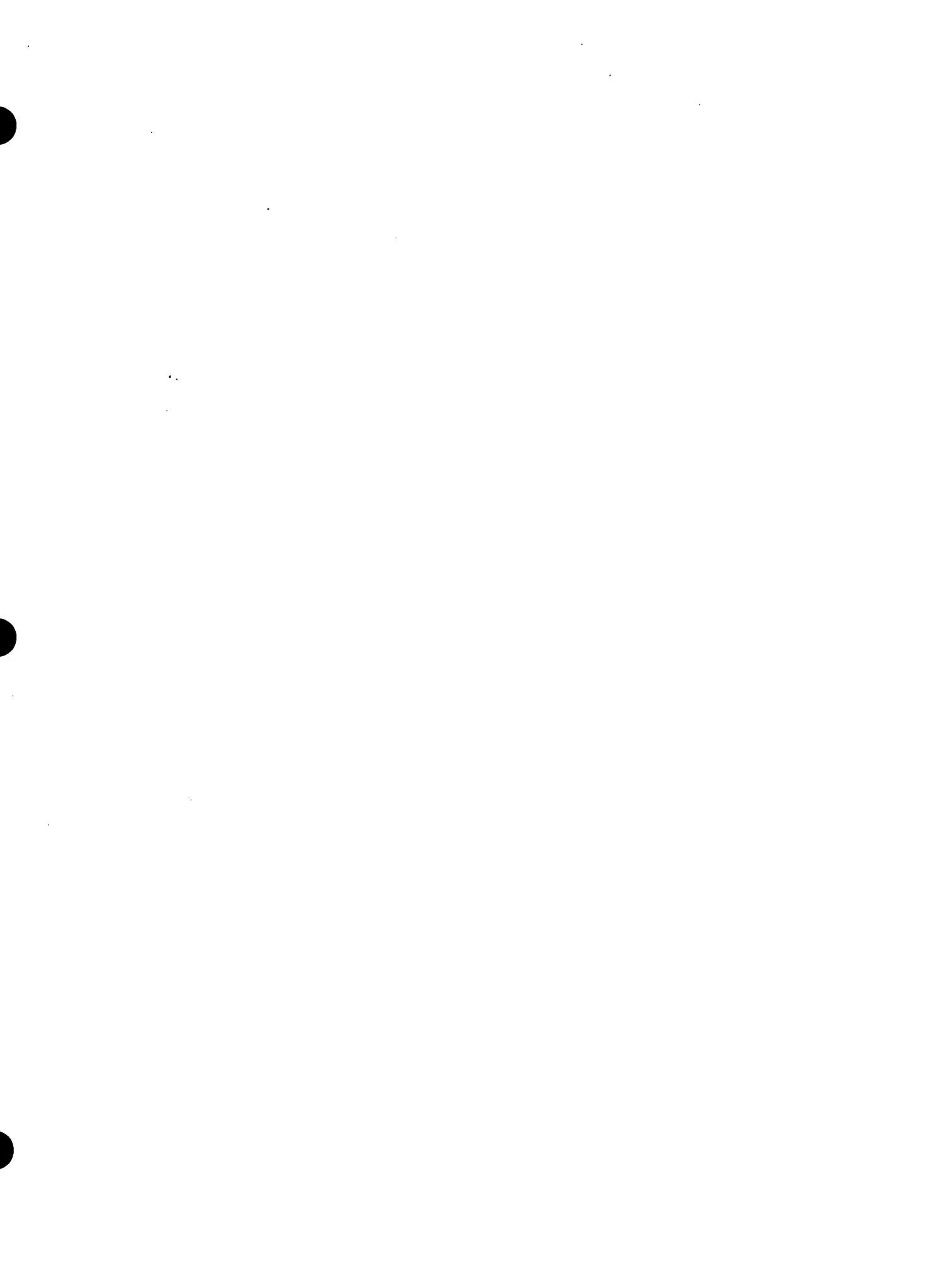
Public records	PREP	03-10-087	TRANSPORTATION, DEPARTMENT OF	
Rules			Central field office descriptions	EXPE 03-04-062 PERM 03-09-103
agenda	MISC	03-05-016	Ferries	
withdrawal, correction	PREP	03-05-052	fares	PREP 03-01-114 PROP 03-04-102 PERM 03-08-072
withdrawals	PROP	03-01-093	Manual on uniform traffic control devices	PERM 03-06-053
	PREP	03-03-112	Motorist information signs	EMER 03-06-052 PREP 03-11-070 EMER 03-11-071 PREP 03-13-040
	PREP	03-03-113		
	PROP	03-06-070	Roads and highways	
	PREP	03-07-038	HOV lanes	EMER 03-06-014 PREP 03-13-041
	PREP	03-10-051	Rules	
	PROP	03-11-025	agenda	MISC 03-02-062
	PROP	03-13-095	Small works roster	PERM 03-03-012
Special commitment center			Special motor vehicles	
sexual predator program	PREP	03-08-078	permit issuance	PERM 03-02-057
Vocational rehabilitation services			Tow trucks	
federal compliance	PERM	03-02-014	emergency operations	PREP 03-11-075
Washington combined application project			Uniform traffic control devices, manual	EMER 03-03-028 PROP 03-03-029
(WASHCAP)	PERM	03-01-045		
WorkFirst			Vehicles	
support services	PREP	03-11-087	oversize/overweight vehicles, speed limits	PERM 03-03-035
transitional work expense	EMER	03-04-066	Wireless communication access to highways	EMER 03-04-040 PREP 03-04-113 EMER 03-08-008 PROP 03-08-061 PERM 03-11-076
	EMER	03-12-025		
SOUTH PUGET SOUND COMMUNITY COLLEGE			TREASURER'S OFFICE	
Distribution and posting of materials	PERM	03-03-089	Usury rate (See inside cover)	
Meetings	MISC	03-03-051		
	MISC	03-09-047	UNEMPLOYMENT COMPENSATION	
	MISC	03-12-030	(See EMPLOYMENT SECURITY DEPARTMENT)	
SPOKANE, COMMUNITY COLLEGES OF			UNIFORM LEGISLATION COMMISSION	
Rules			Meetings	MISC 03-08-057
review	PREP	03-09-094		
	PROP	03-13-081	UNIVERSITY OF WASHINGTON	
	PROP	03-13-082	Academic calendar	PROP 03-02-023 PERM 03-08-040 PREP 03-09-040
			Board of regents, meetings	MISC 03-03-127
SPORTS, PROFESSIONAL			Meetings	MISC 03-03-023
(See HORSE RACING COMMISSION)			Policy statement	MISC 03-09-012
STATE PATROL			Rules	
Criminal history record information	PERM	03-05-007	agenda	MISC 03-03-022
SUPREME COURT, STATE			corrections	EXPE 03-05-019 PERM 03-12-007
Admission to practice rules	MISC	03-07-046		
	MISC	03-07-048	USURY RATE	
	MISC	03-13-063	(See inside cover)	
Appeal, rules on	MISC	03-01-023	UTILITIES AND TRANSPORTATION COMMISSION	
	MISC	03-01-027	Electric companies - purchases of electricity	PREP 03-09-070
	MISC	03-13-060	Hazardous liquid pipeline safety	PERM 03-01-064 PREP 03-07-034
	MISC	03-13-061	Interpretive or policy statements	MISC 03-04-051
Commission on supreme court			Leased-cost planning	MISC 03-04-052 PREP 03-09-068 PREP 03-09-069
meetings	MISC	03-11-052	Meetings	MISC 03-04-005
General application, rules of	MISC	03-01-025	Remote control locomotive operations	PREP 03-04-004
	MISC	03-01-026	Rules	
	MISC	03-01-027	agenda	MISC 03-04-006
	MISC	03-07-018	corrections	PERM 03-01-022
	MISC	03-07-020	withdrawals	PROP 03-02-081
	MISC	03-07-045	Telephone companies	
	MISC	03-13-060	rules, clarifications and revisions	PERM 03-01-065 PERM 03-03-090
	MISC	03-13-062		
Limited jurisdiction, courts of	MISC	03-01-024	WASHINGTON STATE PATROL	
	MISC	03-01-027	DNA identification	PROP 03-04-070 PERM 03-08-053
	MISC	03-07-019	Fire protection standards	
	MISC	03-07-047	licensed care facilities	PERM 03-06-063
	MISC	03-01-027	Rules	
	MISC	03-07-019	coordinator	MISC 03-08-039
	MISC	03-13-059	withdrawals	PROP 03-06-071
	MISC	03-13-061		
TACOMA COMMUNITY COLLEGE				
Meetings	MISC	03-01-030		
	MISC	03-09-139		
TAX APPEALS, BOARD OF				
Meetings	MISC	03-01-029		
TRANSPORTATION COMMISSION				
Meetings	MISC	03-01-069		
	MISC	03-02-050		
TRANSPORTATION IMPROVEMENT BOARD				
Project funding and development	PREP	03-08-038		
	PROP	03-12-009		

Subject/Agency Index

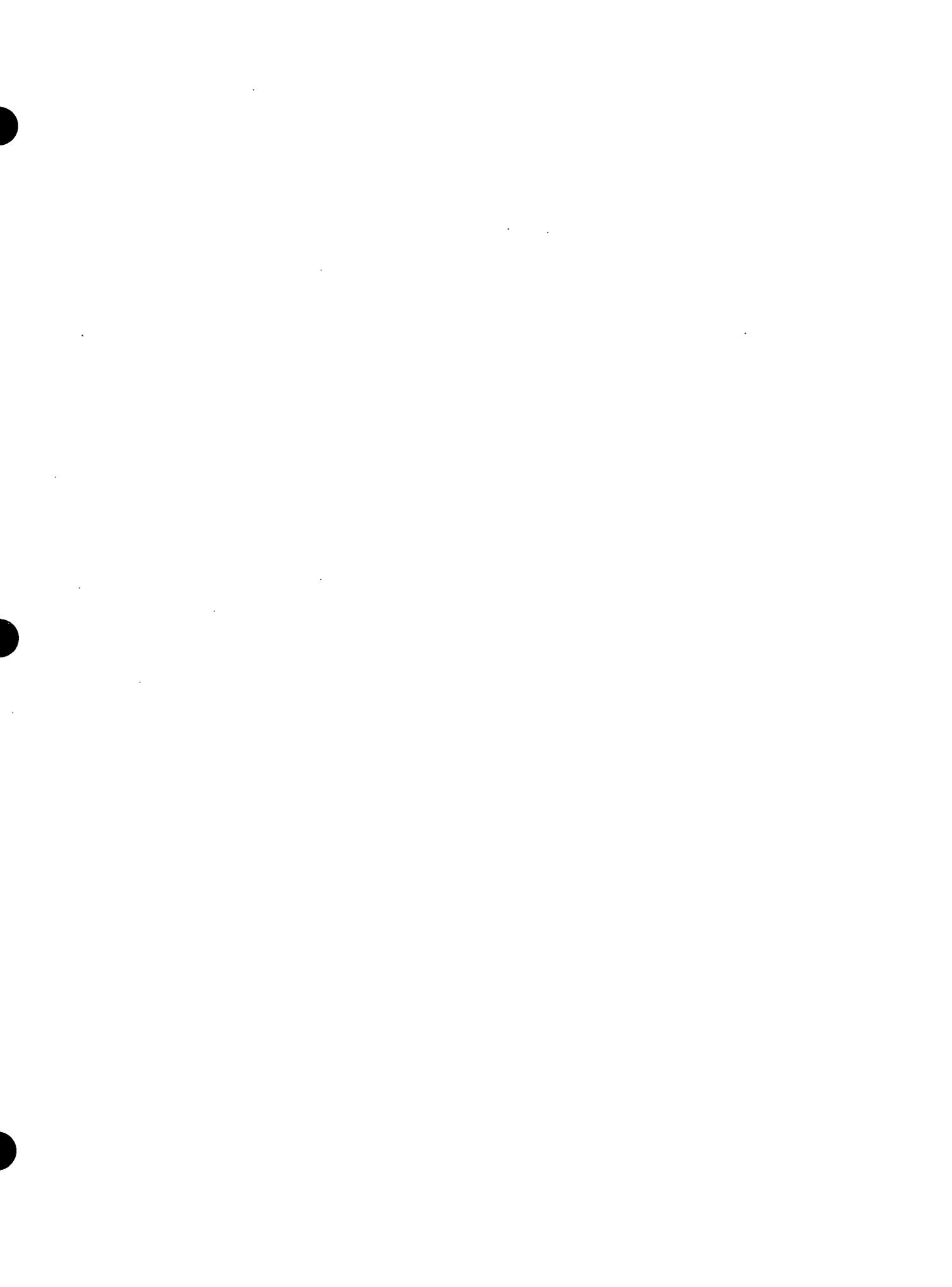
(Citation in **bold type** refer to material in this issue)

Transit city buses, suncreening devices	PROP 03-08-089
	PERM 03-12-013
WASHINGTON STATE UNIVERSITY	
Meetings	MISC 03-03-031
	MISC 03-10-094
Public records officer	MISC 03-01-040
Rules coordinator	MISC 03-07-008
Student conduct	PREP 03-07-012
	PROP 03-10-060
Traffic and parking	
Intercollegiate college of nursing	PREP 03-07-011
	PROP 03-10-058
Spokane campus	PREP 03-07-010
	PROP 03-10-057
Vancouver campus	PREP 03-07-009
	PROP 03-10-059
WATER	
(See ECOLOGY, DEPARTMENT OF)	
WENATCHEE VALLEY COLLEGE	
Meetings	MISC 03-02-051
	MISC 03-03-103
WESTERN WASHINGTON UNIVERSITY	
Meetings	MISC 03-03-105
Student rights and responsibilities	PERM 03-01-123
WHATCOM COMMUNITY COLLEGE	
Control of dogs	PERM 03-01-071
Meetings	MISC 03-02-011
Rules	
agenda	MISC 03-03-074
	MISC 03-03-106
Student rights and responsibilities	PERM 03-01-072
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD	
Meetings	MISC 03-01-082
	MISC 03-09-055
	MISC 03-11-053
	MISC 03-12-012
	MISC 03-12-029
	MISC 03-13-065

















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