

WSR 06-11-013
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket T-051915, General Order No. R-532—Filed May 4, 2006, 1:21 p.m., effective June 4, 2006]

In the matter of repealing WAC 480-31-140 and amending WAC 480-31-999, relating to keeping records on file and subject to commission inspection.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission takes this action under Notice No. WSR 06-04-049, filed with the code reviser on January 27, 2006. The commission brings this proceeding pursuant to RCW 81.04.160 and 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the commission's reasons for adopting the rule, a description of the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the commission's responses to the comments reflecting the commission's consideration of them.

5 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-105 proposal and the adoption hearing. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This order amends the following sections of the Washington Administrative Code: Repealing WAC 480-31-140 Safety inspections and amending WAC 480-31-999 Adoption by reference.

7 NOTICE OF PROPOSED RULE MAKING: The commission filed an expedited rule making, CR-105, on January 27, 2006, at WSR 06-04-049. The statement advised interested persons that specific records required by WAC 480-31-140 are already required in other sections of chapter 480-31 WAC where the commission adopts by reference Title 49 Code of Federal Regulations, making the rule redundant. The commission also informed persons of the matter by providing notice of the subject and the CR-105 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3), the commission's list of all non-profit bus service providers, persons interested in issues related to these companies, as well as attorneys representing these companies, and by posting all information on the commission's web site.

8 COMMENTERS (WRITTEN COMMENTS): The commission received no written comments.

9 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR 06-04-049.

10 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that WAC 480-31-140 should be repealed and WAC 480-31-999 should be amended to remove the reference to WAC 480-31-140 in subsection (2)(b), as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 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.

ORDER

11 THE COMMISSION ORDERS:

12 (1) The commission repeals WAC 480-31-140 and amends WAC 480-31-999 to remove the reference to WAC 480-31-140 in subsection (2)(b), as rules of the Washington utilities and transportation commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

13 (2) This order and the rules set out below, after being recorded in the register of the Washington utilities and transportation commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, May 3, 2006.

Washington State Utilities and Transportation Commission
Mark H. Sidran, Chairman
Patrick J. Oshie, Commissioner
Philip B. Jones, Commissioner

AMENDATORY SECTION (Amending WSR 05-21-022, filed 10/10/05, effective 11/10/05)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2005.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2004.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles) (~~and WAC 480-31-140 (Safety inspections)~~).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-31-140 Safety inspections.

**WSR 06-11-030
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-90—Filed May 8, 2006, 3:08 p.m., effective June 16, 2006]

Effective Date of Rule: June 16, 2006.

Purpose: To adopt WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations; and repeal WAC 232-28-284 Spring black bear seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-284.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-06-103 on March 1, 2006.

Hunt areas, permit levels, and season dates for each license year:

| Hunt name | Hunt area | Permits | Season dates ^b |
|------------------|-----------|---------|---------------------------|
| Sherman | GMU 101 | 15 | April 15 – May 31 |
| Kelly Hill | GMU 105 | 10 | April 15 – May 31 |
| Douglas | GMU 108 | 5 | April 15 – May 31 |
| Aladdin | GMU 111 | 10 | April 15 – May 31 |
| 49 Degrees North | GMU 117 | 15 | April 15 – May 31 |

Changes Other than Editing from Proposed to Adopted Version: Changes, if any, from the text of the proposed rule and reasons for difference:

Under "Hunt areas, permit levels, and seasons dates for each license year"

- Based on public testimony, the following permits were increased:

- O Blue Creek from 15 to 30
- O Dayton from 15 to 22
- O Tucannon from 5 to 7
- O Wenaha from 30 to 45
- O Mt. View from 15 to 22
- O Lick Creek from 15 to 22
- O Grande Ronde from 5 to 7

- Changed hunt name from Kapowsin South^a to Kapowsin^a and changed hunt area description language from "That portion of GMUs 653 and 654 that is designated as Kapowsin South by Hancock Management" to "That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management." These changes were made to allow the hunt area to rotate to different parts of Kapowsin Tree Farm from year-to-year.

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.

Date Adopted: April 8, 2006.

Nancy Burkhart
for Ron Ozment, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations.

Who may apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

| Hunt name | Hunt area | Permits | Season dates ^b |
|---|--|---------|---------------------------|
| Huckleberry | GMU 121 | 15 | April 15 – May 31 |
| Blue Creek | GMU 154 | 30 | April 15 – May 31 |
| Dayton | GMU 162 | 22 | April 15 – May 31 |
| Tucannon | GMU 166 | 7 | April 15 – May 31 |
| Wenaha | GMU 169 | 45 | April 15 – May 31 |
| Mt. View | GMU 172 | 22 | April 15 – May 31 |
| Lick Creek | GMU 175 | 22 | April 15 – May 31 |
| Grande Ronde | GMU 186 | 7 | April 15 – May 31 |
| Copalis ^a | GMU 642 | 100 | April 15 – June 15 |
| Kapowsin ^a | That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management | 100 | April 15 – June 15 |
| Capitol Forest ^a | That portion of Capitol Forest within GMU 663 | 100 | April 15 – June 15 |
| ^a Spring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees. | | | |
| ^b Permits are valid for the license year they are issued. | | | |

Bag limit: One black bear per black bear special permit season.

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.

Hunting method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Submitting bear teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2006:

WAC 232-28-284 Spring black bear seasons and regulations.

**WSR 06-11-031
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-91—Filed May 8, 2006, 3:10 p.m., effective June 8, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To adopt WAC 232-28-342 2006-07, 2007-08, 2008-09 Small game seasons, and repeal WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-341.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-06-105 on March 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: Changes, if any, from the text of the proposed rule and reasons for difference:

Under "Early Fall Permit Seasons:"

- To clarify what tags are required to participate in turkey hunting seasons, add the following text "and who possess a valid turkey tag" to the end of the "Legal Hunter" definition.

Under "Late Fall Permit Seasons:"

- Replace the definition of "Legal Hunter" with "All hunters who are selected in the special late fall turkey permit drawing and who possess a valid turkey tag." The adjustment removes the requirement for a fall turkey tag to participate in the late fall permit hunt. This change helps avoid confusion of what tags are required to participate in turkey hunting seasons.

Under "Official Hunting Hours/Bag Limits For Wild Turkey:"

- Original:
SPRING SEASON BAG 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 combined spring season limit is three (3) birds.
- Recommended Adjustment:
SPRING SEASONS BAG LIMIT: The combined spring season limit is three (3) birds. Only two (2) turkeys may be killed in Eastern Washington, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be killed per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.
- Rationale for Adjustment:
The adjustment removes "per year" from the paragraph and clarifies the bag limit in Klickitat County. While the "per year" statement is made under the "Spring Season

Bag Limit," it was causing confusion when considering fall season bag limits.

Under "Eastern Washington Ring-necked pheasant season:"

- Change the opening day in the "Regular Season Dates" section for all three years. Change Oct. 7 to Oct. 21; Oct. 6 to Oct. 20; and Oct. 4 to Oct. 18. The commission made this change based on landowner and deer hunting concerns.
- The following change provides legal clarity, add the underlined text to the following sentence, "The director is authorized to close the pheasant season on an emergency basis as conditions warrant, consistent with RCW 34.05.350 and 77.12.150."

Under "Cottontail and Snowshoe Hare—Falconry; Bag and Possession Limit"

- Remove "twice and daily bag limit:" and replace with Fifteen (15). This change makes the falconry bag limit consistent with the general hunting bag limit.

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.

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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.

Date Adopted: April 8, 2006.

Nancy Burkhart
for Ron Ozment, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 232-28-342 2006-07, 2007-08, 2008-09 Small game seasons.

STATEWIDE SEASONS:

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, straight or mixed bag, with a total of nine (9) grouse in possession at any time.

SEASON DATES: Sept. 1 - Dec. 31, 2006, 2007, 2008.

BOBCAT

Bag and Possession Limits: No limit.

SEASON DATES: Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009.

RACCOON

Bag and Possession Limits: No limit.

OPEN AREA: Statewide, EXCEPT closed on Long Island within Willapa National Wildlife Refuge.

SEASON DATES: Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009.

FOX

Bag and Possession Limits: No limit.

OPEN AREA: Statewide EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

SEASON DATES: Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009.

COYOTE

Bag and Possession Limits: No limit.

OPEN AREA AND SEASON DATES: Statewide, year round. Coyote may only be killed and/or pursued with hounds during the following period: Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009, EXCEPT coyote may be hunted year round with hounds in Grant, Adams, Benton, and Franklin counties.

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.

SEASON DATES: Sept. 1, 2006 - Mar. 15, 2007; Sept. 1, 2007 - Mar. 15, 2008; Sept. 1, 2008 - Mar. 15, 2009.

CROWS

Bag and Possession Limits: No limit.

SEASON DATES: Oct. 1, 2006 - Jan. 31, 2007; Oct. 1, 2007 - Jan. 31, 2008; Oct. 1, 2008 - Jan. 31, 2009.

JACKRABBIT

Season closed statewide.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

WILD TURKEY:

YOUTH SEASON

LEGAL BIRD: Gobblers and turkeys with visible beards only.

SEASON DATES: April 7-8, 2007; April 5-6, 2008; April 4-5, 2009.

SPRING SEASON

LEGAL BIRD: Gobblers and turkeys with visible beards only.

SEASON DATES: April 15 - May 31, 2007, 2008, 2009.

EARLY FALL GENERAL SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 101-124.

SEASON DATES: Sept. 23 - Oct. 6, 2006; Sept. 22 - Oct. 5, 2007; Sept. 27 - Oct. 3, 2008.

EARLY FALL PERMIT SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: All hunters who are selected in the early fall turkey special permit drawing and who possess a valid turkey tag.

OPEN AREA: GMUs 127, 133, 145-186, 382, 388, 568-578.

SEASON DATES: Sept. 23 - Oct. 6, 2006; Sept. 22 - Oct. 5, 2007; Sept. 27 - Oct. 3, 2008.

| Permit Area | Number of Permits |
|------------------------|-------------------|
| GMU 127 | 150 |
| GMU 133 | 200 |
| GMUs 149-163 | 200 |
| GMUs 145, 172-186 | 100 |
| GMUs 382, 388, 568-578 | 75 |

LATE FALL PERMIT SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: All hunters who are selected in the special late fall turkey permit drawing and who possess a valid turkey tag.

OPEN AREA: GMUs 101-124.

SEASON DATES: Nov. 20 - Dec. 15, 2006, 2007, 2008.

PERMITS: 800.

HUNTER EDUCATION INSTRUCTOR INCENTIVE PERMITS

LEGAL BIRD: Gobblers and turkeys with visible beards only.

LEGAL HUNTER: Qualified hunter education instructors who are selected through a random drawing. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.

OPEN AREA: Statewide.

SEASON DATES: April 1 - May 31, 2007, 2008, 2009.

PERMITS: 2.

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

SPRING SEASON BAG LIMIT: The combined spring season limit is three (3) birds. Only two (2) turkeys may be killed in Eastern Washington, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be

killed per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.

EARLY FALL SEASON BAG LIMIT: One (1) turkey during the early fall hunting seasons combined.

LATE FALL PERMIT SEASON BAG LIMIT: One (1) turkey during the late fall permit season.

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, archery, and muzzle-loader shotgun.
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.

EASTERN WASHINGTON SEASONS:**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 DATES: Sept. 23 and 24, 2006; Sept. 22 and 23, 2007; Sept. 20 and 21, 2008. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 21, 2006 - Jan 15, 2007; Oct. 20, 2007 - Jan. 21, 2008; Oct. 18, 2008 - Jan. 19, 2009.

The director is authorized to close the pheasant season on an emergency basis as conditions warrant, consistent with RCW 34.05.350 and 77.12.150.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

YOUTH SEASON DATES: Sept. 23 and 24, 2006; Sept. 22 and 23, 2007; Sept. 20 and 21, 2008. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 7, 2006 - Jan 15, 2007; Oct. 6, 2007 - Jan. 21, 2008; Oct. 4, 2008 - Jan. 19, 2009.

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 DATES: Sept. 23 and 24, 2006; Sept. 22 and 23, 2007; Sept. 20 and 21, 2008. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 7, 2006 - Jan 15, 2007; Oct. 6, 2007 - Jan. 21, 2008; Oct. 4, 2008 - Jan. 19, 2009.

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 DATES: Sept. 23 and 24, 2006; Sept. 22 and 23, 2007; Sept. 20 and 21, 2008. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 7, 2006 - Jan 15, 2007; Oct. 6, 2007 - Jan. 21, 2008; Oct. 4, 2008 - Jan. 19, 2009.

WESTERN WASHINGTON SEASONS:**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 DATES: Sept. 23 and 24, 2006; Sept. 22 and 23, 2007; Sept. 20 and 21, 2008. Open only to youth hunters accompanied by an adult at least 18 years old.

HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER SEASON DATES: Sept. 25-29, 2006; Sept. 24-28 - 2007; Sept. 22-26, 2008.

REGULAR SEASON DATES: Sept. 30 - Nov. 30, 2006; Sept. 29 - Nov. 30, 2007; Sept. 27 - Nov. 30, 2008. 8 a.m. to 4 p.m.; EXCEPT Dungeness Recreation Area Site (Clallam County) starting Oct. 7, 2006; Oct. 6, 2007; Oct. 4, 2008.

EXTENDED SEASON DATES: Dec. 1-15, 2006, 2007, 2008. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island release sites EXCEPT Bayview. 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 license 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 pheasants 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 DATES: Oct. 7 - Nov. 30, 2006; Oct. 6 - Nov. 30, 2007; Oct. 4 - Nov. 30, 2008.

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 DATES: Oct. 7 - Nov. 30, 2006; Oct. 6 - Nov. 30, 2007; Oct. 4 - Nov. 30, 2008.

FALCONRY SEASONS:**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Bag and Possession Limits: 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.

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2006 - Mar. 15, 2007; Aug. 1, 2007 - Mar. 15, 2008; Aug. 1, 2008 - Mar. 15, 2009.

TURKEY - FALCONRY

A turkey tag is required to hunt turkey during the turkey falconry season.

Bag and Possession Limits: One (1) turkey (either sex) per turkey tag with a maximum of two (2) turkeys. Possession limit: Two (2).

OPEN AREA: Eastern Washington.

SEASON DATES: Sept. 1, 2006 - Feb. 15, 2007; Sept. 1, 2007 - Feb. 15, 2008; Sept. 1, 2008 - Feb. 15, 2009.

MOURNING DOVE - FALCONRY

Bag and Possession Limits: 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.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1-15 and Oct. 1 - Dec. 31, 2006, 2007, 2008.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, straight or mixed bag. Possession limit: Fifteen (15).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2006 - Mar. 15, 2007; Aug. 1, 2007 - Mar. 15, 2008; Aug. 1, 2008 - Mar. 15, 2009.

OTHER SEASONS:

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.

Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Eastern Washington: Three (3) Canada geese per day with a total of six (6) in possession at any time.

WESTERN WASHINGTON SEASON DATES: Sept. 9-14, 2006; Sept. 8-13, 2007; Sept. 6-11, 2008. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2006, 2007, and 2008.

EASTERN WASHINGTON SEASON DATES: Sept. 9-10, 2006; Sept. 8-9, 2007; Sept. 6-7, 2008.

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.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1-15, 2006, 2007, 2008.

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.

BAND-TAILED PIGEON

Bag and Possession Limits: Two (2) band-tailed pigeons per day with a total of four (4) band-tailed pigeons in possession at one time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 15-23, 2006, 2007, 2008.

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 of fish and wildlife 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 October 15, hunters must return the harvest report to a department of fish and wildlife office, 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.

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 and 232-12-044).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2006 - Mar. 31, 2007; Aug. 1, 2007 - Mar. 31, 2008; Aug. 1, 2008 - Mar. 31, 2009.

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 round 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.

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 modern firearm deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), and bobcat is prohibited year round.

YAKAMA INDIAN RESERVATION:

The 2006-07, 2007-08, 2008-09 upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

COLVILLE INDIAN RESERVATION:

The 2006-07, 2007-08, 2008-09 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2006:

WAC 232-28-341 2003-04, 2004-05, 2005-06
Small game seasons.

WSR 06-11-032
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-92—Filed May 8, 2006, 3:11 p.m., effective June 8, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat, 232-12-051 Muzzleloading firearms, 232-12-054 Archery requirements—Archery special use permits, 232-12-257 Use of decoys and calls, 232-28-248 Special closures and firearm restriction areas, 232-28-266 Landowner damage hunts, 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations, 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas, 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, 232-28-291 Special hunting season permits, 232-28-295 Landowner hunting permits, 232-28-333 Game management units (GMUs) boundary descriptions—Region three, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-337 Deer and elk area descriptions, 232-28-351 2006-2008 Deer general seasons and definitions, 232-28-352 2006-2008 Elk general seasons and definitions and 232-28-515 Trapping seasons and regulations; and adopt WAC 232-28-353 2006 Deer special permits and 232-28-354 2006 Elk special permits.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-024, 232-12-051, 232-12-054, 232-12-257, 232-28-248, 232-28-266, 232-28-272, 232-28-273, 232-28-282, 232-28-291, 232-28-295, 232-28-333, 232-28-335, 232-28-337, 232-28-351, 232-28-352, and 232-28-515.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-06-103, 06-06-091, 06-06-100, 06-06-101, 06-06-102, 06-06-096, 06-06-097, 06-06-099, 06-06-092, 06-06-094, 06-06-096, 06-06-095 and 06-06-104 on March 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-12-051 Muzzleloading firearms.**

Changes, if any, from the text of the proposed rule and reasons for difference:

- At the end of section (1) retain the following text "and are exposed to the elements." This change was made based on the public input received.
- Split subsection (1) into two sections starting at "Sights must be open...." Add the following text to accommodate special use needs for hunters with disabilities.

Except hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope of visual aid may hunt game birds or game animals during muzzleloader seasons.

WAC 232-12-054 Archery requirements—Archery special use permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

- The language that was added to subsection (1)(a) "except that a handgun may be possessed, but not be used for the purpose of hunting" has been deleted. Additional discussions with enforcement staff and the public have resulted in the decision to not recommend allowing possession of a handgun while archery hunting. The potential for illegally hunting with the handgun during an archery season was compelling and resulted in the change in the recommendation.
- Added the following text after subsection (1)(h) to accommodate special use needs for hunters with disabilities. Except hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during archery seasons.
- Strike out subsection (4)(c) because it is no longer valid.

WAC 232-28-266 Landowner damage hunts.

Changes, if any, from the text of the proposed rule and reasons for difference: The following adjustments are in response to negotiations with the involved landowners.

After Elk Area 3722:

- Change the "any elk" kill quota from 30 to 40.
- Change the "spike bull or antlerless" kill quota from 10 to 12.

After Elk Area 3721:

- For the "bull only" kill quota, change the date back to the original May 15-July 31 (rather than June 15-July 31) to be able to take animals when they are causing the damage.

WAC 232-28-295 Landowner hunting permits.

Changes, if any, from the text of the proposed rule and reasons for difference: The following amendments

reflect final negotiations agreed upon by the landowner and the department:

Under "2006 4-O Cattle Company Landowner Hunting Permits":

- In the "Elk" table, change the Access Season date from "Sept. 8-21 Archery/Oct. 1-22 Modern Firearm" to "Sept. 15-25."

Under "2006 4-O Cattle Company Special Hunting Permits":

- In the "4-O Antlerless Elk A" row change the permit number from 60 to 33 and the Permit Season from "Aug. 27-Sept. 7" to "Aug. 18-24."
- In the hunt "4-O Antlerless Elk B" row change the permit number from 25 to 8 and the Permit Season from "Aug. 27-Sept. 7" to "Aug. 18-24."

Under "2006 4-O Cattle Company Special Hunting Permits," Whitetail deer:

- Delete the "4-O Antlerless Whitetail Deer" hunt.

WAC 232-28-351 2006-2008 Deer general seasons and definitions.

Changes, if any, from the text of the proposed rule and reasons for difference: Under "Youth and Disabled Hunters:"

- For 2007, change the start date to from Oct. 29 to Oct. 27. This change corrects an oversight error and starts the season on a Saturday in 2007 as was originally intended.

Under "Early Archery Deer Seasons, Eastern Washington:"

- Move GMUs 328, 334 through 340, and 346 through 368 from the 3 pt. min. or antlerless, Sept. 1-30, to the 3 pt. min. Sept. 1-15 and the 3 pt. min or antlerless Sept. 16-30 sections. Late winter aerial survey data indicate mule deer numbers are down in these GMUs. There are some concerns that higher than normal winter mortality has occurred this year.
- Added GMU 379 to Eastern Mule Deer, Any mule deer, Sept. 1-30. This amendment implements the change in harvest strategy between the old GMU 381 and the new GMU 379.
- Added GMU 379 to Eastern Whitetail Deer, Any whitetail deer, Sept. 1-30. This amendment implements the change in harvest strategy between the old GMU 381 and the new GMU 379.

Under "Late Archery Deer Seasons":

- Added GMU 381 to Eastern Mule Deer, 3 pt. min. or antlerless, Nov. 20-Dec. 8. This amendment implements the change in the harvest strategy between the old GMU 381 and the new GMU 379.
- Moved GMU 388 to Eastern Mule Deer, 3 pt. min. or antlerless, Nov. 20-Dec. 8. This amendment corrects an error. There was never any intention of changing the dates of the late archery season in the new GMU 388.

Under "Early Muzzleloader Deer Seasons":

- Added GMU 379 to Eastern Whitetail Deer, Any whitetail deer. This amendment implements the

change in harvest strategy between the old GMU 381 and the new GMU 379.

- Added a new row for GMU 379, Eastern Mule Deer, Any mule deer. This amendment implements the change in harvest strategy between the old GMU 381 and the new GMU 379.

Under "Late Muzzleloader Deer Seasons":

- Added GMU 379 to Eastern Whitetail Deer, Any mule deer, Nov. 20 to Dec. 8. This amendment implements the change in harvest strategy between the old GMU 381 and the new GMU 379.
- Added GMU 379 to Eastern Mule Deer, Any mule deer, Nov. 20 to Dec. 8. This amendment implements the change in harvest strategy between the old GMU 381 and the new GMU 379.
- Deleted GMU 381 from Eastern Mule Deer, 3 pt. min. Nov. 20-Dec. 8. This amendment implements the change in harvest strategy between the old GMU 381 and the new GMU 379.
- Moved GMU 130 under Eastern Whitetail Deer, to the 3 pt. min. and antlerless, Nov. 20-30 time period. This amendment corrects an omission in the first filing of the WAC.
- Moved GMU 130 under Eastern Washington Mule Deer to a "new" Antlerless Nov. 20-30 time period. This amendment corrects an omission in the first filing of the WAC.

WAC 232-28-353 2006 Deer special permits.

Changes, if any, from the text of the proposed rule and reasons for difference: The following permit adjustment reductions in antlerless permits are a response to late winter surveys indicating a higher than expected winter mortality in mule deer, in addition to changes due to permit allocation calculations.

Under "Special Deer Permit Hunting Seasons add the following sentence":

- "Hunters may only apply for permits consistent with the tag required for the hunt choice, however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts." This amendment clarifies the rules for special permit applicants who have already successfully drawn a multiple season tag.

Under "Modern Firearm Deer Permits":

- Moved Whitcomb A hunt to "Muzzleloader Only Deer Permit Hunts" section. This amendment better accommodates a hunt on land managed by the USFWS.
- Moved Paterson A hunt to "Muzzleloader Only Deer Permit Hunts" section. This amendment better accommodates a hunt on land managed by the USFWS.
- Change Naneum A from 150 permits to 100 permits.
- Reduced permits for Naneum B from 25 to 24.
- Reduced permits for Quilomene A from 74 to 24.
- Change Teanaway A from 200 permits to 100 permits.
- Reduced permits for Teanaway B from 25 to 24.
- Change Taneum A from 150 permits to 75 permits.

- Reduced permits for L.T. Murray A from 25 to 24.
- Change Nile A from 20 permits to 10 permits.
- Reduced permits for Alkali A from 74 to 73.
- Change Alkali B from 80 permits to 70 permits.

Under "Muzzleloader Only Deer Permit Hunts:"

- Reduced permits for Chiwawa B from 15 to 3.
- Reduced permits for Desert C from 4 to 3.
- Reduced permits for Naneum C from 25 to 3.
- Reduced permits for Quilomene B from 11 to 3.
- Change Teanaway C from 100 permits to 50 permits.
- Reduced permits for Teanaway D from 25 to 3.
- Change Manastash from 90 permits to 50 permits and add the letter A to the Hunt Name.
- Reduced permits for L.T. Murray B from 25 to 3.
- Reduced permits for Alkali C from 11 to 10.

Under "Archery Only Deer Permits":

- Increased permits for Chiwawa D from 10 to 19.
- Reduced permits for Desert D from 21 to 14.
- Reduced permits for Naneum D from 25 to 20.
- Reduced permits for Quilomene C from 76 to 20.
- Reduced permits for Teanaway E from 25 to 20.
- Reduced permits for L.T. Murray C from 25 to 20.
- Increased permits for Alkali E from 73 to 91.

Under "Special Modern Firearm Deer Permit Hunts for hunters 65 or Older":

- Change Quilomene D from 20 permits to 10 permits.
- Change Manastash from 50 permits to 25 permits and add the letter B to the Hunt Name.
- Change Umtanum A from 20 permits to 10 permits.
- Changed the Grayback D ending date from Oct. 31 to Oct. 27. This amendment corrects an omission.

Under "Disabled Hunter Deer Permits"

- Change Quilomene E from 10 permits to 5 permits.
- Change Manastash C from 20 permits to 10 permits.
- Changed Grayback E from 2 pt. min. to 3 pt. min. or antlerless. This amendment corrects an omission and makes Grayback E consistent with other GMU 388 hunts.

Under "Youth Special Deer Permit Hunts - Modern Firearm Only":

- Moved Whitcomb B hunt to the "Youth Special Deer Permit Hunts - Muzzleloader Only" section. This amendment better accommodates a hunt on land managed by the USFWS.
- Moved Paterson B hunt to the "Youth Special Deer Permit Hunts - Muzzleloader Only" section. This amendment better accommodates a hunt on land managed by the USFWS.
- Add the following new hunt after East Klickitat E:

| | | | | |
|---------------|----------------|------------|---------|---|
| Green River C | Oct. 28-Nov. 3 | Antlerless | GMU 485 | 5 |
|---------------|----------------|------------|---------|---|

This additional hunt is a result of joint state/tribal surveys of the deer population and negotiations with the tribal government that is involved with deer hunting in the Green River Watershed.

- Changed the opening state for Skookumchuck D from Oct. 9-31 to Oct. 7-31. This adjustment is rec-

ommended due to a recent development with private landowners willing to provide additional weekend access for youth hunters.

Under "Special Deer Permits - Second Deer Tag:"

- To better clarify the restrictions that apply to successful second deer applicants, add the words "deer" and "type" to the sentence: "The second deer license and tag type must be the same tag type as the first one."

Under "Hunter Education Instructor Incentive Permits":

- Added GMUs 382 and 388 to the Region 3 open GMUs. This adjustment corrects an oversight from previous years.

WAC 232-28-352 2006-2008 Elk general seasons and definitions.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Under "Spike Bull Antler Restrictions" in the first sentence changed ears to the singular, "ear." This amendment clarifies the rule pertaining to spike only restrictions.
- Under "Spike Only GMUs" replaced the dash between 249 and 251 with a comma. This corrects an error in the filing.
- Under "3 Point Antler Restrictions," in the first sentence replaced "on the upper half of the main beam" with "above the ear." This amendment clarifies the rule pertaining to 3-point antler restrictions.
- Under "3 Point GMUs" added the following "652 for archers, 666, 684." This corrects an error in the filing.
- Under "Permit Only Units" added GMU "653." This corrects an error in the filing.
- Under "Modern Firearm Elk Seasons," "Late Archery Elk Seasons," and "Late Muzzleloader Elk Seasons" for Elk Area 3911, the following footnote was added:

****Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.**

- As a result of public input received at the commission meeting, GMU 249 was moved from "Early Archery Elk" Eastern Washington, Spike bull to "Early Archery Elk" Eastern Washington, Any elk.
- Under "Early Archery Elk," Eastern Washington, Spike bull or antlerless, deleted Elk Area 1012. The elk area is already encompassed in Elk Area 1010 and is therefore redundant for this season.
- Under "Early Muzzleloader Elk Seasons, Eastern Washington," moved GMU 250 from "Spike bull" to "Any elk." This corrects an error in the filing.

WAC 232-28-354 2006 Elk special permits.

Changes, if any, from the text of the proposed rule and reasons for difference: Most of the following permit

adjustments reflect changes due to permit allocation calculations.

Under "Special Elk Permit Hunting Seasons":

- Added the following sentence: "Hunters may only apply for permits consistent with the tag required for the hunt choice, however, Multiple Season Permit holders may apply for eastern or western Washington archery, muzzleloader, or modern firearm permit hunts." This amendment clarifies the rules for special permit applicants who have already successfully drawn a multiple season tag.

Under "Modern Firearm Bull Permit Hunts":

- Changed the Watershed hunt to open on Oct. 28 not Oct. 23. This adjustment corrects an error and incorporates the date agreed upon with the land manager of the watershed.
- Reduced permits for Mission A from 7 to 2. The permits have been reduced to achieve reduced mortality for mature bulls in the Colockum.
- The number of permits for Colockum A should be 7. The permit number was left blank when filed.
- Increased permits for Teanaway A from 10 to 24.
- Reduced permits for Peaches Ridge A from 142 to 132.
- Reduced permits for Observatory A from 77 to 76.
- Reduced permits for Goose Prairie A from 92 to 88.
- Increased permits for Rimrock A from 109 to 118.
- Change the number of permits for Green River from 1 to 3. This change is a result of joint state/tribal surveys of the elk population and negotiations with tribal governments involved with hunting in the Green River Watershed.
- Increased permits for Margaret A from 22 to 23.
- Increased permits for Toutle A from 87 to 91.
- Reduced permits for White River A from 75 to 23.

Under "Modern Firearm Elk Permit Hunts":

- The Malaga D hunt should end on December 31 not January 30. This corrects an oversight. It was the department's intent to reduce the amount of hunting pressure in the Malaga.
- Increased permits for Margaret B from 25 to 30. This change was made based on late breaking developments within the elk herd and as a result of public input received at the commission meeting.
- Increased permits for Toutle B from 35 to 50. This change was made based on late breaking developments within the elk herd and as a result of public input received at the commission meeting.
- The following hunt was inadvertently omitted in the filing:

| | | | | | |
|-------------|-----------|------------|----|---------------|----|
| Green Mtn C | Nov. 4-12 | Antlerless | WF | Elk Area 5051 | 10 |
|-------------|-----------|------------|----|---------------|----|

- To deal with a damage problem the following hunt was added:

| | | | | | |
|------------|------------------|------------|----|---------------|----|
| Wildwood A | Jan. 16-30, 2007 | Antlerless | WF | Elk Area 5061 | 15 |
|------------|------------------|------------|----|---------------|----|

- Increased permits for Williams Creek from 40 to 50.

Under "Muzzleloader Bull Permit Hunts":

- Increased permits for Dayton D from 2 to 3.
- Reduced permits for Mission B from 3 to 1. The permits have been reduced to achieve reduced mortality for mature bulls in the Colockum.
- Colockum C should be changed to Colockum B and the number of permits should be 1. The permit number was left blank when filed.
- Increased permits for Teanaway C from 2 to 7.
- Reduced permits for Peaches Ridge B from 22 to 19.
- Reduced permits for Observatory B from 25 to 23.
- Reduced permits for Goose Prairie B from 15 to 14.

Under "Muzzleloader Bull Permit Hunts":

- Reduced permits for Rimrock C from 17 to 16.
- Increased permits for Cowiche C from 9 to 11.
- Reduced permits for Skokomish B from 3 to 1.
- The number of permits for White River B should be 3. The permit number was left blank when filed.

Under "Muzzleloader Permit Hunts":

- To deal with a damage problem the following hunt was added:

| | | | | | |
|------------|-----------------|------------|----|---------------|----|
| Wildwood B | Jan. 1-15, 2007 | Antlerless | WM | Elk Area 5061 | 15 |
|------------|-----------------|------------|----|---------------|----|

- Increased permits for Margaret D from 10 to 15. This change was made based on late breaking developments within the elk herd and as a result of public input received at the commission meeting.
- Increased permits for Toutle D from 10 to 15. This change was made based on late breaking developments within the elk herd and as a result of public input received at the commission meeting.

Under "Archery Permit Hunts":

- Reduced permits for Tucannon C from 2 to 1.
- Increased permits for Wenaha C from 2 to 3.
- Change Colockum "D" to Colockum "C" and the number of permits to 8. The permit number was left blank when filed.
- Increased permits for Teanaway E from 13 to 29.
- Reduced permits for Peaches Ridge C from 144 to 108.
- Reduced permits for Observatory C from 93 to 88.
- Reduced permits for Goose Prairie C from 170 to 147.
- Increased permits for Bethel E from 45 to 47.

Under "Archery Permit Hunts":

- Increased permits for Rimrock D from 112 to 118.
- Reduced permits for Cowiche E from 24 to 22.
- Reduced permits for Margaret E from 10 to 8.
- Reduced permits for Toutle E from 55 to 47.
- Reduced permits for Skokomish C from 10 to 5.
- The number of permits for White River C should be 19. The permit number was left blank when filed.

Under "Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts":

- The Malaga J hunt was deleted. It was the department's intent to delete this hunt to reduce the amount of hunting pressure in the Malaga.

Under "Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts":

- Delete "(second tag purchase deadlines do not apply to these hunts)." This text is unnecessary and may add confusion.

| | | | | | |
|-------------|-----------------------|------------|-------------|-----------------------------|------------------|
| Peola B | Aug. 11-Sept. 7 | Antlerless | Any elk tag | Designated areas in GMU 178 | 15 ^{HM} |
| Peola C | Dec. 9-Jan. 31, 2007 | Antlerless | Any elk tag | Designated areas in GMU 178 | 15 ^{HM} |
| Blackrock A | Aug. 1-March 31, 2007 | Any elk | Any elk tag | Elk Area 3722 | 3 ^{HM} |

- Malaga K was changed to Malaga J. The date was changed to open on January 1 from February 1. This adjustment reorders the hunt names and adjusts dates to reflect the previous adjustment.
- Change the start date for Corral Canyon D from June 15 to July 1. The initial date was a carry over error from last year. The date in error was earlier than the date for special permit lottery selection process.
- Changed Blackrock A to B permits from 18 to 5.

Under "Youth 15 and Under - Special Elk Permit Hunts":

- For clarification delete the words "~~15 and Under~~" from the heading, and add (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)
- Changed Blackrock B to C, change restrictions from antlerless to spike or antlerless, increased permits from 10 to 20.

Under "Persons of Disability Only":

- Changed Blackrock C to D and changed the permits from 2 to 2^{HM}.
- The following hunt was inadvertently omitted in the filing:

| | | | | | |
|----------|---------------|---------|----|---------|---|
| Alkali C | Oct. 21-Nov 5 | Any elk | EF | GMU 371 | 4 |
|----------|---------------|---------|----|---------|---|

This amendment facilitates a hunt that was agreed upon with the Yakima training center after the filing of CR 102.

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region 3.

Changes, if any, from the text of the proposed rule and reasons for difference: Under the description for GMU 328 change the spelling of "Blewitt" to Blewett. This amendment corrects a spelling error.

Added the following edits to GMU 372. The underlined bold text corrects an error in the old language and accommodates the creation of the new GMU 379.

- "**GMU 372 RATTLESNAKE HILLS (Benton and Yakima counties):** Beginning at...to the Vernita Bridge on SR 24; E and S down the ((~~Benton County side of~~)) Grant-Benton county line then the Benton-Franklin county line, along the Columbia River, ((~~following the ordinary high water mark of the shoreline~~)) to the mouth of..."

Under the description for GMU 388, "S on Lakeside Rd to Glenwood - Goldendale Hwy." should read north. Change the S to N. This amendment corrects a typographical error held over from the old GMU 588 Grayback description.

- For clarification the following sentence was added, "The second elk license and tag type must be the same tag type as the first one."
- The following three hunts were inadvertently omitted in the filing:

WAC 232-28-337 Deer and elk area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference: The following changes were made for clarification.

For Elk Area 3068, replaced the entire boundary with new language.

For Elk Area 3911:

- Added the text in bold "...west on USFS Road 4305 to Corral Creek, east along Corral Creek to West Fork Teanaway River...."
- Removed the word "Road" after Parke Creek.

The following changes were made to Elk Area 5061:

- **Elk Area No. 5061 Wildwood (Lewis County):** Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); ((~~west~~)) - southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); ((~~west~~)) east on the Weyerhaeuser 4700 road to the Weyerhaeuser 5822 Road ((~~NE1/4~~)) NW1/4 S16 T11N R4W); ((~~west~~)) east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road ((~~SE1/4~~)) NW1/4 S10 T11N R4W); ((~~southwest along~~)) southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road ((~~SE1/4~~)) SE1/4 S10 T11N R4W); south on the PWT 574 Road to the ((~~PWT~~)) 570 Road (NW1/4 S14 T11N R4W); south on the ((~~PWT~~)) 570 Road to the ((~~PWT~~)) 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N 1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

For Elk Area 6012, replaced "between the western boundary of the city of Elma and the Satsop River." with the following new text "between the Satsop River and Schouweiler and Hurd Roads and then a line north from the end of Hurd Road to a point two miles north of SR 12."

For Elk Area 6073, changed the last word of the description from "east" to "north."

Delete boundary language description for Deer Area 3081. This Dear Area is redundant with GMU 379 and is no longer needed.

WAC 232-28-248 Special closures and firearm restriction areas.

Changes, if any, from the text of the proposed rule and reasons for difference: Under "Restricted and Prohibited Hunting Areas":

- Amend the Parker Lake closure for clarification and to distinguish it from other locations in the state: Parker Lake (GMU 117, Pend Oreille County): All lands south.

WAC 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations.

Changes, if any, from the text of the proposed rule and reasons for difference: Under 2006-2007, 2007-2008, and 2008-2009 Cougar Seasons:

- Change East Cascades North B and Northeastern B season dates from Oct. 14-Nov. 5 to Oct. 14-Nov. 19, 2006, Oct. 13-Nov. 19, 2007, Oct. 11-Nov. 19, 2008. The adjustment is needed so any legal weapon cougar seasons overlap with modern firearm deer and elk seasons.

WAC 232-28-273 2006-08 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Changes, if any, from the text of the proposed rule and reasons for difference: To remove the situation where a youth is eligible to purchase a youth moose application, but turns 16 before the youth-only moose season or before purchasing a moose license, change superscript a from:

^aApplicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

To:

^aApplicants must be eligible to purchase a youth moose license by Nov. 30 during the license year they are applying for. Youth hunters must be accompanied by an adult during the hunt.

Under Bighorn Sheep Permit Hunts: The following changes are calendar date adjustments only:

- Selah Butte from Nov. 7-30 to Nov. 6-30.
- Umtanum from Sept. 15-Oct. 10 to Sept. 15-Oct. 6.
- Cleman Mountain A from Sept. 15-Oct. 2 to Sept. 15-Oct. 6.
- Cleman Mountain B from Nov. 7-30 to Nov. 6-30.
- Quilomene A from Sept. 15-Oct. 2 to Sept. 15-Oct. 6.
- Quilomene B from Nov. 7-30 to Nov. 6-30.

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

Changes, if any, from the text of the proposed rule and reasons for difference: Under California Bighorn Sheep, Moose, and Mountain Goat Auction Permits:

- Delete "...except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons," under the weapon type language in each section. The change is because there are no archery or muzzleloader seasons for these species and to be consistent with other big game auction and raffle permits.

Under California Bighorn Sheep Permit and California Bighorn Sheep Raffle Permit Hunt:

- Added "are not open" to the end of the "Open Area" description.

Under California Bighorn Sheep, Moose, and Mountain Goat Raffle Permits and Rocky Mountain Bighorn Sheep Auction or Raffle Permit:

- Change the wording after weapon from "Hunter may use any legal weapon." to "Any legal weapon." The change is for consistency with other big game auction and raffle permit language.

WAC 232-28-291 Special hunting season permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Removed the strike out after 1. This language needs to be retained to help clarify the new text after 1.B.
- Insert the following text after B for clarification.
C. Multiple season deer and elk permit applications may be purchased without additional licenses or tags. The purchase of the application will result in entry into the drawing. Persons who are successfully drawn must purchase a multiple season permit for deer or elk and may also apply for archery, muzzleloader, or modern firearm special hunting season permits for the species drawn.

This rationale applies to all of the following bulleted recommended adjustments. The original language only addressed wild turkey special hunting permits in general and addressed special permits by species. Changes to WAC 232-28-342 require special permit applications for two different special turkey-hunting permits (early and late fall). A change from "species" to "category" was needed because multiple season deer and elk permits and two different types of turkey permits required the ability to apply for more than one application per species.

- 3.B., added the words "Early fall" at the beginning of the sentence and after "...to hunt turkeys in the early fall special hunting season."
- Added section 3.C; "Late fall wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the late fall special hunting season."
- 4.A., deleted the first sentence, "Group applications will be accepted for any species with a group size larger than one."
- 4.A., replaced the word species with category in the second sentence.
- 4.A.vii., added the words early fall.
- 4.A.ix., added "Maximum group size for late fall turkey is 4."
- 4.A.x., added "Maximum group size for multiple season deer is 1."
- 4.A.xi., added "Maximum group size for multiple season elk is 1."
- 4.B., replaced the word species with category in the second sentence.

Struck out subsection (7), it is already established in RCW 77.32.450 and is not necessary to be able to implement a second deer or elk tag.

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 17, 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.

Date Adopted: April 8, 2006.

Nancy Burkhart
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 99-118, filed 8/11/99, effective 9/11/99)

WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat. (1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

(2) Any river otter, cougar, or bobcat raw pelt must be presented by the person harvesting the animal, in such a manner that teeth and biological samples can be extracted, to an authorized department employee for sealing.

(3) The raw pelt of a bobcat or river otter must be sealed by an authorized department employee within 20 days after the close of the appropriate hunting or trapping season in which it was killed.

(4) Any person who takes a cougar without the use of dogs must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. Any person who takes a cougar with the use of dogs must notify the department within 24 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 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.

(5) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

(6) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag and/or seal from the state or country of origin and be accompanied by an invoice or declaration specifying the number of pelts in the shipment.

(7) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a pelt that has been processed.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

WAC 232-12-051 Muzzleloading firearms. (1) It is unlawful to carry or possess any firearm during 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. Shot shell and 209 primers are not legal.

(2) 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. Except hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during muzzleloader seasons.

~~((2))~~ (3) 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))~~ (4) 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))~~ (5) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.

~~((5))~~ (6) This section shall not apply to persons lawfully hunting game birds with a shotgun.

~~((6))~~ (7) Only one barrel of a double barrel muzzleloader may be ~~((charged with a load))~~ loaded with powder or bullet or capped at any one time while hunting in a muzzleloading season except in specified firearm restricted areas.

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

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 hunt game birds or game animals using 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, except disabled hunter permittees in possession of a crossbow special use permit.

(f) It is unlawful to hunt big game animals with any arrow or bolt 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.

(h) It is unlawful to hunt wildlife with any bow or crossbow equipped with a scope. Except hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during archery seasons.

(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) Rules pertaining to crossbows:

(a) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a working trigger safety.

(b) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.

(c) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.

(4) Archery special use permits:

(a) An archery special use permit is available to a person who possesses a valid disabled hunter permit. An archery special use permit application must be 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 limita-

tion 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 game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is not limited to: Cocking devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow. Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American Medical Association may be conducted to assess a person's abilities.

~~((e) Subsection (4)(b) of this section, crossbow special use permits will be valid for the 2004 through 2006 hunting seasons, unless reauthorized by the Washington fish and wildlife commission.))~~

AMENDATORY SECTION (Amending Order 01-157, filed 8/20/01, effective 9/20/01)

WAC 232-12-257 Use of ~~(waterfowl)~~ decoys and calls. (1) It is unlawful to hunt waterfowl, wild turkeys, or deer with the use or aid of battery-powered or other electronic devices as decoys.

(2) It is unlawful to hunt waterfowl, wild turkeys, or deer with the use or aid of electronic calls.

(3) On days open to waterfowl hunting, persons using lands or waters controlled by the department shall not:

(a) Place waterfowl decoys prior to 4:00 a.m.;

(b) Allow or permit waterfowl decoys to be unattended or not in their immediate control for a period greater than one hour; or

(c) Fail to remove waterfowl decoys within two hours after the close of established daily hunting hours.

~~((2))~~ (4) On days closed to waterfowl hunting, persons using lands or waters controlled by the department shall not place waterfowl decoys except as authorized by permit of the director.

~~((3) It is unlawful to hunt waterfowl with the use or aid of battery-powered or other electronic devices as decoys.~~

~~(4))~~ (5) This regulation shall be enforced under RCW 77.15.400.

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

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. Parker Lake (GMU 117, Pend Oreille County): 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. The Parker Lake closure was established to provide a protected area for the Air Force Military Survival Training Program.
2. 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.
3. 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.
4. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
5. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.
6. 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.

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 Ska-

- mokawa 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 the hunting of elk by the holders of GMU-157 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 any of 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. 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.

Additional firearm restrictions may be listed under the area description.

| COUNTY | AREA |
|---------|--|
| Chelan | That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning. |
| Clallam | That portion of GMU 624 (Coyle) located within Clallam County. |
| Clark | GMU 564 (Battleground) That portion of GMU 554 in Clark County. |

| COUNTY | AREA | COUNTY | AREA |
|--------------|---|------------------------------|--|
| Cowlitz | GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County. | | 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. |
| 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 one mile 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. | 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 centerfire rifles during deer and elk seasons. |
| | | <u>Klickitat</u> | <u>Elk Area 5062 (Trout Lake) closed to centerfire rifles, handguns, and muzzleloaders October 1 to December 15.</u> |
| | | 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 muzzleloader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. |
| Island | That portion of GMU 410 (Island) located on Camano and Whidbey islands. | | GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area. |
| Jefferson | Indian and Marrowstone islands. | | <u>All San Juan County.</u> |
| King | The area west of Highway 203 (Monroe-Fall City, then 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. This area is restricted to archery only: | <u>San Juan</u> Snohomish | <u>((West of Highway 9-)) All areas west of Highway 9, until the intersection of Highway 9 and Highway 2, then east along Highway 2 to Highway 203, then all areas west of Highway 203 to the Snohomish/King County line.</u> |

| COUNTY | AREA |
|----------|---|
| Skagit | ((Guemes Island and March Point north of State Highway 20.)) <u>All mainland areas and islands in Skagit County west of I-5 and north of the Skagit/Snohomish County line.</u> |
| Skamania | That portion of GMU 564 (Battle Ground) in Skamania County. |
| 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.)) <u>All mainland areas and islands of Whatcom County that are west of I-5.</u> |

AMENDATORY SECTION (Amending Order 05-85, filed 5/10/05, effective 5/15/05)

WAC 232-28-266 ((2003-2004, 2004-2005, 2005-2006)) Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

A landowner with deer/elk damage will enter into a Cooperative Agreement (contract) with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments, except Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework: August 1 - March 31

| | | |
|------------------------|----------------------|-----------------------|
| ((2003-2004 | 2004-2005 | 2005-2006 |
| August 1- | August 1- | August 1- |
| March 31 | March 31 | March 31)) |

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: ~~((600 Statewide))~~ 300 Per license year

Location: Region One

Legal Deer: Antlerless Only

Kill Quota: 300 Per license year

Location: GMUs 105-124

Legal Deer: Whitetail Antlerless Only

Kill Quota: 300 Per license year

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

| | | |
|------------------------|----------------------|-----------------------|
| ((2003-2004 | 2004-2005 | 2005-2006 |
| August 1- | August 1- | August 1- |
| March 31 | March 31 | March 31)) |

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 ~~((Statewide))~~ Per license year

Location: Hanford Area

Elk Area 3722

Kill Quota: ~~((30))~~ 40 any elk; ~~((40))~~ 12 spike bull or antlerless; 60 antlerless only; per license year

Elk Area 3721

Kill Quota: 50 spike or antlerless during Aug. 1 - March 31~~((; 2006))~~; 30 bulls only during May 15 - July 31, except spike only July 1-31; per license year.

Special Note: Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access. Landowners in Elk Area 3722 who receive bull permits will not be considered for damage claims.

AMENDATORY SECTION (Amending Order 04-284, filed 10/14/04, effective 11/14/04)

WAC 232-28-272 ((2003-2004, 2004-2005, and 2005) 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations.

2006-2008 Fall Black Bear Seasons:

~~((2003-Black bear seasons*))~~

| Black Bear Management | | |
|------------------------------|------------------|--|
| Unit | Season | Hunt Area |
| Coastal | Aug. 1 - Nov. 15 | GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684 |
| Puget Sound | Aug. 1 - Nov. 15 | GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667 |
| North Cascades | Aug. 1 - Nov. 15 | GMUs 418-450, 460 |

| Black Bear Management Unit | Season | Hunt Area |
|-----------------------------------|---|---|
| South Cascades | Aug. 1 - Nov. 15 | GMUs 466, 485, <u>503</u> , 505, 510-520, 524, 550-574, 653, 654 |
| Okanogan | Aug. 1 - Nov. 15 | GMUs 203, 209-243 |
| East Cascades | Aug. 1 - Nov. 15 | GMUs 244-247, 249-251, 328, 329-((371)), <u>368</u> , 382, <u>388</u> , 578((-588)) |
| Northeastern A | Sept. ((2)) <u>5</u> - Nov. 15, <u>2006</u> <u>Sept. 4 - Nov. 15, 2007</u> <u>Sept. 2 - Nov. 15, 2008</u> | GMUs 101-117 |
| Northeastern B | Aug. 1 - Nov. 15 | GMUs 121-130, 204 |
| Blue Mountains | Sept. ((2)) <u>5</u> - Nov. 15, <u>2006</u> <u>Sept. 4 - Nov. 15, 2007</u> <u>Sept. 2 - Nov. 15, 2008</u> | GMUs 145-154, 162-186 |
| Columbia Basin | Aug. 1 - Nov. 15 | GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381 |
| ((West Side PLWMA's | July 15 - Nov. 15 | PLWMA's 401, 600)) |
| Long Island | Sept. ((2)) <u>5</u> - Nov. 15, <u>2006</u> <u>Sept. 4 - Nov. 15, 2007</u> <u>Sept. 2 - Nov. 15, 2008</u> | GMU 699 |

((2004 Black bear seasons:

| Black Bear Management Unit | Season | Hunt Area |
|-----------------------------------|------------------|---|
| Coastal | Aug. 1 - Nov. 15 | GMUs 501, 504, 506-, 530, 601, 602, 603-, 607-621, 636-651-, 658-663, 672-684 |
| Puget Sound | Aug. 1 - Nov. 15 | GMUs 407, 410, 454-, 624, 627, 633, 652-, 666, 667 |
| North Cascades | Aug. 1 - Nov. 15 | GMUs 418-450, 460 |
| South Cascades | Aug. 1 - Nov. 15 | GMUs 466, 485, 505-, 510-520, 524, 550-574-, 653, 654 |
| Okanogan | Aug. 1 - Nov. 15 | GMUs 203, 209-243 |

| Black Bear Management Unit | Season | Hunt Area |
|-----------------------------------|-------------------|--|
| East Cascades | Aug. 1 - Nov. 15 | GMUs 244-247, 249-251, 328, 329-371-, 382, 578, 588 |
| Northeastern A | Sept. 7 - Nov. 15 | GMUs 101-117 |
| Northeastern B | Aug. 1 - Nov. 15 | GMUs 121-130, 204 |
| Blue Mountains | Sept. 7 - Nov. 15 | GMUs 145-154, 162-186 |
| Columbia Basin | Aug. 1 - Nov. 15 | GMUs 133, 136, 139-, 142, 248, 254, 260-290, 371-381 |
| West Side PLWMA's | July 15 - Nov. 15 | PLWMA's 401, 600 |
| Long Island | Sept. 7 - Nov. 15 | GMU 699 |

2005 Black bear seasons:

| Black Bear Management Unit | Season | Hunt Area |
|-----------------------------------|-------------------|---|
| Coastal | Aug. 1 - Nov. 15 | GMUs 501, 504-, 506, 530, 601-, 602, 603, 607-621, 636-651-, 658-663, 672-684 |
| Puget Sound | Aug. 1 - Nov. 15 | GMUs 407, 410-, 454, 624, 627-, 633, 652, 666-, 667 |
| North Cascades | Aug. 1 - Nov. 15 | GMUs 418-450, 460 |
| South Cascades | Aug. 1 - Nov. 15 | GMUs 466, 485-, 505, 510-520-, 524, 550-574-, 653, 654 |
| Okanogan | Aug. 1 - Nov. 15 | GMUs 203, 209-243 |
| East Cascades | Aug. 1 - Nov. 15 | GMUs 244-247-, 249-251, 328-, 329-371, 382-, 578, 588 |
| Northeastern A | Sept. 6 - Nov. 15 | GMUs 101-117 |
| Northeastern B | Aug. 1 - Nov. 15 | GMUs 121-130-, 204 |
| Blue Mountains | Sept. 6 - Nov. 15 | GMUs 145-154-, 162-186 |
| Columbia Basin | Aug. 1 - Nov. 15 | GMUs 133, 136-, 139, 142, 248-, 254, 260-290-, 371-381 |

Black Bear Management

| Unit | Season | Hunt Area |
|-------------------|-------------------|-----------------|
| West Side PLW-MAs | July 15 - Nov. 15 | PLWMAs 401, 600 |
| Long Island | Sept. 6 - Nov. 15 | GMU 699)) |

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Area Restriction: Special deer permit required to hunt black bear in GMU 485.

~~((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 |

| Unit | Season | Hunt Area | Special Restrictions |
|-----------------------|--|--|--|
| Coastal | Aug. 1 - Mar. 15 | GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699 | Any legal weapon |
| Puget Sound | Aug. 1 - Mar. 15 | GMUs 407, 410, 454, 624-633, 652, 666 | Any legal weapon |
| North Cascades | Aug. 1 - Mar. 15 | GMUs 418, 426, 437, 448, 450, 460, 466, 485 | Any legal weapon |
| South Cascades | Aug. 1 - Mar. 15 | GMUs 503 , 505, 510-520, 524, 550-574, 653, 654, 667 | Any legal weapon |
| East Cascades North A | Aug. 1 - Mar. 15 | GMUs 328, 329, 334-340 | Any legal weapon |
| East Cascades North B | ((Oct. 16 - Nov. 19)) <u>Oct. 14 - Nov. 19, 2006</u> <u>Oct. 13 - Nov. 19, 2007</u> <u>Oct. 11 - Nov. 19, 2008</u> | GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties | Any legal weapon |
| East Cascades North C | Sept. 1 - Nov. 30 | GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties | Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag. |
| East Cascades South | Aug. 1 - Mar. 15 | GMUs 342-368, 382, 388 , 578 (588) | Any legal weapon |
| Northeastern A | Aug. 1 - Mar. 15 | GMUs 124-133 | Any legal weapon |

~~**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.

2006-2007, 2007-2008, and 2008-2009 Cougar Seasons:

~~((Seasons for each license year, 2003-2005:))~~

| Unit | Season | Hunt Area | Special Restrictions |
|----------------|--|---|--|
| Northeastern B | ((Oct. 16 - Nov. 19)) <u>Oct. 14 - Nov. 19,</u> <u>2006</u> <u>Oct. 13 - Nov. 19,</u> <u>2007</u> <u>Oct. 11 - Nov. 19,</u> <u>2008</u> | GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204 | Any legal weapon |
| Northeastern C | Sept. 1 - Nov. 30 | GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204 | Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag. |
| Blue Mountains | Aug. 1 - Mar. 15 | GMUs 145-154, 162-186 | Any legal weapon |
| Columbia Basin | Aug. 1 - Mar. 15 | GMUs 136-142, 248, 254-290, 330, 371((-372,)) -381 | Any legal weapon |

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.

Area Restriction: Special deer permit required to hunt cougar in GMU 485.

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 by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

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 location 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))~~ comply with the sealing requirements in WAC 232-12-024.

AMENDATORY SECTION (Amending Order 05-89, filed 5/10/05, effective 6/10/05)

WAC 232-28-273 ((2005)) 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

((2005)) Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for 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.

| Hunt Name | Permit Season | Permit Hunt Boundary Description | Special Restrictions | <u>((2005))</u> Permits |
|-------------------------------------|----------------|--|----------------------|--------------------------------|
| Kettle Range | Oct. 1-Nov. 30 | GMUs 101, 105 | Any Moose | 1 |
| Selkirk Mtns. | Oct. 1-Nov. 30 | GMU 113 | Any Moose | 20 |
| Mt. Spokane A | Oct. 1-Nov. 30 | GMU 124((-))) east of Hwy 395 | Any Moose | 10 |
| Mt. Spokane B | Oct. 1-Nov. 30 | GMU 124((-))) east of Hwy 395 | Antlerless Only | 12 |
| Mt. Spokane Youth Only ^a | Oct. 1-Nov. 30 | GMU 124((-))) east of Hwy 395 | Antlerless Only | 8 |
| 49 Degrees North <u>A</u> | Oct. 1-Nov. 30 | GMU 117 | Any Moose | 22 |
| 49 Degrees North B ^b | Oct. 1-Nov. 30 | GMU 117 | Antlerless Only | 3 |

| Hunt Name | Permit Season | Permit Hunt Boundary Description | Special Restrictions | ((2005)) Permits |
|-------------------|----------------|----------------------------------|----------------------|------------------|
| Three Forks | Oct. 1-Nov. 30 | GMUs 108, 111 | Any Moose | ((6)) <u>8</u> |
| Hangman A | Oct. 1-Nov. 30 | GMUs 127, 130 | Any Moose | 5 |
| Hangman B | Oct. 1-Nov. 30 | GMUs 127, 130 | Antlerless Only | ((3)) <u>5</u> |
| Huckleberry Range | Oct. 1-Nov. 30 | GMUs 121, 124 west of Hwy 395 | Any Moose | 6 |

^aApplicants must be eligible to purchase a youth moose ((~~permit application~~)) license by November 30 during the license year they are applying for. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

((2005 Mountain)) Bighorn Sheep ((Bighorn)) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

| Hunt Name | Permit Season | Permit Hunt Boundary Description | Special Restrictions | ((2005)) Permits |
|--|--|-----------------------------------|-------------------------|---------------------------|
| Vulcan Mountain | Sept. 15-Oct. 10 | Sheep Unit 2 | Any Legal Weapon | 1 |
| ((Umtanum)) Selah Butte ((A)) | ((Sept. 15-Oct. 2)) <u>Nov. 6-30</u> | Sheep Unit 4 ((and 5)) | Any Legal Weapon | ((4)) <u>5</u> |
| Umtanum ((Selah Butte B)) | ((Nov. 7-30)) <u>Sept. 15-Oct. 6</u> | Sheep Unit ((4 and)) 5 | Any Legal Weapon | ((3)) <u>5</u> |
| Cleman Mountain A | ((Sept. 15-Oct. 2)) <u>Sept. 15-Oct. 6</u> | Sheep Unit 7 | Any Legal Weapon | 5 |
| Cleman Mountain B | ((Nov. 7-30)) <u>Nov. 6-30</u> | Sheep Unit 7 | Any Legal Weapon | ((4)) <u>5</u> |
| Mt. Hull | Sept. 15-Oct. 10 | Sheep Unit 10 | Any Legal Weapon | ((+)) <u>2</u> |
| Wenaha | <u>Sept. 15-Oct. 10</u> | <u>Sheep Unit 11</u> | <u>Any Legal Weapon</u> | <u>1</u> |
| Lincoln Cliffs | Sept. 15-Oct. 10 | Sheep Unit 12 | Any Legal Weapon | 1 |
| Quilomene A | ((Sept. 15-Oct. 2)) <u>Sept. 15-Oct. 6</u> | Sheep Unit 13 | Any Legal Weapon | 3 |
| Quilomene B | ((Nov. 7-30)) <u>Nov. 6-30</u> | Sheep Unit 13 | Any Legal Weapon | 2 |
| Swakane | Sept. 15-Oct. 10 | Sheep Unit 14 | Any Legal Weapon | 1 |
| Tieton | Sept. 15-Oct. 10 | Sheep Unit 15 | Any Legal Weapon | ((2)) <u>3</u> |
| Manson | ((Nov. 7-30)) <u>Nov. 6-30</u> | Sheep Unit 16 | Any Legal Weapon | 2 |

((Mountain-)) Bighorn((3)) Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

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 11 Wenaha Wilderness: Permit Area: That part of GMU 169 within Crooked Creek drainage.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329, 330, and 251 south of Colockum Creek.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: GMU 243.

((2005)) Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. 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 | ((2005)) 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/Corral Pass | Sept. 15-Oct. 31 | Goat Units 3-6, 4-38 | Any Legal Weapon | 2 |
| Bumping River | Sept. 15-Oct. 31 | Goat Unit 3-7 | Any Legal Weapon | 2 |
| Blazed Ridge | Sept. 15-Oct. 31 | Goat Unit 3-10 | Any Legal Weapon | 2 |
| Kachess Ridge | Sept. 15-Oct. 31 | Goat Unit 3-11 | Any Legal Weapon | 0 |
| Jack Mountain | Sept. 15-Oct. 31 | Goat Unit 4-9 | Any Legal Weapon | 0 |
| Tatoosh | Sept. 15-Oct. 31 | Goat Unit 5-2 | Any Legal Weapon | 1 |
| Smith Creek | Sept. 15-Oct. 31 | Goat Unit 5-3 | Any Legal Weapon | 1 |
| Goat Rocks/Tieton River | Sept. 15-Oct. 31 | Goat Units 3-9, 5-4 | Any Legal Weapon | ((6)) 5 |

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 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: GMU 356(~~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.~~) GMU 364.

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 05-271, filed 1/3/06, effective 2/3/06)

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 WESTSIDE DEER PERMIT

Hunting season dates: (~~2005 and thereafter~~) September 1 - December 31

Hunt Area: Western Washington EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: (~~2005 and thereafter~~) September 1 - December 31

Hunt Area: Eastern Washington EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

~~((Hunting season dates: September 1 - December 31, 2005
Hunt Area: Western Washington except 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.~~

~~Bag limit: One additional any bull elk))~~

Hunting season dates: September 1 - December 31 (~~2006 and thereafter~~)

Hunt Area: Western Washington EXCEPT GMU 485, 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.

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT 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.

Bag limit: One additional any bull elk

SPECIES - ONE CALIFORNIA BIGHORN SHEEP PERMIT

~~((Hunting season dates: September 1 - October 31, 2005~~

~~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))~~

Hunting season dates: September 1 - ~~((October 31, 2006 and thereafter))~~ December 31

Hunt Area: ~~((Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).))~~ Any open sheep unit with two (2) or more permits during the respective license year, except sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

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))~~ September 1 - December 31

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))~~ September 1 - December 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))~~) Any open goat unit with two (2) or more permits during the respective license year.

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)

WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Western Washington EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: ~~((2005 and thereafter,))~~ September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

~~((Raffle ticket cost: \$5.00 including a 50-cent vendor fee.))~~

EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Eastern Washington EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: ~~((2005 and thereafter,))~~ September 1 - December 31

Weapon: Any legal weapon.

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 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, 2005.~~

~~Weapon: Any legal weapon.~~

~~Number of permits: 1~~

~~Raffle ticket cost: \$5.00 including a 50-cent vendor fee.))~~

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT GMU 485, 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~~((, 2006 and thereafter.))~~

Weapon: Any legal weapon.

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 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.

Number of permits: 1

~~((Raffle ticket cost: \$5.00 including a 50-cent vendor fee.))~~

CALIFORNIA 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, 2005.~~

~~Weapon: Hunter may use any legal weapon.~~

~~Number of permits: 1~~

~~Raffle ticket cost: \$10.00 including a 50-cent vendor fee.))~~

Bag limit: One bighorn ram

Open area: ~~((Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain) or Sheep Unit 13 (Quilomene).))~~ Any open bighorn sheep unit with two (2) or more permits during the respective license year, except sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

Open season: ~~((September 1—October 31, 2006 and thereafter.))~~ September 1 - December 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.))~~ September 1 - December 31.

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).))~~ Any open goat unit with two (2) or more permits during the respective license year.

Open season: ~~((September 15—October 31.))~~ September 1 - December 31.

Weapon: ~~((Hunter may use))~~ Any legal weapon.

Number of permits: 2

~~((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.))

DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT

Hunting season dates: ((2005 and thereafter,)) September 1 - ((October)) December 31

Hunt Area: GMUs ((466,)) 169, 172, 181, 186.

Weapon: ((Hunter may use)) Any legal weapon.

Bag limit: One bighorn ram

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 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 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 per-

mit hunting seasons EXCEPT 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 04-327, filed 1/3/05, effective 2/3/05)**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.))~~ Multiple season deer and elk permit applications may be purchased without additional licenses or tags. The purchase of the application will result in entry into the drawing. Persons who are successfully drawn must purchase a multiple season permit for deer or elk and may also apply for archery, muzzleloader, or modern firearm special hunting season permits for the species drawn.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously 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 harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or 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.~~

~~☞)) Early fall wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the early fall special hunting season.~~

~~C. Late fall wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the late fall 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))~~ category. 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 early fall turkey is 4.
- viii. Maximum group size for late fall turkey is 4.
- ix. Maximum group size for moose is 2.
- x. Maximum group size for multiple season deer is 1.
- xi. Maximum group size for multiple season elk is 1.

B. An applicant may purchase only one application for a special hunting season permit for each ~~((species))~~ category.

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 hunting or 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. Second deer or elk tag: Second deer or elk tags may be offered under the special hunting season permit application process. Successful applicants under this section may purchase an appropriate second transport tag. The legal bag limit restrictions for second tags will be listed in the respective deer or elk hunting season WACs. Purchase deadline restrictions for second deer or elk tags will be listed in the respective deer or elk hunting season WACs.))~~

AMENDATORY SECTION (Amending Order 06-09, filed 1/30/06, effective 3/2/06)

WAC 232-28-295 Landowner hunting permits. A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

Hunters must possess both an access permit from the landowner and a hunting permit from the department when hunting on lands and for species covered under contract.

(1) Buckrun

Buckrun is located in Grant County, near the town of Wilson Creek. A legal description of the property has been filed with the county and is in the contract between Buckrun and the department.

Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

Mule and Whitetail Deer

2006 Buckrun Landowner Hunting Permits

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

| Hunt Name | Quota | Access Season | Special Restrictions | Boundary Description |
|----------------|-------|-------------------|--------------------------------|----------------------|
| Buckrun | 10 | Sept. 1 - Oct. 13 | Antlerless only | Buckrun |
| Buckrun | 15 | Oct. 23 - Dec. 31 | Antlerless only | Buckrun |
| Buckrun | 13 | Sept. 1 - Oct. 13 | 3 pt. max. buck* or antlerless | Buckrun |
| Buckrun | 13 | Oct. 23 - Dec. 31 | 3 pt. max. buck* or antlerless | Buckrun |
| Buckrun | 4 | Sept. 1 - Dec. 31 | Any deer | Buckrun |
| Buckrun Raffle | 2 | Sept. 1 - Dec. 31 | Any deer (3 day guided hunt) | Buckrun |

Mule and Whitetail Deer

2006 Buckrun Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. Hunters can generally expect one day hunts during the permit season with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

| Hunt Name | Permit Number | Permit Season | Special Restrictions | Boundary Description |
|-----------|---------------|-------------------|--------------------------------------|----------------------|
| Buckrun A | 10 | Sept. 1 - Oct. 13 | Antlerless only youth hunters | Buckrun |
| Buckrun B | 10 | Sept. 1 - Oct. 13 | Antlerless only disabled hunters | Buckrun |
| Buckrun C | 5 | Oct. 23 - Dec. 31 | Antlerless only senior hunters (65+) | Buckrun |
| Buckrun D | 4 | Sept. 1 - Oct. 13 | 3 pt. max. buck* or antlerless | Buckrun |
| Buckrun E | 4 | Oct. 23 - Dec. 31 | 3 pt. max. buck* or antlerless | Buckrun |

*3 Pt. maximum - A legal buck must have no more than 3 antler points on either antler (i.e., 1x1, 1x2, 1x3, 2x2, 2x3, 3x3 are legal). All antler points must be at least one inch long. Antler points EXCLUDE eye guards.

(2) 4-O Cattle Company

2006 4-O Cattle Company Landowner Hunting Permits

The manager of the 4-O Cattle Company will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

| <u>Hunt Name</u> | <u>Quota</u> | <u>Access Season</u> | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|---------------------------|--------------|----------------------|-----------------------------|-----------------------------|
| <u>4-O Cattle Company</u> | <u>1</u> | <u>Sept. 15-25</u> | <u>Any Bull</u> | <u>4-O Cattle Company</u> |

Whitetail Deer

| <u>Hunt Name</u> | <u>Quota</u> | <u>Access Season</u> | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|---------------------------|--------------|----------------------|-----------------------------|-----------------------------|
| <u>4-O Cattle Company</u> | <u>1</u> | <u>Nov. 15-25</u> | <u>Any Whitetail Buck</u> | <u>4-O Cattle Company</u> |

2006 4-O Cattle Company Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

| <u>Hunt Name</u> | <u>Permit Number</u> | <u>Permit Season</u> | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|-----------------------------|----------------------|-------------------------|-----------------------------|-----------------------------|
| <u>4-O Bull Elk</u> | <u>1</u> | <u>Oct. 23 - Nov. 5</u> | <u>Any Bull</u> | <u>4-O Ranch</u> |
| <u>4-O Antlerless Elk A</u> | <u>33</u> | <u>Aug. 18-24</u> | <u>Antlerless Only</u> | <u>4-O Grouse Flats</u> |
| <u>4-O Antlerless Elk B</u> | <u>8</u> | <u>Aug. 18-24</u> | <u>Antlerless Only</u> | <u>4-O Mountain View</u> |

Whitetail Deer

| <u>Hunt Name</u> | <u>Permit Number</u> | <u>Permit Season</u> | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|-----------------------|----------------------|----------------------|-----------------------------|-----------------------------|
| 4-O White-tailed Buck | 1 | Nov. 15-25 | Any White-tailed Buck | 4-O Ranch |

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

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~~ ~~(Blewett)~~) Blewett 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 Blewett 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 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 Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to 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 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; SW up Reservation Creek ~~((to its headwaters))~~ and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; N along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd

1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; 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 RATTLESNAKE HILLS (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))~~ Grant-Benton county line then the Benton-Franklin county line, along the Columbia River, ((following the ordinary high water mark of the shoreline,)) to the mouth of 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.

GMU 373-HORSE HEAVEN (Benton and Yakima counties):

Beginning at the mouth of the Yakima River and 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; E along the Yakima River the point of beginning.

GMU 379-Ringold (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; S on SR 17 to US 395; S on US 395 through Pasco (via westbound I-182) to the US 395 Blue Bridge and the Franklin-Benton county line in the Columbia River; W and N along the Columbia River (Benton-Franklin county line) to the Vernita Bridge and the point of beginning.

~~GMU 381-((ESQUATZEL))~~ Kahlotus (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;))~~ junction of SR 17 and 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-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.)) the US 395 Blue Bridge; N on US 395 through Pasco (via eastbound I-182) to SR 17; N on SR 17 to the SR 26 junction and the point of beginning.

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.

GMU 388-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; N 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 the point of beginning.

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

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 Swofford Pond; E along the Swofford 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 Trail 1 to US Forest Service Rd 99; 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 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.

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 243 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 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; 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 the 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 243 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; 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 560-LEWIS RIVER (Cowlitz, 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 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 99; S and W on US Forest Service Rd 99 to US Forest Service Trail 225 (Smith Creek Trail); S on US Forest Service Trail 225 to Ape Canyon Creek; S and W up Ape Canyon Creek to Mount St. Helens crater's eastern edge; W along Mount St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser 5660 line; S along Weyerhaeuser 5660 line to Weyerhaeuser 5670 line; S and W on Weyerhaeuser 5670 line to Weyerhaeuser 5500 line; S and W on Weyerhaeuser 5500 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7200 line; S and E on Weyerhaeuser 7200 line to US Forest Service Rd 81; S on US Forest Service Rd 81 to State Route 503; N and E on State Route 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N 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 Little 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.))~~

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

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. 1013 (Asotin County): GMU 172, excluding National Forest lands.

Elk Area No. 1014 (Columbia-Garfield counties): That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

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. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

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. 3068 Klickitat Meadows (Yakima County): ~~((Beginning at the high point (Section 18, T12N, R14E) on the ridge above the headwaters of Reservation Creek; northwest to Spencer Point (as represented on the Mt. Adams DNR 100K map); northeast from Spencer Point to USFS Trail 1136; north along USFS Trail 1136 to USFS Road 615 to Darland Mt.; southeast along crest of main divide between Diamond Fork drainage and Ahtanum Creek drainage to the high point on the ridge above the headwaters of Reservation Creek and point of beginning.))~~ Beginning at Darland Mountain, southeast along the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to the point due west of the headwaters of Reservation Creek (Section 18, T12N, R14E); then along a line due west to Spencer Point (as represented in the DNR 100k map); northeast from Spencer Point to US Forest Service (USFS) Trail 1136; north along USFS Trail 1136 to USFS Trail 615; east on USFS Trail 615 to Darland Mountain and the point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

~~((Elk Area No. 3723 ALE (Benton County): That part of GMU 372 within the boundaries of the Arid Lands Ecology Reserve (ALE) of the Hanford Reach National Monument (HRNM). ALE encompasses the HRNM lands south of SR 24, southwest of SR 240, and west of SR 225.))~~

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and ~~((I-90))~~ Interstate 90; east along the power lines ~~((through Cle Elum to the Teanaway Road; north on the))~~ to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to USFS Road 4305 (Bear Creek Road); west on USFS Road 4305 to Corral Creek, east along Corral Creek to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; ((north)) northeast 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 along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Parke Creek ((Road)); north on Parke Creek ((Road)) to Whiskey Jim ((Road)) Creek; east on Whiskey Jim ((Road)) Creek to Beacon Ridge Road; south on Beacon Ridge Road 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 ((Umntaneum)) Umtanum Road; north on ((Umntaneum)) Umtanum 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))~~ 36; 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 township 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 the Cowlitz River 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 North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River 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 the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the

Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and 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 Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 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 ((~~H~~)) 3/4 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. 5061 Wildwood (Lewis County): Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

Elk Area No. 5062 Trout Lake (Klickitat County): Those portions of GMUs 560 (Lewis River) and 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; north on Mount Adams Recreational Area Road to USFS Road 23; north on USFS Road 23 to DNR T-4300 Road; west on DNR T-4300 Road to Trout Lake Creek Road; south on Trout Lake Creek Road to SR 141; east and south on SR 141 to the intersection of SR 141 and Sunnyside Road to the point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The main-land portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat

Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

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. 6012 Tri Valley (Grays Harbor and Mason counties): ((~~All lands~~)) Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to the junction with Wishkah-East Hoquiam Road and all lands within 2 miles north of SR 12 between the Satsop River and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

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): That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower power line; southwest along the power line to Big Hanaford Road; east and south along Big Hanaford Road to Weyerhaeuser Road E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to Weyerhaeuser Road E240; south on Weyerhaeuser Road E240 to North Fork Road; south on North Fork Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Salzer Valley Road and the point of beginning.

Elk Area No. 6071 Dungeness (Clallam County): Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycome-lately Creek on Sequim Bay; south and west up Jimmycome-lately Creek to Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo Alto Road to US Forest Service Road 2880; southwest on US For-

est Service Road 2880 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

Elk Area No. 6072 Sol Duck Valley (Clallam County): That portion of GMU 607 (Sol Duck) between the Sol Duck River and Hwy 101 from a point at the Sol Duck River bridge over Hwy 101 approximately 2 miles north of Forks to the westernmost Sol Duck River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.

Elk Area No. 6073 Clearwater Valley (Jefferson County): That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

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. 1021 Clarkston (Asotin County): That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

Deer Area No. 1030 Flat Creek (Stevens County): That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

Deer Area No. 1040 Summit Lake (Stevens County): That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

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)) Washtucna; north on SR 261 to Weber Road; east on Weber Road to Bengel Road; north on Bengel Road to Wellsandt Road; east on Wellsandt Road 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 ((~~Beekley Road; north on Beekley Road to Negro Road; north on Negro Road to Beekley Road; north on Beekley Road to Bengel-Winona Road; west on Bengel-Winona Road to Bengel~~)) Washtucna 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. 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. 4004 (San Juan County): That part of GMU 410 made up of Shaw Island.

Deer Area No. 4005 (San Juan County): That part of GMU 410 made up of Lopez Island.

Deer Area No. 4006 (San Juan County): That part of GMU 410 made up of Orcas Island.

Deer Area No. 4007 (San Juan County): That part of GMU 410 made up of Decatur Island.

Deer Area No. 4008 (San Juan County): That part of GMU 410 made up of Blakely Island.

Deer Area No. 4009 (Skagit County): That part of GMU 410 made up of Cypress Island.

Deer Area No. 4010 (San Juan County): That part of GMU 410 made up of ((~~all of the islands in~~)) San Juan ((~~County~~)) Island.

Deer Area No. 4011 (Island County): That part of GMU 410 made up of Camano Island.

Deer Area No. 4012 (Island County): That part of GMU 410 made up of Whidbey Island.

Deer Area No. 4013 (King County): That part of GMU 454 made up of Vashon and Maury islands.

Deer Area No. ((4014)) 6014 (Pierce County): That part of GMU 652 made up of Anderson Island.

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.))~~

Deer Area No. 3088 High Prairie (Klickitat County): That portion of GMU 388 (Grayback) that is south of SR 142.

AMENDATORY SECTION (Amending Order 05-89, filed 5/10/05, effective 6/10/05)

WAC 232-28-351 ((2003-2005)) 2006-2008 Deer general seasons and ((special permits)) definitions.

Bag Limit: One (1) deer per hunter during the license year 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).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

~~((**Branched**)) **Antler Restrictions:** APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS! Buck deer taken in ((~~these~~)) antler restricted 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.~~)) Eye guards are antler points when they are at least one inch long.~~

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)) white-tailed 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~~)) require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

~~((**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 and/or written permission from the land owner.))~~

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

~~((**Blacktail**)) **Black-tailed Deer:** Any member of ((blacktail)) black-tailed/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~~); in Klickitat County along the Yakama Indian Reservation boundary to Summit Creek Rd; southwest on Summit Creek Rd to the Glenwood-Goldendale Highway; northwest on the Glenwood-Goldendale Highway to Lakeside Rd; south on Lakeside Rd to Fisher Hill Rd (P-2000); south on Fisher Hill Rd to Fisher Hill bridge crossing Klickitat River; southwest down Klickitat River to the Columbia River.

Mule Deer: Any member of (~~blacktail~~) black-tailed/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~~); in Klickitat County along the Yakama Indian Reservation boundary to Summit Creek Rd; southwest on Summit Creek Rd to the Glenwood-Goldendale Highway;

northwest on the Glenwood-Goldendale Highway to Lakeside Rd; south on Lakeside Rd to Fisher Hill Rd (P-2000); south on Fisher Hill Rd to Fisher Hill bridge crossing Klickitat River; southwest down Klickitat River to the Columbia River.

(~~Whitetail~~) White-tailed Deer: Means any (~~whitetail~~) white-tailed 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) 2006 Dates | (2004) 2007 Dates | (2005) 2008 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. 14-31 | ((Oct. 16-31)) Oct. 13-31 | ((Oct. 15-31)) Oct. 11-31 | 407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684 | Any buck |
| | | | | <u>GMUs 410, 564, Deer Areas 4013, 4926, and 6014</u> | Any deer |
| | | | | 437, ((558;)) 574, 578, ((588;)) 636, 654, 681 | 2 pt. min. |
| Eastern Washington Whitetail Deer | ((Oct. 11-24)) Oct. 14-27 | ((Oct. 16-29)) Oct. 13-26 | ((Oct. 15-28)) Oct. 11-24 | ((101)) 105 through 124 | Any whitetail buck |
| | Oct. 14-22 | Oct. 13-21 | Oct. 11-19 | ((203 through 247, and 249 through 251)) All 200 and 300 series GMUs except permit-only in 290, 329, and 371 | Any whitetail buck |
| | Oct. 14-29 | Oct. 13-28 | Oct. 11-26 | 101, 204 | <u>Any whitetail buck</u> |
| | ((Oct. 11-19)) Oct. 14-22 | ((Oct. 16-24)) Oct. 13-21 | ((Oct. 15-23)) Oct. 11-19 | 127 through 154, 162 through 186 | Whitetail, 3 pt. min. |
| | | | | ((248, 254 through 381 except closed in GMUs 290, 329, 371 ((Deer Area 3081)) 379 | Any whitetail buck) |
| Eastern Washington Mule Deer | ((Oct. 11-19)) Oct. 14-22 | ((Oct. 16-24)) Oct. 13-21 | ((Oct. 15-23)) Oct. 11-19 | All 100, 200, and 300 series GMUs, ((248, and 254 through 284;)) except ((closed)) permit only in GMUs ((457)) 290, 329, and 371, and closed in GMU 157 | <u>Mule deer, 3 pt. min.</u> |
| | | | | ((Deer Area 3081)) 379 | Any mule deer |
| | ((Oct. 11-24)) Oct. 14-27 | ((Oct. 16-29)) Oct. 13-26 | ((Oct. 15-28)) Oct. 11-24 | ((203 through 247 and 249 through 251)) 373, 382, 388 | Mule deer, 3 pt. min. |
| LATE BUCK HUNTS | | | | | |
| Western Washington Blacktail Deer | ((Nov. 13-16)) Nov. 16-19 | ((Nov. 18-21)) Nov. 15-18 | ((Nov. 17-20)) Nov. 13-16 | 407, 410, 454, 466, and 500, and 600 series GMUs except closed in GMUs 522, 574, and 578(and 588) | Any buck except 2 pt. min. in GMUs ((558;)) 636, 654, and 681 ((and any deer in GMUs 410 and 564)) |
| | Nov. 16-19 | Nov. 15-18 | Nov. 13-16 | <u>GMUs 410 and 564, Deer Areas 4013, 4926, 6014</u> | <u>Any deer</u> |

| Hunt Season | (2003) 2006 Dates | (2004) 2007 Dates | (2005) 2008 Dates | Game Management Units (GMUs) | Legal Deer |
|---|---|---|---|--|---|
| Eastern Washington Whitetail Deer | ((Nov. 3-19)) Nov. 6-19 | ((Nov. 8-19)) Nov. 5-19 | ((Nov. 7-19)) Nov. 3-19 | 105 through 124 ((127-142 | Any whitetail buck Whitetail, 3 pt. min.)) |
| | YOUTH & DISABLED HUNTERS | | | | |
| Eastern Washington Whitetail Deer | ((Oct. 25-Nov. 2)) Oct. 28 - Nov. 5 | ((Oct. 30-Nov. 7)) Oct. 27 - Nov. 4 | ((Oct. 29-Nov. 6)) Oct. 25 - Nov. 2 | 105 through 124 | Whitetail, antlerless only |
| HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS | | | | | |
| Eastern Washington Whitetail Deer | ((Oct. 11-24)) Oct. 14-27 & Nov. 6-19 | ((Oct. 16-29)) Oct. 13-26 & Nov. 5-19 | ((Oct. 15-28)) Oct. 11-24 & Nov. 3-19 | ((104)) 105 through 124 | Any whitetail deer |
| | Oct. 14-29 | Oct. 13-28 | Oct. 11-26 | 101 | Any whitetail deer |
| | ((Oct. 11-19)) Oct. 14-22 | ((Oct. 16-24)) Oct. 13-21 | ((Oct. 15-23)) Oct. 11-19 | 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 (WAC 232-12-054).

| Hunt Area | (2003) 2006 Dates | (2004) 2007 Dates | (2005) 2008 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, 564, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699 | Any Deer, except buck only in GMUs 460, 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, 162, 163, 166, 169, 243 ((, 244, 246, 247, 249, 250, 260, 262)) | 3 pt. min. |
| | | | | 142 through 154, and ((162)) 172 through 186, ((245)), Deer Area 1010, 244 through 247, 249 through 251, ((328, 334 through 340, 346 through 368,)) 260, 372, 373, 388 | 3 pt. min. or antlerless |
| | | | | 379, 381 | Any mule deer |
| | Sept. 1-15 | Sept. 1-15 | Sept. 1-15 | 101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284, 328, 334 through 340, 346 through 368, 382 | 3 pt. min. |
| Sept. 16-30 | Sept. 16-30 | Sept. 16-30 | 101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284, 328, 334 through 340, 346 through 368, 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, 379, 381 | 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. 22 - Dec. 8 | ((Nov. 24 - Dec. 8)) Nov. 21 - Dec. 8 | ((Nov. 23 - Dec. 8)) Nov. 19 - Dec. 8 | 437, ((588,)) 654 | 2 pt. min. or antlerless |

| Hunt Area | ((2003)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 Dates | Game Management Units (GMUs) | Legal Deer |
|-----------------------------------|--|--|--|---|--|
| | ((Nov. 19 - Dec. 15)) Nov. 22 - Dec. 15 | ((Nov. 24 - Dec. 15)) Nov. 21 - Dec. 15 | ((Nov. 23 - Dec. 15)) Nov. 19 - Dec. 15 | 636, 681 | 2 pt. min. or antlerless |
| | | | | ((558)) | 2 pt. min.) |
| | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | ((460,)) 466, ((596)) 510 through 520, 524, ((530,)) 556, ((560, 572,)) 601, 607 through 618, 638, 648, and 699 | Any deer ((, except buck only in GMUs-460, 506, 530)) |
| | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | <u>460, 506, 530, 560, 572</u> | <u>Buck only</u> |
| | ((Nov. 19 - Dec. 31)) Nov. 22 - Dec. 31 | ((Nov. 24 - Dec. 31)) Nov. 21 - Dec. 31 | ((Nov. 23 - Dec. 31)) Nov. 19 - Dec. 31 | 407, 410, 454, 505, <u>564</u> , 603, 624, 627, 642, 652, 660 through 672 | Any deer |
| Eastern Washington Mule Deer | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | 209, 215, 233, 243 ((, 250)) | 3 pt. min. |
| | | | | 145, 163, 178, <u>250</u> | 3 pt. min. or antlerless |
| | | | | 272, 278, 346, 352, 364, 368, <u>373, 381, 388</u> | 3 pt. min. or antlerless |
| | <u>Nov. 20-30</u> | <u>Nov. 20-30</u> | <u>Nov. 20-30</u> | <u>133, 136</u> | <u>Antlerless</u> |
| | <u>Dec. 9-31</u> | <u>Dec. 9-31</u> | <u>Dec. 9-31</u> | <u>Deer Area 1021</u> | <u>3 pt. min. or antlerless</u> |
| 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, <u>108</u> , 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, 250, 272, 278 | Any whitetail deer |
| | <u>Nov. 20-30</u> | <u>Nov. 20-30</u> | <u>Nov. 20-30</u> | <u>133, 136</u> | <u>Antlerless</u> |

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)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 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. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | 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, <u>627</u> , 652, 666, <u>Deer Area 4926</u> | Any deer |
| | | | | 437, 578 | 2 pt. min. |
| Eastern Washington Whitetail Deer | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | 204, 209, 233, 239, 242, 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,)) through <u>124, 379</u> | Whitetail, any deer |
| Eastern Washington Mule Deer | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | 101 ((, 108, 111, 117, 121,)) through 124, 133, 142, 145, 149, 181, 204, 209, 233, 239, 242, 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,)) <u>278</u> , 381 | Mule deer, 3 pt. min. or antlerless |
| | | | | <u>379</u> | <u>Any mule deer</u> |

| Hunt Area | (2003) 2006 Dates | (2004) 2007 Dates | (2005) 2008 Dates | Game Management Units (GMUs) | Legal Deer |
|---------------------------------------|--|--|--|--|--|
| Late Muzzleloader Deer Seasons | | | | | |
| Western Washington Blacktail Deer | ((Nov. 19 - Dec. 15) Nov. 22 - Dec. 15 | ((Nov. 24 - Dec. 15) Nov. 21 - Dec. 15 | ((Nov. 23 - Dec. 15) Nov. 19 - Dec. 15 | 407, 410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926 | Any deer |
| | | | | 654 460, 550, 602 | 2 pt. min. Any buck |
| Eastern Washington Whitetail Deer | ((Nov. 19 - Dec. 8) Dec. 1-15 | ((Nov. 24 - Dec. 8) Dec. 1-15 | ((Nov. 23 - Dec. 8) Dec. 1-15 | 578 | 2 pt. min. |
| | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | 113, 379 ((130, 139,)) 172, 181 | Whitetail, any deer Whitetail, 3 pt. min. or antlerless |
| Eastern Washington Mule Deer | Nov. 20-30 | Nov. 20-30 | Nov. 20-30 | 130, 139 | Whitetail, 3 pt. min. or antlerless |
| | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | ((381,)) 382 130 ((130, Deer Area 3081)) 379 | 3 pt. min. Antlerless ((3 pt. min. or antlerless)) Any mule deer |

~~(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 |

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 | 2005 Permit Season | Special Restrictions | Boundary Description | 2005 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. 15-28 | Whitetail, antlerless | GMU 101 | 75 |
| Kelly Hill | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 105 | 150 |
| Douglas | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 108 | 300 |
| Aladdin | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 111 | 75 |
| Selkirk | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 113 | 50 |
| 49 Degrees North | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 117 | 250 |
| Huckleberry A | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 121 | 600 |
| Mt. Spokane A | Oct. 15-28 & Nov. 7-19 | Whitetail, antlerless | GMU 124 | 400 |
| Mica Peak A | Oct. 15-23 | Whitetail, antlerless | GMU 127 | 200 |
| Cheney A | Oct. 15-23 | Antlerless | GMU 130 | 200 |
| Roosevelt | Oct. 15-23 | Antlerless | GMU 133 | 400 |
| Harrington | Oct. 15-23 | Antlerless | GMU 136 | 125 |
| Steptoe | Oct. 15-23 & Nov. 7-19 | Antlerless | GMU 139 | 300 |
| Almeta A | Oct. 15-23 & Nov. 7-19 | Antlerless | GMU 142 | 100 |
| Mayview | Nov. 1-14 | Antlerless | GMU 145 | 100 |
| Prescott A | Nov. 1-14 | Antlerless | GMU 149 | 50 |
| Prescott B | Nov. 1-14 | Antlerless | Deer Area 1020 | 50 |
| Blue Creek | Nov. 7-19 | Whitetail, antlerless | GMU 154 | 150 |
| Dayton A | Nov. 7-19 | Whitetail, antlerless | GMU 162 | 250 |
| Dayton B | Nov. 7-19 | Antlerless | Deer Area 1010 | 75 |
| Marengo A | Nov. 1-14 | Whitetail, antlerless | GMU 163 | 150 |
| Marengo B | Nov. 1-14 | Antlerless | GMU 163 | 40 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Boundary Description | 2005 Permits |
|------------------------|---------------------------|-------------------------------------|-----------------------------|---------------------|
| Peola | Nov. 1-14 | Antlerless | GMU 178 | -50 |
| Blue Mtns. Foothills A | Nov. 7-19 | Whitetail, 3 pt. min. or antlerless | GMUs 149, 154, 162-166 | 100 |
| Blue Mtns. Foothills B | Nov. 7-19 | Whitetail, 3 pt. min. or antlerless | GMUs 145, 172-181 | 50 |
| Couse | Nov. 1-14 | 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 deer | GMU 218 | 5 |
| Pearrygin A | Nov. 1-18 | Any deer | GMU 224 | 10 |
| Gardner A | Nov. 1-18 | Any deer | GMU 231 | 5 |
| Pogue A | Nov. 1-18 | Any deer | GMU 233 | 5 |
| Chiliwist A | Nov. 1-18 | Any deer | GMU 239 | 5 |
| Alta A | Nov. 1-18 | Any deer | GMU 242 | 5 |
| Manson | Nov. 1-18 | Any deer | GMU 243 | 5 |
| Chiwawa A | Nov. 1-18 | Any deer | GMU 245 | -30 |
| Slide Ridge A | Nov. 1-18 | Any deer | GMU 246 | 15 |
| Entiat A | Nov. 1-18 | Any deer | GMU 247 | -40 |
| Big Bend A | Nov. 1-18 | Antlerless | GMU 248 | 50 |
| Swakane A | Nov. 1-18 | Any deer | GMU 250 | -35 |
| Mission A | Nov. 1-18 | Any deer | GMU 251 | -20 |
| Mission B | Oct. 15-28 | Antlerless | GMU 251 | 125 |
| St. Andrews | Oct. 15-23 | Antlerless | GMU 254 | 75 |
| Foster Creek A | Oct. 15-23 | Antlerless | GMU 260 | 75 |
| Foster Creek B | Nov. 1-18 | Antlerless | GMU 260 | 75 |
| Withrow A | Oct. 15-23 | Antlerless | GMU 262 | 50 |
| Badger | Nov. 1-18 | Antlerless | GMU 266 | 50 |
| Ritzville A | Nov. 1-18 | 3 pt. min. or antlerless | GMU 284 | -20 |
| Desert A | Nov. 1-15 | Any deer | GMU 290 | 15 |
| Desert B | Dec. 1-7 | Antlerless | GMU 290 | 50 |
| Naneum | Oct. 15-23 | Antlerless | GMU 328 | -200 |
| Quilomene A | Nov. 7-20 | Any buck | GMU 329 | -74 |
| Teanaway A | Oct. 15-23 | Antlerless | GMU 335 | -200 |
| Taneum | Oct. 15-23 | Antlerless | GMU 336 | -150 |
| Nile A | Oct. 15-23 | Antlerless | GMU 352 | 20 |
| Bethel A | Nov. 7-20 | Any buck | GMU 360 | 10 |
| Cowiche A | Oct. 15-23 | Antlerless | GMU 368 | -50 |
| Cowiche B | Nov. 7-19 | Any buck | GMU 368 | 15 |
| Alkali A | Nov. 19-27 | Any buck | GMU 371 | -74 |
| Alkali B | Nov. 19-27 | Antlerless | GMU 371 | 80 |
| Whiteomb A | Sept. 18-24 | Antlerless | Deer Area 3071 | 5 |
| Paterson A | Sept. 18-24 | Antlerless | Deer Area 3072 | 5 |
| East Klickitat A | Oct. 15-23 | 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. 29 - Nov. 4 | Any buck | GMU 485 | 10 |
| Lincoln A | Oct. 15-31 | Any deer | GMU 501 | 40 |
| Stella A | Oct. 15-31 | Any deer | GMU 504 | 35 |
| Mossyrock A | Oct. 15-31 | Any deer | GMU 505 | 85 |
| Stormking A | Oct. 15-31 | Any deer | GMU 510 | 30 |
| South Rainier A | Oct. 15-31 | Any deer | GMU 513 | 30 |
| Packwood A | Oct. 15-31 | Any deer | GMU 516 | 50 |
| Winston A | Oct. 15-31 | Any deer | GMU 520 | 50 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Boundary Description | 2005 Permits |
|---|--------------------|--|---------------------------------------|--------------|
| Yale A | Oct. 15-31 | Any deer | GMU 554 | 15 |
| Toutle A | Oct. 15-31 | Any deer | GMU 556 | 25 |
| Marble A | Oct. 15-31 | 2 pt. min. or antlerless | GMU 558 | 20 |
| Lewis River A | Oct. 15-31 | Any deer | GMU 560 | 35 |
| Siouxon A | Oct. 15-31 | Any deer | GMU 572 | 35 |
| Wind River A | Oct. 15-31 | 2 pt. min. or antlerless | GMU 574 | 10 |
| Wind River B | Nov. 17-20 | 2 pt. min. | GMU 574 | 35 |
| West Klickitat A | Oct. 15-31 | 2 pt. min. or antlerless | GMU 578 | 30 |
| West Klickitat B | Nov. 17-20 | 2 pt. min. | GMU 578 | 45 |
| Grayback A | Oct. 15-31 | 2 pt. min. or antlerless | GMU 588 | 55 |
| Grayback B | Nov. 17-20 | 2 pt. min. | GMU 588 | 65 |
| Pysht | Oct. 15-31 | Any deer | GMU 603 | 15 |
| Olympic | Oct. 15-31 | Any deer | GMU 621 | 35 |
| Kitsap | Oct. 15-31 | Any deer | GMU 627 | 20 |
| Wynoochee A | Oct. 15-31 | 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. 15-31 | Any deer | GMU 658 | 70 |
| Minot Peak | Oct. 15-31 | Any deer | GMU 660 | 70 |
| Capitol Peak A | Oct. 15-31 | Any deer | GMU 663 | 30 |
| Capitol Peak B | Nov. 1-11 | Any buck | GMU 663 | 10 |
| Deschutes | Oct. 15-31 | Any deer | GMU 666 | 80 |
| Skookumchuck A | Oct. 15-31 | 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.) | | | | |
| Blue Mtns. Foothills C | Nov. 20 – Dec. 8 | Whitetail, 3 pt. min. or antlerless | GMUs 149, 154, 162, 166 | 60 |
| Green Bluff | Dec. 10-31 | Whitetail, antlerless | That portion of GMU 124 east of Hwy 2 | 90 |
| Wannacut A | Nov. 1-18 | Antlerless | GMU 209 | 50 |
| Chiwawa B | Nov. 19-27 | Any deer | GMU 245 | 15 |
| Foster Creek C | Dec. 1-31 | Antlerless | GMU 260 | 100 |
| Moses Coulee A | Nov. 1-18 | Any deer | GMU 269 | 20 |
| Moses Coulee B | Dec. 1-31 | Antlerless | GMU 269 | 100 |
| Ritzville B | Nov. 19-30 | Mule deer, 3 pt. min. or antlerless; any white-tailed deer | GMU 284 | 20 |
| Benge A | Dec. 1-15 | Antlerless | Deer Area 2010 | 20 |
| Lakeview A | Nov. 1-18 | Antlerless | Deer Area 2011 | 10 |
| Desert C | Oct. 25-31 | Any deer | GMU 290 | 4 |
| Quilomene B | Oct. 1-7 | Any buck | GMU 329 | 11 |
| Teanaway B | Oct. 1-7 | Antlerless | GMU 335 | 100 |
| Manastash | Oct. 1-7 | Antlerless | GMU 340 | 90 |
| Cowiche C | Oct. 1-7 | Antlerless | GMU 368 | 50 |
| Alkali C | Dec. 3-10 | Any buck | GMU 371 | 11 |
| Alkali D | Dec. 3-10 | 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. 24 – Dec. 8 | 2 pt. min. or antlerless | GMU 578 | 30 |
| Mossyrock B | Oct. 1-7 | Any deer | GMU 505 | 10 |
| Stormking B | Oct. 1-7 | Any deer | GMU 510 | 5 |
| South Rainier B | Oct. 1-7 | Any deer | GMU 513 | 5 |
| Packwood B | Oct. 1-7 | Any deer | GMU 516 | 5 |
| Winston B | Oct. 1-7 | Any deer | GMU 520 | 5 |
| Yale B | Oct. 1-7 | Any deer | GMU 554 | 2 |
| Toutle B | Oct. 1-7 | Any deer | GMU 556 | 3 |
| Marble B | Oct. 1-7 | 2 pt. min. or antlerless | GMU 558 | 2 |
| Lewis River B | Oct. 1-7 | Any deer | GMU 560 | 5 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Boundary Description | 2005 Permits |
|--|--------------------|--------------------------|----------------------|--------------|
| Siouxon B | Oct. 1-7 | Any deer | GMU 572 | 5 |
| Wind River C | Oct. 1-7 | 2 pt. min. or antlerless | GMU 574 | 1 |
| Grayback C | Oct. 1-7 | 2 pt. min. or antlerless | GMU 588 | 15 |
| North River B | Oct. 1-7 | Any deer | GMU 658 | 5 |
| Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.) | | | | |
| Chiwawa C | Dec. 1-12 | Any deer | GMU 245 | 10 |
| Entiat B | Nov. 20-29 | Any deer | GMU 247 | -145 |
| Entiat C | Nov. 30 – Dec. 8 | Any deer | GMU 247 | -135 |
| Big Bend B | Nov. 20 – Dec. 8 | Any deer | GMU 248 | 10 |
| Desert D | Nov. 16-30 | Any deer | GMU 290 | -21 |
| Quilomene C | Nov. 21 – Dec. 4 | Any deer | GMU 329 | -76 |
| Alkali E | Dec. 11-25 | Any deer | GMU 371 | -73 |
| Washougal A | Sept. 16-30 | Any deer | GMU 568 | 30 |
| Special Modern Firearm Deer Permit Hunts for Hunters 65 or older | | | | |
| Blue Mtns. Foothills D | Oct. 15-23 | Antlerless | GMUs 145, 149 | -75 |
| East Okanogan B | Oct. 15-28 | Antlerless | GMU 204 | -15 |
| Wannacut B | Oct. 15-28 | Antlerless | GMU 209 | -5 |
| Sinlahekin C | Oct. 15-28 | Antlerless | GMU 215 | -5 |
| Chewuch B | Oct. 15-28 | Antlerless | GMU 218 | -5 |
| Pearrygin B | Oct. 15-28 | Antlerless | GMU 224 | -15 |
| Gardner B | Oct. 15-28 | Antlerless | GMU 231 | -15 |
| Pogue B | Oct. 15-28 | Antlerless | GMU 233 | -15 |
| Chiliwist B | Oct. 15-28 | Antlerless | GMU 239 | -5 |
| Alta B | Oct. 15-28 | Antlerless | GMU 242 | -5 |
| Mission C | Oct. 15-28 | Any deer | GMU 251 | -5 |
| Bridgeport A | Oct. 15-23 | Antlerless | GMUs 248, 260 | 10 |
| Palisades A | Oct. 15-23 | Antlerless | GMUs 266, 269 | 10 |
| Quilomene D | Nov. 7-20 | Antlerless | GMU 329 | 20 |
| Manastash | Oct. 15-23 | Antlerless | GMU 340 | 50 |
| Umtanum A | Nov. 7-20 | Antlerless | GMU 342 | 20 |
| Bethel B | Oct. 15-23 | Antlerless | GMU 360 | 10 |
| Kiona A | Oct. 15-23 | Antlerless | GMU 372 | 15 |
| Esquatzel B | Oct. 15-23 | Antlerless | GMU 381 | 10 |
| East Klickitat C | Oct. 15-23 | 3 pt. min. or antlerless | GMU 382 | 15 |
| Lincoln B | Oct. 15-31 | Any deer | GMU 501 | 5 |
| Stella B | Oct. 15-31 | Any deer | GMU 504 | 5 |
| Mossyroek C | Oct. 15-31 | Any deer | GMU 505 | 15 |
| Stormking C | Oct. 15-31 | Any deer | GMU 510 | 5 |
| South Rainier C | Oct. 15-31 | Any deer | GMU 513 | 5 |
| Packwood C | Oct. 15-31 | Any deer | GMU 516 | 5 |
| Winston C | Oct. 15-31 | Any deer | GMU 520 | 5 |
| Yale C | Oct. 15-31 | Any deer | GMU 554 | 5 |
| Toutle C | Oct. 15-31 | Any deer | GMU 556 | 10 |
| Marble C | Oct. 15-31 | 2 pt. min. or antlerless | GMU 558 | 5 |
| Lewis River C | Oct. 15-31 | Any deer | GMU 560 | 5 |
| Washougal B | Oct. 15-31 | Any deer | GMU 568 | 10 |
| Siouxon C | Oct. 15-31 | Any deer | GMU 572 | 5 |
| Wind River D | Oct. 15-31 | 2 pt. min. or antlerless | GMU 574 | -2 |
| West Klickitat C | Oct. 15-31 | 2 pt. min. or antlerless | GMU 578 | -5 |
| Grayback D | Oct. 15-31 | 2 pt. min. or antlerless | GMU 588 | -10 |
| Williams Creek | Oct. 15-31 | Any deer | GMU 673 | 20 |
| Copalis | Oct. 15-31 | Any deer | GMU 642 | 20 |
| North River C | Oct. 15-31 | Any deer | GMU 658 | 10 |
| Disabled Hunter Deer Permits | | | | |

| Hunt Name | 2005 Permit Season | Special Restrictions | Boundary Description | 2005 Permits |
|--|---|--------------------------|------------------------|--------------|
| East Okanogan C | Restricted to general, early season by tag choice | Antlerless | GMU 204 | 5 |
| Wannacut C | | Antlerless | GMU 209 | 5 |
| Sinlahekin D | | Antlerless | GMU 215 | -15 |
| Chewuch C | | Antlerless | GMU 218 | -15 |
| Pearrygin C | | Antlerless | GMU 224 | 5 |
| Gardner C | | Antlerless | GMU 231 | 5 |
| Pogue C | | Oct. 15-28 | Antlerless | GMU 233 |
| Chiliwist C | Antlerless | | GMU 239 | -15 |
| Alta C | Antlerless | | GMU 242 | -15 |
| Mission D | Oct. 15-28 | Any deer | GMU 251 | -10 |
| 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. 7-20 | Antlerless | GMU 329 | 10 |
| Manastash C | Oct. 15-23 | Antlerless | GMU 340 | 20 |
| Umtanum B | Nov. 8-21 | 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 Kliekitat D | | 3 pt. min. or antlerless | GMU 382 | 5 |
| Green River B | Oct. 29 - Nov. 4 | Any deer | GMU 485 | 5 |
| Lincoln C | Restricted to general, early season by tag choice | Any deer | GMU 501 | 3 |
| Stella C | | Any deer | GMU 504 | 3 |
| Mossyrook D | | Any deer | GMU 505 | 5 |
| Stormking D | | Any deer | GMU 510 | 3 |
| South Rainier D | | Any deer | GMU 513 | 3 |
| Paekwood 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 Kliekitat 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. 15-23 | Antlerless | GMUs 149, 154, 162-163 | -75 |
| Blue Mtns. Foothills F | Oct. 15-23 | Antlerless | GMUs 145, 172-181 | 75 |
| East Okanogan D | Oct. 15-28 | Antlerless | GMU 204 | -70 |
| Wannacut D | Oct. 15-28 | Antlerless | GMU 209 | -35 |
| Sinlahekin E | Oct. 15-28 | Antlerless | GMU 215 | -75 |
| Chewuch D | Oct. 15-28 | Antlerless | GMU 218 | -120 |
| Pearrygin D | Oct. 15-28 | Antlerless | GMU 224 | -115 |
| Gardner D | Oct. 15-28 | Antlerless | GMU 231 | -45 |
| Pogue D | Oct. 15-28 | Antlerless | GMU 233 | -35 |
| Chiliwist D | Oct. 15-28 | Antlerless | GMU 239 | -70 |
| Alta D | Oct. 15-28 | Antlerless | GMU 242 | -80 |
| Mission E | Oct. 15-28 | Antlerless | GMU 251 | 100 |
| Bridge Port C | Oct. 15-23 | Any deer | GMUs 248, 260 | 100 |
| Palisades C | Oct. 15-23 | Any deer | GMUs 266, 269 | 100 |
| Lakeview C | Oct. 15-23 | Any deer | Deer Area 2011 | 10 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Boundary Description | 2005 Permits |
|--|---|-----------------------|-------------------------------------|--------------|
| Wahluke A | Oct. 15-23 | Any deer | GMU 278 | 50 |
| Benge B | Oct. 15-23 | Antlerless | Deer Area 2010 | 20 |
| Quilomene F | Nov. 7-20 | Antlerless | GMU 329 | 75 |
| Manastash D | Oct. 15-23 | Antlerless | GMU 340 | 75 |
| Umtanum C | Nov. 7-20 | Antlerless | GMU 342 | 75 |
| Cowiche D | Oct. 15-23 | Antlerless | GMU 368 | 50 |
| Esquatzel D | Oct. 15-23 | Antlerless | GMU 381 | 10 |
| Whiteomb B | Sept. 11-17 | Antlerless | Deer Area 3071 | 5 |
| Paterson B | Sept. 11-17 | Antlerless | Deer Area 3072 | 5 |
| East Klickitat E | Oct. 15-31 | Any deer | GMU 382 | 20 |
| Lincoln D | Oct. 15-31 | Any deer | GMU 501 | 10 |
| Stella D | Oct. 15-31 | Any deer | GMU 504 | 10 |
| Mossyrook E | Oct. 15-31 | Any deer | GMU 505 | 10 |
| Stormking E | Oct. 15-31 | Any deer | GMU 510 | 10 |
| South Rainier E | Oct. 15-31 | Any deer | GMU 513 | 10 |
| Paekwood E | Oct. 15-31 | Any deer | GMU 516 | 10 |
| Winston E | Oct. 15-31 | Any deer | GMU 520 | 10 |
| Yale E | Oct. 15-31 | Any deer | GMU 554 | 10 |
| Toutle E | Oct. 15-31 | Any deer | GMU 556 | 60 |
| Marble E | Oct. 15-31 | Any deer | GMU 558 | 10 |
| Lewis River E | Oct. 15-31 | Any deer | GMU 560 | 10 |
| Washougal D | Oct. 15-31 | Any deer | GMU 568 | 10 |
| Siouxon E | Oct. 15-31 | Any deer | GMU 572 | 10 |
| Wind River F | Oct. 15-31 | Any deer | GMU 574 | 15 |
| West Klickitat E | Oct. 15-31 | Any deer | GMU 578 | 15 |
| Grayback F | Oct. 15-31 | Any deer | GMU 588 | 20 |
| Satsop B | Oct. 15-31 | Any deer | GMU 651 | 10 |
| Skookumchuck D | Oct. 9-31 | Any deer | GMU 667 | 60 |
| North River E | Oct. 15-31 | 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 E | Oct 1-7 | Antlerless | GMU 204 | -5 |
| Wannacut E | Oct 1-7 | Antlerless | GMU 209 | -5 |
| Pogue E | Oct 1-7 | Antlerless | GMU 233 | -5 |
| Chiliwist E | Oct 1-7 | Antlerless | GMU 239 | -5 |
| Mission F | Oct 1-7 | Any deer | GMU 251 | 20 |
| Wahluke B | Oct 1-7 | Any deer | GMU 278 | 50 |
| Ritzville C | Oct 1-7 | Antlerless | GMU 284 | 50 |
| Special Deer Permits—Second Deer Tag | | | | |
| These permits are only valid when a second license and tag is purchased. | | | | |
| Hunt Name | Second Tag Season | Special Restrictions | Boundary Description | Permits |
| Huckleberry B | Restricted to general, early-season by tag choice | Whitetail, antlerless | GMU 121 | -300 |
| Mt. Spokane B | | Whitetail, antlerless | GMU 124 | 400 |
| Almota B | | Antlerless | GMU 142 | 200 |
| Columbia | | Whitetail, antlerless | Deer Area 1010, GMU 163 | 150 |
| Islands | | Antlerless | GMU 410 | 100 |
| South Sound | | Antlerless | Vashon, Maury, and Anderson islands | 125 |
| Benge C | Dec. 16-31 | Antlerless | Deer Area 2010 | 20 |
| Lakeview C | Jan. 1-31 | Antlerless | Deer Area 2011 | 20 |
| These permits are only valid when a second license and tag is purchased. | | | | |
| Mica Peak B | Restricted to general, early-season by tag choice | Whitetail, antlerless | GMU 127 | 100 |
| Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used. | | | | |
| Lakeview D | Dec. 9-31 | Antlerless | Deer Area 2011 | 20 |

| Hunter Education Instructor Incentive Permits | | | | |
|---|---|---|---|---------|
| <ul style="list-style-type: none"> - Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. - Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. - Permittees may purchase a second license for use with the permit hunt only. | | | | |
| Area | Dates | Restrictions | GMUs | Permits |
| Region 1 | All general season and permit seasons established for GMUs included with the permit | Any white-tailed deer | Any 100-series GMU except GMU 157 | 2 |
| Region 2 | | Any deer | GMUs 215 - 251 | 1 |
| Region 2 | | Any deer | GMU 290 | 1 |
| Region 3 | | Any deer | GMUs 335 - 368 | 1 |
| Region 4 | | Any deer | Any 400-series GMU except GMU 485 | 2 |
| Region 5 | | Legal buck for 500-series GMU of choice or antlerless | Any 500-series GMU open for a general deer hunting season or a special deer permit hunting season | 2 |
| Region 6 | | Legal buck for GMU of choice | GMUs 654, 660, 672, 673, 681 | 1)) |

AMENDATORY SECTION (Amending Order 05-90, filed 5/10/05, effective 6/10/05)

WAC 232-28-352 ((2003-2005)) 2006-2008 Elk general seasons and ((special permits)) definitions.

Bag Limit: One (1) elk per hunter during the license year 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).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Spike Bull Antler Restrictions: Bull elk taken in ~~((these))~~ spike only GMUs must have at least one antler ~~((that is a spike))~~ with only one antler point above the ear ~~((s (does not branch above ears)))~~. An animal with ~~((branched))~~ more than one antler point above the ears on both 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 Antler Restrictions: Legal bull elk ~~((taken))~~ must have at least 3 antler points on one side ~~((only. Antler points may include eye guards, but))~~ with at least 2 antler points ~~((must be on the upper half of the main beam))~~ above the ear. ~~((All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of the beam.))~~ Eye guards are antler points when they are at least one inch long. 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;))~~ 652 for archers, 666, 684, and Elk Area 4941.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 485, 522, 524, 556, 621, 636, 653, and Elk Area 3068.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), and 490.

~~((Private Lands Wildlife Management Areas (PLWMA): Buekrun (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))~~ firearms are restricted 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), 490, 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 (Quinalt) is open to AHE master hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, and 636 ~~((, and PLWMA 401 and 600)).~~

- 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 Tag Area | Game Management Units (GMUs) | ((2003)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 Dates | Legal Elk | |
|--------------------|--------------|--|--|---|--|----------------------------|------------------|
| Eastern Washington | EF | 111, 113, 117 | ((Oct. 25 - Nov. 2)) Oct. 28 - Nov. 5 | ((Oct. 30 - Nov. 7)) Oct. 27 - Nov. 4 | ((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2 | Any bull | |
| | | ((157, 371)) | | | | ((Permit only)) | |
| | | 145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368 | ((Oct. 25 - Nov. 2)) Oct. 28 - Nov. 5 | ((Oct. 30 - Nov. 7)) Oct. 27 - Nov. 4 | ((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2 | Spike bull | |
| | | Elk Area 3722* | ((Sept. 2-15)) Sept. 9-22 | ((Sept. 7-19)) Sept. 8-21 | ((Sept. 17-30)) Sept. 6-19 | Antlerless | |
| | | 101, 105, 108, 121 through 142, 372, 382, 388 | ((Oct. 6-19)) Oct. 28 - Nov. 5 | ((Oct. 4-17)) Oct. 27 - Nov. 4 | ((Oct. 29 - Nov. 6)) Oct. 25 - Nov. 2 | Any Elk | |
| | | 127-142 AHE master hunters only | Dec. 9-31 | Dec. 9-31 | Dec. 9-31 | Any elk | |
| | | 203 through 248, 250, 254 through 290, 373, 379, 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. 25 - Nov. 15 | Any elk | |
| | | 371, Elk Areas 3911** and 3912 AHE master hunters only | Aug. 1 - Jan. 30 | Aug. 1 - Jan. 30 | Aug. 1 - Jan. 30 | Antlerless only | |
| | | *GMU 372 and Elk Area 3722 are mainly private property, hunters are not advised to try hunting these areas without making prior arrangements for access. **Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag. | | | | | |
| | | | | ((101, 105, 108, 121- through 142, and 382 | Oct. 25 - Nov. 2 | Oct. 30 - Nov. 7 | Oct. 29 - Nov. 6 |
| Western Washington | WF | 407, 448, 460, 466, 503 through 520, 530, 550, ((558,)) 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through ((663, and 667)) 652, 654 through 684. Except AHE master hunters only in Elk Area 6063 | ((Nov. 1-9)) Nov. 4-13 | ((Nov. 6-14)) Nov. 3-12 | ((Nov. 5-13)) Nov. 1-10 | 3 pt. min. | |
| | | 501 | ((Nov. 1-9)) Nov. 4-13 | ((Nov. 6-14)) Nov. 3-12 | ((Nov. 5-13)) Nov. 1-10 | 3 pt. min. or antlerless | |
| | | 564, 568, 574 through ((588)) 578, 666 | ((Nov. 1-9)) Nov. 4-13 | ((Nov. 6-14)) Nov. 3-12 | ((Nov. 5-13)) Nov. 1-10 | Any elk | |
| | | 454 | ((Nov. 1-9)) Nov. 4-13 | ((Nov. 6-14)) Nov. 3-12 | ((Nov. 5-13)) Nov. 1-10 | Any bull | |
| | | ((485, 522, 524, 556, 621, 636, Elk Area 6071, and PLWMA 401 and 600 | | | | Permit only)) | |

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 and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

| Hunt Area | Elk Tag Area | Game Management Units (GMUs) | ((2003)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 Dates | Legal Elk |
|----------------------------------|------------------|---|---|---|---|--------------------------|
| Early Archery Elk Seasons | | | | | | |
| Eastern Washington | EA | 101 through 142, 243, 247, 249, 250, (((334))) 388 | Sept. 8-21 | Sept. 8-21 | Sept. 8-21 | Any elk |
| | | 145, (((149;))) 162, (((163))) 166 through 172, (((178 through))) 181, 186, 328, 329, (((and))) 335 | Sept. 8-21 | Sept. 8-21 | Sept. 8-21 | Spike bull |
| | | 149, 154, Elk Area 1010, (((Elk Area 1012;))) Elk Area 1013, 163, 175, 178, 330, 334, 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, except for Elk Area 6071, 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, 627, 633, 638 through 648, 651, (((653;))) 658, and 681. AHE master 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. |
| | | Elk Area 4941 | Oct. 1-31 | Oct. 1-31 | Oct. 1-31 | Any elk |
| Late Archery Elk Seasons | | | | | | |
| Eastern Washington | EA | 101, 105, <u>108</u> , 117 through 127, <u>388</u> | 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 |
| | | <u>127-142 AHE master hunters only. Must wear hunter orange</u> | <u>Dec. 9-31</u> | <u>Dec. 9-31</u> | <u>Dec. 9-31</u> | <u>Any elk</u> |
| | | <u>Elk Area 1010, 163</u> | <u>Dec. 9 - Jan. 30</u> | <u>Dec. 9 - Jan. 30</u> | <u>Dec. 9 - Jan. 30</u> | <u>Antlerless only</u> |
| | | <u>203 through 248, 250, 254 through 290, 373, 379, 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties. Must wear hunter orange</u> | <u>Oct. 28 - Nov. 15</u> | <u>Oct. 27 - Nov. 15</u> | <u>Oct. 25 - Nov. 15</u> | <u>Any elk</u> |
| | | <u>371, Elk Areas 3911*and 3912 AHE master hunters only. Must wear hunter orange</u> | <u>Aug. 1 - Jan 30</u> | <u>Aug. 1 - Jan. 30</u> | <u>Aug. 1 - Jan. 30</u> | <u>Antlerless only</u> |
| | | 328(((335))) | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Spike bull |
| 335, 336, 346, 352, 364, 368 | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Nov. 20 - Dec. 8 | Spike bull or antlerless | | |
| 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. 22 - Dec. 15 | ((Nov. 24 - Dec. 15)) Nov. 21 - Dec. 15 | ((Nov. 23 - Dec. 15)) Nov. 19 - Dec. 15 | 3 pt. min. or antlerless |
| | | 454, 564, (((588;))) 666 | ((Nov. 19 - Dec. 15)) Nov. 22 - Dec. 15 | ((Nov. 24 - Dec. 15)) Nov. 21 - Dec. 15 | ((Nov. 23 - Dec. 15)) Nov. 19 - Dec. 15 | Any elk |

| Hunt Area | Elk Tag Area | Game Management Units (GMUs) | ((2003)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 Dates | Legal Elk |
|--|--------------|---|--|--|--|--------------------------|
| | | 603, 612, 615, 638, and 648(except closed in PLWMA 600 in GMU 603) | ((Nov. 19 – Dec. 15)) Nov. 22 - Dec. 15 | ((Nov. 24 – Dec. 15)) Nov. 21 - Dec. 15 | ((Nov. 23 – Dec. 15)) Nov. 19 - Dec. 15 | 3 pt. min. |
| | | 506, 520, 530 | ((Nov. 19 – Dec. 7)) Nov. 22 - Dec. 7 | ((Nov. 24 – Dec. 7)) Nov. 21 - Dec. 7 | ((Nov. 23 – Dec. 7)) Nov. 19 - Dec. 7 | 3 pt. min. or antlerless |
| | | 506, 520, 530 | Dec. 8-15 | Dec. 8-15 | Dec. 8-15 | 3 pt. min. |
| <p>*Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.</p> | | | | | | |

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 Area | Game Management Units (GMUs) | ((2003)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 Dates | Legal Elk |
|---------------------------------------|--------------|---|--|--|--|--------------------------|
| Early Muzzleloader Elk Seasons | | | | | | |
| Eastern Washington | EM | 111, 113, 117, 247 | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | Any bull |
| | | 101 through 108, 121 through 142, 250 | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | Any elk |
| | | 172, 245, ((250)) Elk Area 2051, 335 through 342, 352 through 360, 368 | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | Spike bull |
| Western Washington | WM | 454, 564, 568, 574, 578, 666, 684 | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | Any elk |
| | | 460, 504, 513, 530, 554, 602, 603, 607, ((654)) 658, 660, 672 | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | 3 pt. min. |
| | | 501, 652, 663, 667 | ((Oct. 4-10)) Oct. 7-13 | ((Oct. 2-8)) Oct. 6-12 | ((Oct. 1-7)) Oct. 4-10 | 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 |
| | | 127-142 AHE master hunters only. Must wear hunter orange | Dec. 9-31 | Dec. 9-31 | Dec. 9-31 | Any elk |
| | | 203 through 248, 250, 254 through 290, 373, 379, 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties. Must wear hunter orange | Oct. 28 - Nov. 15 | Oct. 27 - Nov. 15 | Oct. 25 - Nov. 15 | Any elk |
| | | 371, Elk Areas 3911* and 3912 AHE master hunters only. Must wear hunter orange | Aug. 1 - Jan. 30, 2007 | Aug. 1 - Jan. 30, 2008 | Aug. 1 - Jan. 30, 2009 | Antlerless only |
| Western Washington | WM | Elk Area 4941 | Nov. 1 - Jan. 30, 2007 | Nov. 1 - Jan. 30, 2008 | Nov. 1 - Jan. 30, 2009 | Any elk |
| | | 501, 503, 505, 652 | ((Nov. 19 – Dec. 8)) Nov. 22 - Dec. 8 | ((Nov. 24 – Dec. 8)) Nov. 21 - Dec. 8 | ((Nov. 23 – Dec. 8)) Nov. 19 - Dec. 8 | 3 pt. min. or antlerless |
| | | 454, 564, 568, 666, 684 | ((Nov. 19 – Dec. 15)) Nov. 22 - Dec. 15 | ((Nov. 24 – Dec. 15)) Nov. 21 - Dec. 15 | ((Nov. 23 – Dec. 15)) Nov. 19 - Dec. 15 | Any elk |
| | | 574, 578 | ((Nov. 19-30)) Nov. 22-30 | ((Nov. 24-30)) Nov. 21-30 | ((Nov. 23-30)) Nov. 19-30 | Any elk |

| Hunt Area | Elk Tag Area | Game Management Units (GMUs) | ((2003)) 2006 Dates | ((2004)) 2007 Dates | ((2005)) 2008 Dates | Legal Elk |
|--|--------------|------------------------------|---|---|---|------------|
| | | 504, 550, 601, 667 | ((Nov. 19--Dec. 15)) Nov. 22 - Dec. 15 | ((Nov. 24--Dec. 15)) Nov. 21 - Dec. 15 | ((Nov. 23--Dec. 15)) Nov. 19 - Dec. 15 | 3 pt. min. |
| <p>*Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through October 15, 2006, who successfully take an antlerless elk, and who notify the department by October 20, 2006, may purchase a second elk transport tag. Notification must be following the harvest of an antlerless elk from Elk Area 3911 and no later than October 20, 2006. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.</p> | | | | | | |

((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 |
| | | 203-248, 250, 254-290, 373, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties | Oct. 28 - Nov. 15 | Oct. 30 - Nov. 15 | Oct. 29 - Nov. 15 | Any elk |
| | EA, EM, EF | 371, 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 | 2005 Permit Season | Special Restrictions | Elk Tag Prefix | Boundary Description | 2005 Permits |
|--|--------------------|--------------------------|----------------|-----------------------------------|--------------|
| Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.) | | | | | |
| Blue Creek A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 154 | 2 |
| Watershed | Oct. 24 - Nov. 6 | 3 pt. min. or Antlerless | EA, EF, EM | GMU 157 | 40 |
| Dayton A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 162 | 7 |
| Tucannon A | Oct. 24 - Nov. 6 | Any bull | EF | Elk Area 1014 | 2 |
| Wenaha A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 169 | 5 |
| Mountain View A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 172 | 3 |
| Couse A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 181 | 1 |
| Mission A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 251 | 7 |
| Naneum A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 328 | 19 |
| Quilomene A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 329 | 17 |
| Teanaway A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 335 | 10 |
| Peaches Ridge A | Oct. 24 - Nov. 6 | Any bull | EF | GMUs 336, 346 | 142 |
| Little Naehes A | Oct. 1-10 | Any bull | EF | GMU 346 | 20 |
| Observatory A | Oct. 24 - Nov. 6 | Any bull | EF | GMUs 340, 342 | 77 |
| Goose Prairie A | Oct. 24 - Nov. 6 | Any bull | EF | GMUs 352, 356 | 92 |
| Bethel A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 360 | 50 |
| Rimrock A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 364 | 109 |
| Cowiche A | Oct. 24 - Nov. 6 | Any bull | EF | GMU 368 | 24 |
| Klickitat Meadows A | TBA** | Any bull | EF | Elk Area 3068 | 1 |
| Green River | Oct. 29 - Nov. 4 | Any bull | WF | GMU 485 | 1 |
| Margaret A | Nov. 5-13 | 3 pt. min. | WF | GMU 524 | 22 |
| Toutle A | Nov. 5-13 | 3 pt. min. | WF | GMU 556 | 87 |
| Matheny | Oct. 1-10 | 3 pt. min. | WA, WF, WM | GMU 618 | 3 |
| Olympic A | Nov. 1-9 | 3 pt. min. | WF | GMU 621, except for Elk Area 6071 | 21 |
| Skokomish A | Nov. 1-9 | 3 pt. min. | WF | GMU 636 | 12 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Elk Tag Prefix | Boundary Description | 2005 Permits |
|--|-------------------------|--------------------------|----------------|---------------------------|--------------|
| Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply) | | | | | |
| Aladdin A | Oct. 29 – Nov. 6 | Any elk | EF | GMU 111 | 10 |
| Selkirk A | Oct. 29 – Nov. 6 | Any elk | EF | GMU 113 | 10 |
| 49 Degrees North | Oct. 29 – Nov. 6 | Any elk | EF | GMU 117 | 15 |
| Blue Creek B | Oct. 29 – Nov. 6 | Antlerless | EF | GMUs 149, 154 | 100 |
| Dayton B | Oct. 29 – Nov. 6 | Antlerless | EF | GMU 163 and Elk Area 1011 | 200 |
| Dayton C | Oct. 29 – Nov. 6 | Antlerless | EF | GMU 149 and Elk Area 1012 | 100 |
| Peola | Oct. 29 – Nov. 6 | Antlerless | EF | GMU 178 | 50 |
| Couse B | Oct. 29 – Nov. 6 | Antlerless | EF | GMU 181 | 25 |
| Couse C | Oct. 1-10 | Antlerless | EF | GMU 181 | 25 |
| Mountain View B | Oct. 29 – Nov. 6 | Antlerless | EF | Elk Area 1013 | 60 |
| Lick Creek A | Oct. 29 – Nov. 6 | Antlerless | EF | GMU 175 | 25 |
| Malaga A | Aug. 13 – Sept. 25 | Antlerless | EF | Elk Area 2032 | 100 |
| Malaga B | Sept. 5-30 | Any elk | EF | Elk Area 2032 | 10 |
| Malaga C | Nov. 7 – Feb. 28, 2006 | Antlerless | EF | Elk Area 2032 | 150 |
| Malaga D | Nov. 7 – Dec. 18 | Any elk | EF | Elk Area 2032 | 10 |
| Malaga E | Dec. 19 – Feb. 28, 2006 | Any elk | EF | Elk Area 2032 | 15 |
| Peshastin A | Aug. 15-31 | Antlerless | EF | Elk Area 2033 | 20 |
| Peshastin B | Sept. 15 – Oct. 1 | Antlerless | EF | Elk Area 2033 | 20 |
| Peshastin C | Sept. 22-30 | Any elk | EF | Elk Area 2033 | 5 |
| Peshastin D | Nov. 30 – Feb. 28, 2006 | Antlerless | EF | Elk Area 2033 | 30 |
| Peshastin E | Dec. 15 – Feb. 28, 2006 | Any elk | EF | Elk Area 2033 | 10 |
| West Bar A | Oct. 29 – Nov. 2 | Antlerless | EF | GMU 330 | 5 |
| West Bar B | Nov. 3-6 | Antlerless | EF | GMU 330 | 5 |
| Colockum A | Oct. 8-14 | Antlerless | EF | Elk Area 3028 | 35 |
| Taneum A | Nov. 2-6 | Antlerless | EF | GMU 336 | 160 |
| Manastash A | Nov. 2-6 | Antlerless | EF | GMU 340 | 340 |
| Umtanum A | Nov. 2-6 | Antlerless | EF | GMU 342 | 340 |
| Cleman | Dec. 1-15 | Antlerless | EF | Elk Area 3944 | 60 |
| Little Naches B | Nov. 2-6 | Antlerless | EF | GMU 346 | 220 |
| Nile A | Nov. 2-6 | Antlerless | EF | GMU 352 | 50 |
| Bumping B | Nov. 2-6 | Antlerless | EF | GMU 356 | 100 |
| Bethel B | Nov. 2-6 | Antlerless | EF | GMU 360 | 100 |
| Rimrock B | Nov. 2-6 | Antlerless | EF | GMU 364 | 180 |
| Cowiehe B | Nov. 2-6 | Antlerless | EF | GMU 368 | 180 |
| Klickitat Meadows B | TBA** | Spike bull or antlerless | EF | Elk Area 3068 | 9 |
| Alkali A | Oct. 24 – Nov. 6 | Any elk | EF | GMU 371 | 25 |
| Willapa Hills A | Nov. 5-13 | Antlerless | WF | GMU 506 | 35 |
| Raymond A | Nov. 5-10 | 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, 2006 | Antlerless | WF | Elk Area 6010 | 15 |
| Raymond D | Feb. 1-28, 2006 | Antlerless | WF | Elk Area 6010 | 15 |
| Winston A | Nov. 5-13 | Antlerless | WF | GMU 520 | 12 |
| Margaret B | Nov. 5-13 | Antlerless | WF | GMU 524 | 25 |
| Ryderwood A | Nov. 5-13 | Antlerless | WF | GMU 530 | 32 |
| Coweeman A | Nov. 5-13 | Antlerless | WF | GMU 550 | 15 |
| Foutle B | Nov. 5-13 | Antlerless | WF | GMU 556 | 35 |
| Marble A | Nov. 5-13 | 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. 5-13 | Antlerless | WF | GMU 560 | 60 |
| Siouxon A | Nov. 5-13 | Antlerless | WF | GMU 572 | 40 |
| Chehalis Valley A | Sept. 15-30 | Antlerless | WF | Elk Area 6066 | 10 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Elk Tag Prefix | Boundary Description | 2005 Permits |
|--|-------------------------|--------------------------|----------------|-----------------------------------|--------------|
| Chehalis Valley B | Oct. 1-31 | Antlerless | WF | Elk Area 6066 | 10 |
| Chehalis Valley C | Nov. 5-10 | Antlerless | WF | Elk Area 6066 | 30 |
| Chehalis Valley D | Nov. 15-30 | Antlerless | WF | Elk Area 6066 | 15 |
| Chehalis Valley E | Feb. 1-28, 2006 | Antlerless | WF | Elk Area 6066 | 15 |
| North Minot A | Oct. 20-31 | Antlerless | WF | Elk Area 6067 | 60 |
| Deschutes | Jan. 15-23, 2006 | 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. | | | | | |
| Blue Creek C | Oct. 1-10 | Any bull | EM | GMU 154 | 1 |
| Dayton D | Oct. 1-10 | Any bull | EM | GMU 162 | 1 |
| Tueannon B | Oct. 1-10 | Any bull | EM | Elk Area 1014 | 1 |
| Wenaha B | Oct. 1-10 | Any bull | EM | GMU 169 | 1 |
| Mountain View C | Oct. 1-10 | Any bull | EM | GMU 172 | 1 |
| Couse D | Oct. 1-10 | Any bull | EM | GMU 181 | -1 |
| Mission B | Oct. 1-10 | Any bull | EM | GMU 251 | 3 |
| Naneum B | Oct. 1-10 | Any bull | EM | GMU 328 | 4 |
| Quilomene B | Oct. 1-10 | Any bull | EM | GMU 329 | 4 |
| Teanaway C | Oct. 1-10 | Any bull | EM | GMU 335 | 2 |
| Peaches Ridge B | Oct. 1-10 | Any bull | EM | GMUs 336, 346 | 22 |
| Observatory B | Oct. 1-10 | Any bull | EM | GMUs 340, 342 | 25 |
| Goose Prairie B | Oct. 1-10 | Any bull | EM | GMUs 352, 356 | 15 |
| Bethel C | Oct. 1-10 | Any bull | EM | GMU 360 | 9 |
| Rimrock C | Oct. 1-10 | Any bull | EM | GMU 364 | 17 |
| Cowiche C | Oct. 1-10 | Any bull | EM | GMU 368 | 9 |
| Klickitat Meadows C | TBA** | Any bull | EM | Elk Area 3068 | 1 |
| Margaret C | Oct. 1-7 | 3 pt. min. | WM | GMU 524 | 5 |
| Toutle C | Oct. 1-7 | 3 pt. min. | WM | GMU 556 | 17 |
| Olympic B | Oct. 4-10 | 3 pt. min. | WM | GMU 621, except for Elk Area 6071 | 3 |
| Skokomish B | Oct. 4-10 | 3 pt. min. | WM | GMU 636 | 3 |
| Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.) | | | | | |
| Aladdin B | Oct. 1-7 | Any elk | EM | GMU 111 | 10 |
| Selkirk B | Oct. 1-7 | Any elk | EM | GMU 113 | 20 |
| 49 Degrees North | Oct. 1-7 | Antlerless | EM | GMU 117 | 10 |
| Blue Creek C | Dec. 9 - Jan. 31, 2006 | 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, 2006 | Antlerless | EM | Elk Area 1011 and GMU 163 | 100 |
| Columbia C | Dec. 20 - Jan. 31, 2006 | Antlerless | EM | Elk Area 1012 and GMU 149 | 60 |
| Mountain View D | Oct. 1-10 | Antlerless | EM | Elk Area 1013 | 25 |
| Liek Creek B | Oct. 1-10 | Antlerless | EM | GMU 175 | 25 |
| West Bar C | Oct. 1-10 | Antlerless | EM | GMU 330 | 5 |
| Taneum B | Oct. 1-7 | Antlerless | EM | GMU 336 | 25 |
| Manastash B | Oct. 1-7 | Antlerless | EM | GMU 340 | 25 |
| Umtanum B | Oct. 1-7 | Antlerless | EM | GMU 342 | 250 |
| Nile B | Oct. 1-7 | Antlerless | EM | GMU 352 | 40 |
| Bumping B | Oct. 1-7 | Antlerless | EM | GMU 356 | 90 |
| Bethel D | Oct. 1-7 | Antlerless | EM | GMU 360 | 40 |
| Cowiche D | Oct. 1-7 | Antlerless | EM | GMU 368 | 225 |
| Klickitat Meadows D | TBA** | Spike bull or antlerless | EM | Elk Area 3068 | 4 |
| Alkali B | Oct. 1-10 | Any elk | EM | GMU 371 | 15 |
| Stella A | Nov. 24 - Dec. 15 | Antlerless | WM | GMU 504 | 75 |
| Stella B | Jan. 1-16, 2006 | Antlerless | WM | GMU 504 | 50 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Elk Tag Prefix | Boundary Description | 2005 Permits |
|---|--------------------|--------------------------|----------------|-----------------------------------|--------------|
| Toledo A | Jan. 1-16, 2006 | Antlerless | WM | Elk Area 5029 | 30 |
| Malaga F | Oct. 1-21 | Antlerless | EM | Elk Area 2032 | 100 |
| Malaga G | Oct. 1-21 | Any elk | EM | Elk Area 2032 | 15 |
| Mossyrock A | Jan. 1-16, 2006 | Antlerless | WM | Elk Area 5052 | 20 |
| Randle A | Jan. 1-16, 2006 | Antlerless | WM | Elk Area 5053 | 15 |
| Boistfort | Jan. 1-16, 2006 | Antlerless | WM | Elk Area 5054 | 40 |
| Willapa Hills B | Nov. 23 – Dec. 15 | Antlerless | WM | GMU 506 | 15 |
| Green Mt. A | Jan. 1-16, 2006 | Antlerless | WM | Elk Area 5051 | 30 |
| Winston B | Nov. 23 – Dec. 15 | Antlerless | WM | GMU 520 | 3 |
| Margaret D | Nov. 23 – Dec. 15 | Antlerless | WM | GMU 524 | 10 |
| Ryderwood B | Oct. 1-7 | Antlerless | WM | GMU 530 | 8 |
| Coweeman B | Nov. 23 – Dec. 15 | Antlerless | WM | GMU 550 | 5 |
| Toutle D | Nov. 23 – Dec. 15 | Antlerless | WM | GMU 556 | 10 |
| Marble B | Oct. 1-7 | Antlerless | WM | GMU 558 | 10 |
| Lewis River B | Oct. 1-7 | Antlerless | WM | GMU 560 | 15 |
| Siouxon B | Oct. 1-7 | Antlerless | WM | GMU 572 | 10 |
| Yale | Nov. 23 – Dec. 15 | 3 pt. min. or antlerless | WM | GMU 554 | 75 |
| Twin Satsop A | Jan. 5-15, 2006 | Antlerless | WM | Elk Area 6061 | 10 |
| Twin Satsop B | Oct. 6-10 | Antlerless | WM | Elk Area 6061 | 10 |
| North River | Nov. 26 – Dec. 15 | Antlerless | WM | GMU 658 | 20 |
| North Minot B | Oct. 1-7 | Antlerless | WM | Elk Area 6067 | 60 |
| Raymond E | Oct. 1-31 | Antlerless | WM | Elk Area 6010 | 30 |
| Chehalis Valley | Jan. 1-31, 2006 | 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 |
| Tri Valley | Jan. 1-31, 2006 | Antlerless | WM | Elk Area 6012 | 10 |
| Archery Permit Hunts (Only archery elk tag holders may apply.) | | | | | |
| Note: Fire closures may limit access during September seasons. | | | | | |
| Blue Creek D | Sept. 8-21 | Any bull | EA | GMU 154 | 1 |
| Dayton E | Sept. 8-21 | Any bull | EA | GMU 162 | 6 |
| Tucannon C | Sept. 8-21 | Any bull | EA | Elk Area 1014 | 2 |
| Wenaha C | Sept. 8-21 | Any bull | EA | GMU 169 | 2 |
| Mountain View E | Sept. 8-21 | Any bull | EA | GMU 172 | 3 |
| Couse E | Sept. 8-21 | Any bull | EA | GMU 181 | 1 |
| Naneum C | Sept. 8-21 | Any bull | EA | GMU 328 | 25 |
| Quilomene C | Sept. 8-21 | Any bull | EA | GMU 329 | 29 |
| Teanaway E | Sept. 8-21 | Any bull | EA | GMU 335 | 13 |
| Peaches Ridge C | Sept. 8-21 | Any bull | EA | GMUs 336, 346 | 144 |
| Observatory C | Sept. 8-21 | Any elk | EA | GMUs 340, 342 | 93 |
| Goose Prairie C | Sept. 8-21 | Any bull | EA | GMUs 352, 356 | 170 |
| Bethel E | Sept. 8-21 | Any bull | EA | GMU 360 | 45 |
| Rimrock D | Sept. 8-21 | Any bull | EA | GMU 364 | 112 |
| Cowiche E | Sept. 8-21 | Any bull | EA | GMU 368 | 24 |
| Klickitat Meadows E | TBA** | Any bull | EA | Elk Area 3068 | 1 |
| Klickitat Meadows F | TBA** | Spike bull or antlerless | EA | Elk Area 3068 | 9 |
| Peshastin G | Sept. 1-14 | Any elk | EA | Elk Area 2033 | 30 |
| Margaret E | Sept. 8-21 | 3 pt. min. | WA | GMU 524 | 10 |
| Toutle E | Sept. 8-21 | 3 pt. min. | WA | GMU 556 | 55 |
| Olympic C | Sept. 8-21 | 3 pt. min. | WA | GMU 621, except for Elk Area 6071 | 6 |
| Mashel A | Jan. 1-15, 2006 | Antlerless | WA | Elk Area 6054 | 25 |
| Skokomish C | Sept. 8-21 | 3 pt. min. | WA | GMU 636 | 10 |
| Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; and any weapon may be used. | | | | | |
| Toledo B | Jan. 17-31, 2006 | Antlerless | Any elk tag | Elk Area 5029 | 20 |
| Peshastin F | Aug. 18-25 | Any elk | Any elk tag | Elk Area 2033 | 5 |

| Hunt Name | 2005 Permit Season | Special Restrictions | Elk Tag Prefix | Boundary Description | 2005 Permits |
|---|--------------------------|---|----------------|-----------------------------------|--------------|
| Mossyrock B | Jan. 17-31, 2006 | Antlerless | Any elk tag | Elk Area 5052 | 20 |
| Randle B | Jan. 17-31, 2006 | Antlerless | Any elk tag | Elk Area 5053 | 15 |
| Quinault Ridge | Oct. 1-10 | 3 pt. min. or antlerless | Any elk tag | GMU 638 | 5 |
| Green Mt. B | Jan. 17-31, 2006 | Antlerless | Any elk tag | Elk Area 5051 | 20 |
| Merwin A | Nov. 24 - Dec. 15 | Antlerless | Any elk tag | Elk Area 5060 | 10 |
| Merwin B | Jan. 17-31, 2006 | Antlerless | Any elk tag | Elk Area 5060 | 10 |
| JBH A* | Nov. 28 - Dec. 2 | Antlerless | Any elk tag | Elk Area 5090 | 5 |
| JBH B* | Dec. 12-16 | Antlerless | Any elk tag | Elk Area 5090 | 5 |
| Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts: | | | | | |
| Only AHE Master Hunters may apply; these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed (second tag purchase deadlines do not apply to these hunts); and any weapon may be used. | | | | | |
| Rattlesnake Hills | Aug. 1 - Feb. 28, 2006 | Antlerless | Any elk tag | Designated areas in-GMU 372 | 20HM |
| Corral Canyon A | Aug. 1 - Sept. 14 | Spike bull or antlerless | Any elk tag | Elk Area 3721 | 10 |
| Corral Canyon B | Sept. 15 - Oct. 15 | Spike bull or antlerless | Any elk tag | Elk Area 3721 | 10 |
| Corral Canyon C | Nov. 15 - March 31, 2006 | Spike bull or antlerless | Any elk tag | Elk Area 3721 | 30 |
| Corral Canyon D | June 1 - July 31 | Any bull except spike bull only July 1-31 | Any elk tag | Elk Area 3721 | 30HM |
| Blackrock A | Aug. 1 - March 31, 2006 | Any elk | Any elk tag | Elk Area 3722 | 18HM |
| Grays River A | Sept. 15-30 | Antlerless | Any elk tag | Elk Area 5056 | 6 |
| Grays River B | Jan. 1-15, 2006 | Antlerless | Any elk tag | Elk Area 5056 | 6 |
| Grays River C | Jan. 16-31, 2006 | Antlerless | Any elk tag | Elk Area 5056 | 6 |
| Grays River D | Feb. 1-14, 2006 | Antlerless | Any elk tag | Elk Area 5056 | 6 |
| Grays River E | Feb. 15-28, 2006 | Antlerless | Any elk tag | Elk Area 5056 | 6 |
| JBH C* | Dec. 17 - Feb. 28, 2006 | Antlerless | Any elk tag | Elk Area 5090 | 15HM |
| North River B | Dec. 16 - Feb. 28, 2006 | Antlerless | Any elk tag | Designated areas in-GMU 658 | 10HM |
| Chehalis G | Aug. 1 - Feb. 28, 2006 | Antlerless | Any elk tag | Designated areas in Elk Area 6066 | 10HM |
| Hannaford C | Aug. 1 - Feb. 28, 2006 | Antlerless | Any elk tag | Designated areas in Elk Area 6069 | 5HM |
| Dungeness A | Sept. 8-29 | Antlerless only | WF | Elk Area 6071 | 3 |
| Dungeness B | Oct. 9-31 | Spike bull or antlerless | WF | Elk Area 6071 | 3 |
| Dungeness C | Nov. 12 - Dec. 12 | Antlerless only | WF | Elk Area 6071 | 4 |
| Dungeness D | Dec. 18 - Jan. 9, 2006 | Antlerless only | WF | Elk Area 6071 | 3 |
| Dungeness E | Jan 22 - Feb. 28, 2006 | Antlerless only | WF | Designated areas in Elk Area 6071 | 8HM |
| Youth 15 and Under - Special Elk Permit Hunts | | | | | |
| Blackrock B | Aug. 1 - Mar. 31, 2006 | Any elk | Any elk tag | Elk Area 3722 | 10 |
| Persons of Disability Only - Special Elk Permit Hunts | | | | | |
| Observatory D | Oct. 25 - Nov. 7 | Any elk | EF or EM | GMUs 340, 342 | 7 |
| Little Naches C | Oct. 1-10 | Any elk | EF, EM, EA | GMU 346 | 5 |
| Little Naches D | Nov. 3-7 | Antlerless | EF, EM, EA | GMU 346 | 8 |
| Blackrock C | Aug. 1 - Mar. 31, 2006 | Any elk | Any elk tag | Elk Area 3722 | 2 |
| Mudflow A | Nov. 7-13 | Antlerless | Any elk tag | Elk Area 5099 | 5 |
| Mudflow B | Nov. 21-27 | Antlerless | Any elk tag | Elk Area 5099 | 5 |
| Centralia Mine A | Oct. 23-24 | Antlerless | Any elk tag | Elk Area 6011 | 2 |
| Centralia Mine B | Oct. 30-31 | 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, 2006 | Antlerless | Any elk tag | Elk Area 6068 | 5 |
| North Shore E | Feb. 1-28, 2006 | Antlerless | Any elk tag | Elk Area 6068 | 5 |
| Chehalis Valley F | Dec. 16-31 | Antlerless | Any elk tag | Elk Area 6066 | 15 |
| Hannaford A | Jan. 1-15, 2006 | Antlerless | Any elk tag | Elk Area 6069 | 5 |
| Hunters 65 or older only - Special Elk Permit Hunts | | | | | |
| Hannaford B | Jan. 16-31, 2006 | Antlerless | Any elk tag | Elk Area 6069 | 5 |

*Muzzleloaders only; scopes allowed in JBH hunt.

**The commission delegates authority to establish dates and final permit types to the director. Hunters will be notified of hunt dates and final permit types on their permit.

HM This is a damage hunt administered by a WDFW designated Hunt Master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

| Hunter Education Instructor Incentive Permits | | | | |
|--|---|---------------------|------------------------------------|----------------|
| <ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. - Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. - Permittees may purchase a second license for use with the permit hunt only. | | | | |
| Area | Dates | Restrictions | GMUs | Permits |
| Region 3 | All general season and permit seasons established for GMUs included with the permit | Any elk | GMUs 335-368 | 2 |
| Region 5 | | Any elk | All 500 series GMUs except GMU 522 | 1 |
| Region 6 | | Any elk | GMUs 654, 660, 672, 673, 681 | 1)) |

NEW SECTION

WAC 232-28-353 2006 Deer special permits.

SPECIAL DEER PERMIT HUNTING SEASONS

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|---|----------------------------|-------------------------------------|-----------------------------|----------------|
| Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.) | | | | |
| Sherman | Oct. 14-29 | Whitetail, antlerless | GMU 101 | 75 |
| Kelly Hill | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 105 | 150 |
| Douglas | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 108 | 300 |
| Aladdin A | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 111 | 75 |
| Aladdin B | Nov. 22-26 | Whitetail, any buck | GMU 111 | 50 |
| Selkirk | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 113 | 50 |
| 49 Degrees North | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 117 | 350 |
| Huckleberry A | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 121 | 600 |
| Mt. Spokane A | Oct. 14-27 & Nov. 6-19 | Whitetail, antlerless | GMU 124 | 400 |
| Mica Peak A | Oct. 14-22 | Whitetail, antlerless | GMU 127 | 150 |
| Cheney A | Oct. 14-22 | Antlerless | GMU 130 | 200 |
| Roosevelt | Oct. 14-22 | Antlerless | GMU 133 | 200 |
| Harrington | Oct. 14-22 | Antlerless | GMU 136 | 125 |
| Step toe | Oct. 14-22 & Nov. 6-19 | Antlerless | GMU 139 | 300 |
| Almota A | Oct. 14-22 & Nov. 6-19 | Antlerless | GMU 142 | 100 |
| Palouse | Nov. 6-19 | Whitetail, 3 pt. min. | GMUs 127-142 | 625 |
| Mayview A | Nov. 1-12 | Antlerless | GMU 145 | 50 |
| Prescott A | Nov. 1-12 | Antlerless | GMU 149 | 50 |
| Blue Creek | Nov. 6-19 | Whitetail, antlerless | GMU 154 | 150 |
| Dayton A | Nov. 6-19 | Whitetail, antlerless | GMU 162 | 250 |
| Dayton B | Nov. 6-19 | Antlerless | Deer Area 1010 | 75 |
| Marengo | Nov. 1-12 | Whitetail, antlerless | GMU 163 | 75 |
| Peola | Nov. 1-12 | Whitetail, antlerless | GMU 178 | 50 |
| Blue Mtns. Foothills A | Nov. 6-19 | Whitetail, 3 pt. min. or antlerless | GMUs 149, 154, 162-166 | 100 |
| Blue Mtns. Foothills B | Nov. 6-19 | Whitetail, 3 pt. min. or antlerless | GMUs 145, 172-181 | 50 |
| Couse | Nov. 1-12 | Antlerless | GMU 181 | 50 |
| East Okanogan A | Nov. 1-18 | Any whitetail | GMU 204 | 50 |
| East Okanogan B | Oct. 14-29 | Whitetail, antlerless | GMU 204 | 75 |

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|------------------|---------------------|--------------------------|----------------------|---------|
| West Okanogan A | Nov. 1-18 | Any whitetail | GMUs 218-242 | 100 |
| West Okanogan B | Oct. 14-22 | Whitetail, antlerless | GMUs 218-242 | 75 |
| Sinlahekin A | Nov. 1-18 | Any whitetail | GMU 215 | 50 |
| Sinlahekin B | Oct. 14-22 | Whitetail, antlerless | GMU 215 | 75 |
| Chewuch A | Nov. 1-18 | Any deer | GMU 218 | 20 |
| Pearygin A | Nov. 1-18 | Any deer | GMU 224 | 20 |
| Gardner A | Nov. 1-18 | Any deer | GMU 231 | 15 |
| Pogue A | Nov. 1-18 | Any deer | GMU 233 | 15 |
| Chiliwist A | Nov. 1-18 | Any deer | GMU 239 | 15 |
| Alta A | Nov. 1-18 | Any deer | GMU 242 | 15 |
| Manson | Nov. 1-18 | Any deer | GMU 243 | 5 |
| Chiwawa A | Nov. 1-18 | Any deer | GMU 245 | 30 |
| Slide Ridge A | Nov. 1-18 | Any deer | GMU 246 | 20 |
| Entiat A | Nov. 1-18 | Any deer | GMU 247 | 50 |
| Big Bend A | Nov. 1-18 | Antlerless | GMU 248 | 100 |
| Swakane A | Nov. 1-18 | Any deer | GMU 250 | 40 |
| Mission A | Nov. 1-18 | Any deer | GMU 251 | 35 |
| Mission B | Oct. 14-29 | Antlerless | GMU 251 | 150 |
| St. Andrews | Oct. 14-22 | Antlerless | GMU 254 | 75 |
| Foster Creek A | Oct. 14-22 | Antlerless | GMU 260 | 75 |
| Foster Creek B | Nov. 1-18 | Antlerless | GMU 260 | 75 |
| Withrow A | Oct. 14-22 | Antlerless | GMU 262 | 50 |
| Badger | Nov. 1-18 | Antlerless | GMU 266 | 50 |
| Ritzville A | Nov. 1-18 | 3 pt. min. or antlerless | GMU 284 | 5 |
| Desert A | Nov. 1-12 | Any deer | GMU 290 | 15 |
| Desert B | Nov. 27 - Dec. 3 | Antlerless | GMU 290 | 75 |
| Naneum A | Oct. 14-22 | Antlerless | GMU 328 | 100 |
| Naneum B | Nov. 13-19 | Any buck | GMU 328 | 24 |
| Quilomene A | Nov. 6-19 | Any buck | GMU 329 | 24 |
| Teanaway A | Oct. 14-22 | Antlerless | GMU 335 | 100 |
| Teanaway B | Nov. 13-19 | Any buck | GMU 335 | 24 |
| Taneum A | Oct. 14-22 | Antlerless | GMU 336 | 75 |
| L.T. Murray A | Nov. 13-19 | Any buck | GMUs 336, 340 | 24 |
| Nile A | Oct. 14-22 | Antlerless | GMU 352 | 10 |
| Bethel A | Nov. 6-19 | Any buck | GMU 360 | 10 |
| Cowiche A | Oct. 14-22 | Antlerless | GMU 368 | 50 |
| Cowiche B | Nov. 6-19 | Any buck | GMU 368 | 15 |
| Alkali A | Nov. 18-26 | Any buck | GMU 371 | 73 |
| Alkali B | Nov. 18-26 | Antlerless | GMU 371 | 70 |
| Kahlotus A | Dec. 10-16 | Antlerless | GMU 381 | 50 |
| East Klickitat A | Oct. 14-27 | 3 pt. min. or antlerless | GMU 382 | 45 |
| Grayback A | Oct. 14-27 | 3 pt. min. or antlerless | GMU 388 | 55 |
| Grayback B | Nov. 16-19 | 3 pt. min. | GMU 388 | 50 |
| Sauk | Nov. 13-16 | 2 pt. min. | GMU 437 | 25 |
| Stillaguamish | Nov. 13-16 | Any buck | GMU 448 | 10 |
| Snoqualmie | Nov. 13-16 | Any buck | GMU 460 | 25 |
| Green River A | Oct. 28 - Nov. 3 | Any buck | GMU 485 | 10 |
| Lincoln A | Oct. 14-31 | Any deer | GMU 501 | 40 |
| Stella A | Oct. 14-31 | Any deer | GMU 504 | 35 |
| Mossyrock A | Oct. 14-31 | Any deer | GMU 505 | 85 |
| Stormking A | Oct. 14-31 | Any deer | GMU 510 | 30 |
| South Rainier A | Oct. 14-31 | Any deer | GMU 513 | 30 |
| Packwood A | Oct. 14-31 | Any deer | GMU 516 | 50 |
| Winston A | Oct. 14-31 | Any deer | GMU 520 | 50 |
| Yale A | Oct. 14-31 | Any deer | GMU 554 | 15 |
| Coweeman A | Oct. 14-31 | Any deer | GMU 550 | 20 |

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|---|---------------------|---|---------------------------------------|---------|
| Toutle A | Oct. 14-31 | Any deer | GMU 556 | 25 |
| Lewis River A | Oct. 14-31 | Any deer | GMU 560 | 35 |
| Siouxon A | Oct. 14-31 | Any deer | GMU 572 | 35 |
| Wind River A | Oct. 14-31 | 2 pt. min. or antlerless | GMU 574 | 10 |
| Wind River B | Nov. 16-19 | 2 pt. min. | GMU 574 | 40 |
| West Klickitat A | Oct. 14-31 | 2 pt. min. or antlerless | GMU 578 | 30 |
| West Klickitat B | Nov. 16-19 | 2 pt. min. | GMU 578 | 40 |
| Pysht | Oct. 14-31 | Any deer | GMU 603 | 15 |
| Olympic A | Oct. 14-31 | Any deer | GMU 621 | 35 |
| Kitsap | Oct. 14-31 | Any deer | GMU 627 | 20 |
| Wynoochee A | Oct. 14-31 | 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. 14-31 | Any deer | GMU 658 | 70 |
| Minot Peak | Oct. 14-31 | Any deer | GMU 660 | 20 |
| Capitol Peak A | Oct. 14-31 | Any deer | GMU 663 | 30 |
| Capitol Peak B | Nov. 1-11 | Any buck | GMU 663 | 10 |
| Deschutes | Oct. 14-31 | Any deer | GMU 666 | 80 |
| Skookumchuck A | Oct. 14-31 | Any deer | GMU 667 | 20 |
| Skookumchuck B | Nov. 1-11 | Any buck | GMU 667 | 10 |
| Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.) | | | | |
| Green Bluff | Dec. 10-31 | Whitetail, antlerless | That portion of GMU 124 east of Hwy 2 | 90 |
| Mayview B | Oct. 7-13 | Antlerless | GMU 145 | 25 |
| Prescott B | Oct. 7-13 | Antlerless | GMU 149 | 25 |
| Blue Mtns. Foothills C | Nov. 20 - Dec. 8 | Whitetail, 3 pt. min. or antlerless | GMUs 149, 154, 162, 166 | 60 |
| Couse B | Oct. 7-13 | Antlerless | GMU 181 | 25 |
| Wannacut A | Nov. 1-18 | Antlerless | GMU 209 | 50 |
| Chiwawa B | Nov. 19-30 | Any deer | GMU 245 | 3 |
| Chiwawa C | Oct. 7-13 | Antlerless | GMU 245 | 50 |
| Swakane B | Oct. 7-13 | Antlerless | GMU 250 | 25 |
| Mission C | Oct. 7-13 | Antlerless | GMU 251 | 30 |
| Foster Creek C | Dec. 1-31 | Antlerless | GMU 260 | 100 |
| Moses Coulee A | Nov. 1-18 | Any deer | GMU 269 | 20 |
| Moses Coulee B | Dec. 1-31 | Antlerless | GMU 269 | 150 |
| Ritzville B | Nov. 19-30 | Mule deer, 3 pt. min. or antlerless; any white-tailed deer | GMU 284 | 5 |
| Benge A | Dec. 1-15 | Antlerless | Deer Area 2010 | 20 |
| Lakeview A | Nov. 1-18 | Antlerless | Deer Area 2011 | 10 |
| Desert C | Oct. 25-31 | Any deer | GMU 290 | 3 |
| Naneum C | Nov. 6-12 | Any buck | GMU 328 | 3 |
| Quilomene B | Oct. 7-13 | Any buck | GMU 329 | 3 |
| Teanaway C | Oct. 7-13 | Antlerless | GMU 335 | 50 |
| Teanaway D | Nov. 6-12 | Any buck | GMU 335 | 3 |
| Manastash A | Oct. 7-13 | Antlerless | GMU 340 | 50 |
| L.T. Murray B | Nov. 6-12 | Any buck | GMUs 336, 340 | 3 |
| Cowiche C | Oct. 7-13 | Antlerless | GMU 368 | 50 |
| Alkali C | Dec. 3-10 | Any buck | GMU 371 | 10 |
| Alkali D | Dec. 3-10 | Antlerless | GMU 371 | 15 |
| Whitcomb A | Sept. 18-24 | Antlerless | Deer Area 3071 | 5 |
| Paterson A | Sept. 18-24 | Antlerless | Deer Area 3072 | 5 |
| Kahlotus B | Nov. 20 - Dec. 8 | Any deer | GMU 381 | 25 |
| East Klickitat B | Nov. 20-30 | 3 pt. min or antlerless | GMU 382 | 20 |
| Grayback C | Oct. 7-13 | 3 pt. min. or antlerless | GMU 388 | 10 |
| West Klickitat C | Dec. 1-15 | 2 pt. min. or antlerless | GMU 578 | 30 |
| Mossyrock B | Oct. 7-13 | Any deer | GMU 505 | 10 |
| Stormking B | Oct. 7-13 | Any deer | GMU 510 | 5 |

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|--|---------------------|--------------------------|----------------------|---------|
| South Rainier B | Oct. 7-13 | Any deer | GMU 513 | 5 |
| Packwood B | Oct. 7-13 | Any deer | GMU 516 | 5 |
| Winston B | Oct. 7-13 | Any deer | GMU 520 | 5 |
| Coweeman B | Oct. 7-13 | Any deer | GMU 550 | 30 |
| Yale B | Oct. 7-13 | Any deer | GMU 554 | 2 |
| Toutle B | Oct. 7-13 | Any deer | GMU 556 | 3 |
| Lewis River B | Oct. 7-13 | Any deer | GMU 560 | 5 |
| Siouxon B | Oct. 7-13 | Any deer | GMU 572 | 5 |
| Wind River C | Oct. 7-13 | 2 pt. min. or antlerless | GMU 574 | 1 |
| Olympic B | Oct. 7-13 | Any deer | GMU 621 | 20 |
| North River B | Oct. 7-13 | Any deer | GMU 658 | 5 |
| Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.) | | | | |
| Chiwawa D | Dec. 1-12 | Any deer | GMU 245 | 19 |
| Entiat B | Nov. 20-29 | Any deer | GMU 247 | 160 |
| Entiat C | Nov. 30 - Dec. 8 | Any deer | GMU 247 | 150 |
| Big Bend B | Nov. 20 - Dec. 8 | Any deer | GMU 248 | 10 |
| Desert D | Nov. 13-26 | Any deer | GMU 290 | 14 |
| Naneum D | Nov. 20 - Dec. 8 | Any deer | GMU 328 | 20 |
| Quilomene C | Nov. 20 - Dec. 8 | Any deer | GMU 329 | 20 |
| Teanaway E | Nov. 20 - Dec. 8 | Any deer | GMU 335 | 20 |
| L.T. Murray C | Nov. 20 - Dec. 8 | Any deer | GMUs 336, 340 | 20 |
| Alkali E | Dec. 10-24 | Any deer | GMU 371 | 91 |
| Special Modern Firearm Deer Permit Hunts for Hunters 65 or older | | | | |
| Blue Mtns. Foothills D | Oct. 14-22 | Antlerless | GMUs 145, 149 | 30 |
| East Okanogan C | Oct. 14-22 | Antlerless | GMU 204 | 15 |
| Wannacut B | Oct. 14-22 | Antlerless | GMU 209 | 15 |
| Sinlahekin C | Oct. 14-22 | Antlerless | GMU 215 | 15 |
| Chewuch B | Oct. 14-22 | Antlerless | GMU 218 | 15 |
| Pearrygin B | Oct. 14-22 | Antlerless | GMU 224 | 15 |
| Gardner B | Oct. 14-22 | Antlerless | GMU 231 | 15 |
| Pogue B | Oct. 14-22 | Antlerless | GMU 233 | 15 |
| Chiliwist B | Oct. 14-22 | Antlerless | GMU 239 | 15 |
| Alta B | Oct. 14-22 | Antlerless | GMU 242 | 15 |
| Chiwawa E | Oct. 14-29 | Antlerless | GMU 245 | 10 |
| Entiat D | Oct. 14-29 | Antlerless | GMU 247 | 10 |
| Swakane C | Oct. 14-29 | Antlerless | GMU 250 | 10 |
| Mission D | Oct. 14-29 | Any deer | GMU 251 | 10 |
| Bridgeport A | Oct. 14-22 | Antlerless | GMUs 248, 260 | 15 |
| Palisades A | Oct. 14-22 | Antlerless | GMUs 266, 269 | 15 |
| Quilomene D | Nov. 7-20 | Antlerless | GMU 329 | 10 |
| Manastash B | Oct. 14-22 | Antlerless | GMU 340 | 25 |
| Umtanum A | Nov. 7-20 | Antlerless | GMU 342 | 10 |
| Bethel B | Oct. 14-22 | Antlerless | GMU 360 | 10 |
| Sunnyside A | Oct. 14-22 | Antlerless | GMU 372 | 15 |
| Horse Heaven Hills A | Oct. 14-22 | Antlerless | GMU 373 | 10 |
| Kahlotus C | Oct. 14-22 | Antlerless | GMU 381 | 15 |
| East Klickitat C | Oct. 14-27 | 3 pt. min. or antlerless | GMU 382 | 20 |
| Grayback D | Oct. 14-27 | 3 pt. min. or antlerless | GMU 388 | 10 |
| Lincoln B | Oct. 14-31 | Any deer | GMU 501 | 5 |
| Stella B | Oct. 14-31 | Any deer | GMU 504 | 5 |
| Mossyrock C | Oct. 14-31 | Any deer | GMU 505 | 15 |
| Stormking C | Oct. 14-31 | Any deer | GMU 510 | 5 |
| South Rainier C | Oct. 14-31 | Any deer | GMU 513 | 5 |
| Packwood C | Oct. 14-31 | Any deer | GMU 516 | 5 |
| Winston C | Oct. 14-31 | Any deer | GMU 520 | 5 |
| Yale C | Oct. 14-31 | Any deer | GMU 554 | 5 |

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|--|--|---------------------------------|------------------------|---------|
| Toutle C | Oct. 14-31 | Any deer | GMU 556 | 10 |
| Lewis River C | Oct. 14-31 | Any deer | GMU 560 | 5 |
| Washougal A | Oct. 14-31 | Any deer | GMU 568 | 10 |
| Siouxon C | Oct. 14-31 | Any deer | GMU 572 | 5 |
| Wind River D | Oct. 14-31 | 2 pt. min. or antlerless | GMU 574 | 2 |
| West Klickitat D | Oct. 14-31 | 2 pt. min. or antlerless | GMU 578 | 5 |
| Copalis | Oct. 14-31 | Any deer | GMU 642 | 20 |
| North River C | Oct. 14-31 | Any deer | GMU 658 | 10 |
| Williams Creek | Oct. 14-31 | Any deer | GMU 673 | 20 |
| Disabled Hunter Deer Permits (Hunters must use method/weapon listed on their tag. All weapon types may apply unless otherwise noted.) | | | | |
| East Okanogan D | Restricted to general early season by tag choice | Antlerless | GMU 204 | 15 |
| Wannacut C | | Antlerless | GMU 209 | 15 |
| Sinlahekin D | | Antlerless | GMU 215 | 15 |
| Chewuch C | | Antlerless | GMU 218 | 15 |
| Pearrygin C | | Antlerless | GMU 224 | 15 |
| Gardner C | | Antlerless | GMU 231 | 15 |
| Pogue C | | Antlerless | GMU 233 | 15 |
| Chiliwist C | | Antlerless | GMU 239 | 15 |
| Alta C | | Antlerless | GMU 242 | 15 |
| Chiwawa F | Oct. 14-29 | Antlerless, modern firearm only | GMU 245 | 10 |
| Entiat E | Oct. 14-29 | Antlerless, modern firearm only | GMU 247 | 15 |
| Mission E | Oct. 14-29 | Any deer, modern firearm only | GMU 251 | 15 |
| Bridge Port B | Restricted to general early season by tag choice | Any deer | GMUs 248, 260 | 10 |
| Palisades B | | Any deer | GMUs 266, 269 | 10 |
| Quilomene E | Nov. 6-19 | Antlerless, modern firearm only | GMU 329 | 5 |
| Manastash C | Oct. 14-22 | Antlerless, modern firearm only | GMU 340 | 10 |
| Umtanum B | Nov. 6-19 | Antlerless, modern firearm only | GMU 342 | 5 |
| Nile B | Restricted to general early season by tag choice | Antlerless | GMU 352 | 10 |
| Sunnyside B | | Antlerless | GMU 372 | 10 |
| Kahlotus D | | Antlerless | GMU 381 | 10 |
| East Klickitat D | | 3 pt. min. or antlerless | GMU 382 | 20 |
| Grayback E | | 3 pt. min. or antlerless | GMU 388 | 10 |
| Green River B | Oct. 28 - Nov. 5 | Any deer, modern firearm only | GMU 485 | 5 |
| Lincoln C | Restricted to general early season by tag choice | 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 |
| Lewis River D | | Any deer | GMU 560 | 2 |
| Washougal B | | 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 E | | 2 pt. min. or antlerless | GMU 578 | 3 |
| 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 Only | | | | |
| Blue Mtns. Foothills E | Oct. 14-22 | Antlerless | GMUs 149, 154, 162-163 | 40 |
| Blue Mtns. Foothills F | Oct. 14-22 | Antlerless | GMUs 145, 172-181 | 40 |
| East Okanogan E | Oct. 14-22 | Antlerless | GMU 204 | 70 |

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|--|---------------------|----------------------|----------------------|---------|
| Wannacut D | Oct. 14-22 | Antlerless | GMU 209 | 50 |
| Sinlahekin E | Oct. 14-22 | Antlerless | GMU 215 | 100 |
| Chewuch D | Oct. 14-22 | Antlerless | GMU 218 | 175 |
| Pearygin D | Oct. 14-22 | Antlerless | GMU 224 | 175 |
| Gardner D | Oct. 14-22 | Antlerless | GMU 231 | 65 |
| Pogue D | Oct. 14-22 | Antlerless | GMU 233 | 50 |
| Chiliwist D | Oct. 14-22 | Antlerless | GMU 239 | 100 |
| Alta D | Oct. 14-22 | Antlerless | GMU 242 | 110 |
| Chiwawa G | Oct. 14-29 | Antlerless | GMU 245 | 60 |
| Entiat F | Oct. 14-29 | Antlerless | GMU 247 | 40 |
| Swakane D | Oct. 14-29 | Antlerless | GMU 250 | 20 |
| Mission F | Oct. 14-29 | Antlerless | GMU 251 | 150 |
| Bridge Port C | Oct. 14-22 | Antlerless | GMUs 248, 260 | 125 |
| Palisades C | Oct. 14-22 | Antlerless | GMUs 266, 269 | 100 |
| Lakeview C | Oct. 14-22 | Any deer | Deer Area 2011 | 10 |
| Benge B | Oct. 23-31 | Antlerless | Deer Area 2010 | 20 |
| Desert E | Sept. 18 - Oct. 1 | Any deer | GMU 290 | 10 |
| Naneum F | Oct. 14-22 | Antlerless | GMU 328 | 50 |
| Quilomene F | Nov. 6-19 | Antlerless | GMU 329 | 50 |
| Manastash D | Oct. 14-22 | Antlerless | GMU 340 | 100 |
| Umtanum C | Nov. 7-20 | Antlerless | GMU 342 | 25 |
| Cowiche D | Oct. 14-22 | Antlerless | GMU 368 | 50 |
| Horse Heaven Hills B | Oct. 14-22 | Antlerless | GMU 373 | 10 |
| Kahlotus E | Oct. 14-22 | Antlerless | GMU 381 | 20 |
| Grayback F | Oct. 14-27 | Any deer | GMU 388 | 20 |
| East Klickitat E | Oct. 14-27 | Any deer | GMU 382 | 30 |
| Green River C | Oct. 28 - Nov. 3 | Antlerless | GMU 485 | 5 |
| Lincoln D | Oct. 14-31 | Any deer | GMU 501 | 10 |
| Stella D | Oct. 14-31 | Any deer | GMU 504 | 10 |
| Mossyrock E | Oct. 14-31 | Any deer | GMU 505 | 10 |
| Stormking E | Oct. 14-31 | Any deer | GMU 510 | 10 |
| South Rainier E | Oct. 14-31 | Any deer | GMU 513 | 10 |
| Packwood E | Oct. 14-31 | Any deer | GMU 516 | 10 |
| Winston E | Oct. 14-31 | Any deer | GMU 520 | 10 |
| Yale E | Oct. 14-31 | Any deer | GMU 554 | 10 |
| Toutle E | Oct. 14-31 | Any deer | GMU 556 | 60 |
| Lewis River E | Oct. 14-31 | Any deer | GMU 560 | 10 |
| Washougal C | Oct. 14-31 | Any deer | GMU 568 | 10 |
| Siouxon E | Oct. 14-31 | Any deer | GMU 572 | 10 |
| Wind River F | Oct. 14-31 | Any deer | GMU 574 | 15 |
| West Klickitat F | Oct. 14-31 | Any deer | GMU 578 | 15 |
| Satsop B | Oct. 14-31 | Any deer | GMU 651 | 10 |
| Skookumchuck D | Oct. 7-31 | Any deer | GMU 667 | 60 |
| North River E | Oct. 14-31 | 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 Only | | | | |
| East Okanogan F | Oct. 7-13 | Antlerless | GMU 204 | 10 |
| Wannacut E | Oct. 7-13 | Antlerless | GMU 209 | 10 |
| Pogue E | Oct. 7-13 | Antlerless | GMU 233 | 10 |
| Chiliwist E | Oct. 7-13 | Antlerless | GMU 239 | 10 |
| Alta E | Oct. 7-13 | Antlerless | GMU 242 | 10 |
| Mission F | Oct. 7-13 | Any deer | GMU 251 | 20 |
| Ritzville C | Oct. 7-13 | Antlerless | GMU 284 | 50 |
| Desert F | Sept. 1-15 | Any deer | GMU 290 | 10 |
| Whitcomb B | Sept. 11-17 | Antlerless | Deer Area 3071 | 5 |
| Paterson B | Sept. 11-17 | Antlerless | Deer Area 3072 | 5 |

| Hunt Name | Permit Season Dates | Special Restrictions | Boundary Description | Permits |
|---|--|-----------------------|-------------------------|---------|
| Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and be accompanied by an adult during the hunt.) | | | | |
| Archery Only | | | | |
| Desert G | Oct. 2-15 | Any deer | GMU 290 | 10 |
| Special Deer Permits - Second Deer Tag These permits are only valid when a second license and tag is purchased. Hunters must use the method/weapon listed on their tag. The second deer license and tag type must be the same tag type as the first one. These 2nd deer special permit hunts will not affect hunters' accumulated points. | | | | |
| Hunt Name | Second Tag Season | Special Restrictions | Boundary Description | Permits |
| Huckleberry B | Restricted to general seasons by tag choice | Whitetail, antlerless | GMU 121 | 400 |
| Mt. Spokane B | | Whitetail, antlerless | GMU 124 | 500 |
| Almota B | | Antlerless | GMU 142 | 100 |
| Mica Peak B | | Whitetail, antlerless | GMU 127 | 200 |
| Northeast | Archery tag required. Any open archery hunt. Must use archery equipment. | Whitetail, antlerless | GMUs 105, 108, 121, 124 | 200 |
| Benge C | Dec. 16-31 | Antlerless | Deer Area 2010 | 20 |
| Lakeview C | Jan. 1-30 | Antlerless | Deer Area 2011 | 20 |
| High Prairie | Restricted to general early season by tag choice | Antlerless | Deer Area 3088 | 50 |
| Shaw | Restricted to general seasons by tag choice | Any deer | Deer Area 4004 | 50 |
| Lopez | | Any deer | Deer Area 4005 | 50 |
| Orcas | | Any deer | Deer Area 4006 | 50 |
| Decatur | | Any deer | Deer Area 4007 | 50 |
| Blakely | | Any deer | Deer Area 4008 | 50 |
| Cypress | | Any deer | Deer Area 4009 | 50 |
| San Juan | | Any deer | Deer Area 4010 | 50 |
| Camano | | Antlerless | Deer Area 4011 | 50 |
| Whidbey | | Antlerless | Deer Area 4012 | 125 |
| Vashon-Maury | | Antlerless | Deer Area 4013 | 125 |
| Guemes | | Antlerless | Deer Area 4926 | 50 |
| Anderson | | Antlerless | Deer Area 6014 | 50 |
| Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used. | | | | |
| Lakeview D | Dec. 9-31 | Antlerless | Deer Area 2011 | 20 |

| Hunter Education Instructor Incentive Permits | | | | |
|---|---|---|---|---------|
| <ul style="list-style-type: none"> – Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify. – Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. – Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. – Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. – Permittees may purchase a second license for use with the permit hunt only. | | | | |
| Area | Dates | Restrictions | GMUs | Permits |
| Region 1 | All general season and permit seasons established for GMUs included with the permit | Any white-tailed deer | Any 100 series GMU except GMU 157 | 2 |
| Region 2 | | Any deer | GMUs 215-251 | 1 |
| Region 2 | | Any deer | GMU 290 | 1 |
| Region 3 | | Any deer | GMUs 335-368, 382, 388 | 1 |
| Region 4 | | Any deer | Any 400 series GMU except GMU 485 | 2 |
| Region 5 | | Legal buck for 500 series GMU of choice or antlerless | Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season | 2 |
| Region 6 | | Legal buck for GMU of choice | GMUs 654, 660, 672, 673, 681 | 1 |

NEW SECTION**WAC 232-28-354 2006 Elk special permits.****Special Elk Permit Hunting Seasons
(Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

| Hunt Name | Permit Season Dates | Special Restrictions | Elk Tag Prefix | Boundary Description | Permits |
|--|------------------------|--------------------------|----------------|-----------------------------------|---------|
| Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.) | | | | | |
| Prescott A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 149 | 2 |
| Blue Creek A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 154 | 2 |
| Watershed | Oct. 28 - Nov. 5 | 3 pt. min. or Antlerless | EA, EF, EM | GMU 157 | 40 |
| Dayton A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 162 | 12 |
| Tucannon A | Oct. 23 - Nov. 5 | Any bull | EF | Elk Area 1014 | 2 |
| Wenaha A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 169 | 14 |
| Mountain View A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 172 | 4 |
| Couse A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 181 | 1 |
| Mission A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 251 | 2 |
| Colockum A | Oct. 23 - Nov. 5 | Any bull | EF | GMUs 328, 329 | 7 |
| Teanaway A | Dec. 23 - Jan. 5, 2007 | Any bull | EF | GMU 335 | 24 |
| Peaches Ridge A | Oct. 23 - Nov. 5 | Any bull | EF | GMUs 336, 346 | 132 |
| Little Naches A | Oct. 1-10 | Any bull | EF | GMU 346 | 15 |
| Observatory A | Oct. 23 - Nov. 5 | Any bull | EF | GMUs 340, 342 | 76 |
| Goose Prairie A | Oct. 23 - Nov. 5 | Any bull | EF | GMUs 352, 356 | 88 |
| Bethel A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 360 | 50 |
| Rimrock A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 364 | 118 |
| Cowiche A | Oct. 23 - Nov. 5 | Any bull | EF | GMU 368 | 24 |
| Klickitat Meadows A | Oct. 23 - Nov. 5 | Any bull | EF | Elk Area 3068 | 1 |
| Green River | Oct. 28 - Nov. 3 | Any bull | WF | GMU 485 | 3 |
| Margaret A | Nov. 4-12 | Any bull | WF | GMU 524 | 23 |
| Toutle A | Nov. 4-12 | Any bull | WF | GMU 556 | 91 |
| Clearwater | Oct. 1-10 | Any bull | WA, WF, WM | GMU 615 | 2 |
| Matheny | Oct. 1-10 | Any bull | WA, WF, WM | GMU 618 | 3 |
| Olympic A | Nov. 1-9 | Any bull | WF | GMU 621, EXCEPT for Elk Area 6071 | 21 |
| Skokomish A | Nov. 1-9 | Any bull | WF | GMU 636 | 9 |
| Wynoochee | Oct. 1-10 | Any bull | WA, WF, WM | GMU 648 | 1 |
| White River A | Nov. 4-12 | Any bull | WF | GMU 653 | 23 |
| Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.) | | | | | |
| Aladdin A | Oct. 28 - Nov. 5 | Any elk | EF | GMU 111 | 15 |
| Selkirk A | Oct. 28 - Nov. 5 | Any elk | EF | GMU 113 | 20 |
| 49 Degrees North | Oct. 28 - Nov. 5 | Any elk | EF | GMU 117 | 30 |
| Blue Creek B | Oct. 28 - Nov. 5 | Antlerless | EF | GMUs 149, 154 | 100 |
| Prescott B | Oct. 28 - Nov. 5 | Antlerless | EF | GMU 149 | 75 |
| Dayton B | Oct. 28 - Nov. 5 | Antlerless | EF | GMU 163 and Elk Area 1011 | 200 |
| Dayton C | Oct. 28 - Nov. 5 | Antlerless | EF | GMU 149 and Elk Area 1012 | 100 |
| Peola A | Oct. 28 - Nov. 5 | Antlerless | EF | GMU 178 | 50 |
| Couse B | Aug. 27 - Sept. 7 | Antlerless | EF | GMU 181 | 25 |
| Couse C | Oct. 1-10 | Antlerless | EF | GMU 181 | 25 |
| Mountain View B | Oct. 28 - Nov. 5 | Antlerless | EF | Elk Area 1013 | 60 |
| Lick Creek A | Oct. 28 - Nov. 5 | Antlerless | EF | GMU 175 | 25 |
| Malaga A | Aug. 12-31 | Antlerless | EF | Elk Area 2032 | 30 |
| Malaga B | Sept. 8-30 | Any elk | EF | Elk Area 2032 | 10 |
| Malaga C | Sept. 15-25 | Antlerless | EF | Elk Area 2032 | 70 |
| Malaga D | Nov. 6 - Dec. 31 | Antlerless | EF | Elk Area 2032 | 120 |

| Hunt Name | Permit Season Dates | Special Restrictions | Elk Tag Prefix | Boundary Description | Permits |
|--|-------------------------|--------------------------|----------------|----------------------|---------|
| Malaga E | Nov. 6 - Dec. 18 | Any elk | EF | Elk Area 2032 | 10 |
| Malaga F | Dec. 19 - Feb. 28, 2007 | Any elk | EF | Elk Area 2032 | 15 |
| Peshastin A | Aug. 15-31 | Antlerless | EF | Elk Area 2033 | 20 |
| Peshastin B | Sept. 15 - Oct. 1 | Antlerless | EF | Elk Area 2033 | 20 |
| Peshastin C | Sept. 22-30 | Any elk | EF | Elk Area 2033 | 5 |
| Peshastin D | Nov. 30 - Feb. 28, 2007 | Antlerless | EF | Elk Area 2033 | 30 |
| Peshastin E | Dec. 15 - Feb. 28, 2007 | Any elk | EF | Elk Area 2033 | 10 |
| West Bar A | Oct. 28 - Nov. 1 | Antlerless | EF | GMU 330 | 5 |
| West Bar B | Nov. 2-5 | Antlerless | EF | GMU 330 | 5 |
| Teanaway B | Dec. 23 - Jan 30, 2007 | Antlerless | EF | GMU 335 | 100 |
| Taneum A | Nov. 1-5 | Antlerless | EF | GMU 336 | 10 |
| Manastash A | Nov. 1-5 | Antlerless | EF | GMU 340 | 250 |
| Umtanum A | Nov. 1-5 | Antlerless | EF | GMU 342 | 250 |
| Cleman | Dec. 1-15 | Antlerless | EF | Elk Area 3944 | 50 |
| Little Naches B | Nov. 1-5 | Antlerless | EF | GMU 346 | 150 |
| Nile A | Nov. 1-5 | Antlerless | EF | GMU 352 | 50 |
| Bumping B | Nov. 1-5 | Antlerless | EF | GMU 356 | 100 |
| Bethel B | Nov. 1-5 | Antlerless | EF | GMU 360 | 100 |
| Rimrock B | Nov. 1-5 | Antlerless | EF | GMU 364 | 150 |
| Cowiche B | Nov. 1-5 | Antlerless | EF | GMU 368 | 150 |
| Klickitat Meadows B | Nov. 1-5 | Spike bull or antlerless | EF | Elk Area 3068 | 9 |
| Alkali A | Oct. 21 - Nov. 5 | Any elk | EF | GMU 371 | 25 |
| Willapa Hills A | Nov. 4-12 | Antlerless | WF | GMU 506 | 35 |
| Winston A | Nov. 4-12 | Antlerless | WF | GMU 520 | 12 |
| Margaret B | Nov. 13-17 | Antlerless | WF | GMU 524 | 30 |
| Ryderwood A | Nov. 4-12 | Antlerless | WF | GMU 530 | 32 |
| Coweeman A | Nov. 4-12 | Antlerless | WF | GMU 550 | 15 |
| Toutle B | Nov. 13-17 | Antlerless | WF | GMU 556 | 50 |
| Toledo G | Nov. 4-12 | Antlerless | WF | Elk Area 5029 | 20 |
| Green Mtn C | Nov. 4-12 | Antlerless | WF | Elk Area 5051 | 10 |
| Carlton | Oct. 1-10 | Any bull | WF | Elk Area 5057 | 5 |
| West Goat Rocks | Oct. 1-10 | Any bull | WF | Elk Area 5058 | 5 |
| Mt. Adams | Oct. 1-10 | Any bull | WF | Elk Area 5059 | 5 |
| Wildwood A | Jan. 16-30, 2007 | Antlerless | WF | Elk Area 5061 | 15 |
| Lewis River A | Nov. 4-12 | Antlerless | WF | GMU 560 | 80 |
| Siouxon A | Nov. 4-12 | Antlerless | WF | GMU 572 | 40 |
| Raymond A | Nov. 5-10 | 3 pt. min. or antlerless | WF | Elk Area 6010 | 20 |
| Raymond B | Dec. 16-31 | Antlerless | WF | Elk Area 6010 | 30 |
| Raymond C | Jan. 1-30, 2007 | Antlerless | WF | Elk Area 6010 | 15 |
| Raymond D | Feb. 1-28, 2007 | Antlerless | WF | Elk Area 6010 | 15 |
| Chehalis Valley A | Oct. 1-31 | Antlerless | WF | Elk Area 6066 | 10 |
| Chehalis Valley B | Nov. 5-10 | Antlerless | WF | Elk Area 6066 | 10 |
| North Minot A | Oct. 20-31 | Antlerless | WF | Elk Area 6067 | 60 |
| Deschutes | Jan. 15-23, 2007 | Antlerless | WF | GMU 666 | 10 |
| North River | Nov. 8-13 | Antlerless | WF | GMU 658 | 10 |
| Williams Creek | Nov. 8-13 | Antlerless | WF | GMU 673 | 50 |
| Tri Valley A | Dec. 1 - Jan. 30, 2007 | Antlerless | WF | Elk Area 6012 | 10 |
| 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. | | | | | |
| Prescott C | Oct. 1-10 | Any bull | EM | GMU 149 | 1 |
| Blue Creek C | Oct. 1-10 | Any bull | EM | GMU 154 | 1 |
| Dayton D | Oct. 1-10 | Any bull | EM | GMU 162 | 3 |
| Tucannon B | Oct. 1-10 | Any bull | EM | Elk Area 1014 | 1 |
| Wenaha B | Oct. 1-10 | Any bull | EM | GMU 169 | 2 |
| Mountain View C | Oct. 1-10 | Any bull | EM | GMU 172 | 1 |

| Hunt Name | Permit Season Dates | Special Restrictions | Elk Tag Prefix | Boundary Description | Permits |
|---|------------------------|--------------------------|----------------|-----------------------------------|---------|
| Couse D | Oct. 1-10 | Any bull | EM | GMU 181 | 1 |
| Mission B | Oct. 1-10 | Any bull | EM | GMU 251 | 1 |
| Colockum B | Oct. 1-10 | Any bull | EM | GMUs 328, 329 | 1 |
| Teanaway C | Dec. 9-22 | Any elk | EM | GMU 335 | 7 |
| Peaches Ridge B | Oct. 1-10 | Any bull | EM | GMUs 336, 346 | 19 |
| Observatory B | Oct. 1-10 | Any bull | EM | GMUs 340, 342 | 23 |
| Goose Prairie B | Oct. 1-10 | Any bull | EM | GMUs 352, 356 | 14 |
| Bethel C | Oct. 1-10 | Any bull | EM | GMU 360 | 9 |
| Rimrock C | Oct. 1-10 | Any bull | EM | GMU 364 | 16 |
| Cowiche C | Oct. 1-10 | Any bull | EM | GMU 368 | 11 |
| Klickitat Meadows C | Oct. 1-10 | Any bull | EM | Elk Area 3068 | 1 |
| Margaret C | Oct. 7-13 | Any bull | WM | GMU 524 | 5 |
| Toutle C | Oct. 7-13 | Any bull | WM | GMU 556 | 17 |
| Olympic B | Oct. 4-10 | Any bull | WM | GMU 621, EXCEPT for Elk Area 6071 | 3 |
| Skokomish B | Oct. 4-10 | Any bull | WM | GMU 636 | 1 |
| White River B | Oct. 1-10 | Any bull | WM | GMU 653 | 3 |
| Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.) | | | | | |
| Aladdin B | Oct. 7-13 | Any elk | EM | GMU 111 | 10 |
| Selkirk B | Oct. 7-13 | Any elk | EM | GMU 113 | 10 |
| 49 Degrees North | Oct. 7-13 | Any elk | EM | GMU 117 | 10 |
| Blue Creek D | Dec. 9 - Jan. 30, 2007 | Antlerless | EM | GMUs 149, 154 | 60 |
| Mountain View D | Oct. 1-10 | Antlerless | EM | Elk Area 1013 | 25 |
| Lick Creek B | Oct. 1-10 | Antlerless | EM | GMU 175 | 25 |
| Couse E | Dec. 1-31 | Antlerless | EM | GMU 181 | 50 |
| Couse F | Jan. 1 - 30, 2007 | Antlerless | EM | GMU 181 | 50 |
| Malaga G | Oct. 1-21 | Antlerless | EM | Elk Area 2032 | 100 |
| Malaga H | Oct. 1-21 | Any elk | EM | Elk Area 2032 | 15 |
| West Bar C | Oct. 1-10 | Antlerless | EM | GMU 330 | 5 |
| Taneum B | Oct. 7-13 | Antlerless | EM | GMU 336 | 25 |
| Manastash B | Oct. 7-13 | Antlerless | EM | GMU 340 | 25 |
| Umtanum B | Oct. 7-13 | Antlerless | EM | GMU 342 | 250 |
| Nile B | Oct. 7-13 | Antlerless | EM | GMU 352 | 40 |
| Bumping B | Oct. 7-13 | Antlerless | EM | GMU 356 | 90 |
| Bethel D | Oct. 7-13 | Antlerless | EM | GMU 360 | 40 |
| Cowiche D | Oct. 7-13 | Antlerless | EM | GMU 368 | 225 |
| Klickitat Meadows D | Oct. 7-13 | Spike bull or antlerless | EM | Elk Area 3068 | 4 |
| Alkali B | Oct. 1-15 | Any elk | EM | GMU 371 | 15 |
| Stella A | Nov. 24 - Dec. 15 | Antlerless | WM | GMU 504 | 75 |
| Stella B | Jan. 1-16, 2007 | Antlerless | WM | GMU 504 | 50 |
| Toledo A | Dec. 7-20 | Antlerless | WM | Elk Area 5029 | 30 |
| Mossyrock A | Jan. 1-16, 2007 | Antlerless | WM | Elk Area 5052 | 20 |
| Randle A | Jan. 1-16, 2007 | Antlerless | WM | Elk Area 5053 | 15 |
| Boistfort A | Jan. 1-16, 2007 | Antlerless | WM | Elk Area 5054 | 40 |
| Willapa Hills B | Nov. 22 - Dec. 15 | Antlerless | WM | GMU 506 | 15 |
| Green Mt. A | Jan. 1-16, 2007 | Antlerless | WM | Elk Area 5051 | 30 |
| Wildwood B | Jan. 1-15, 2007 | Antlerless | WM | Elk Area 5061 | 15 |
| Winston B | Nov. 22 - Dec. 15 | Antlerless | WM | GMU 520 | 3 |
| Margaret D | Nov. 22 - Dec. 15 | Antlerless | WM | GMU 524 | 15 |
| Ryderwood B | Oct. 7-13 | Antlerless | WM | GMU 530 | 8 |
| Coweeman B | Nov. 22 - Dec. 15 | Antlerless | WM | GMU 550 | 5 |
| Toutle D | Nov. 22 - Dec. 15 | Antlerless | WM | GMU 556 | 15 |
| Lewis River B | Oct. 7-13 | Antlerless | WM | GMU 560 | 25 |
| Siouxon B | Oct. 7-13 | Antlerless | WM | GMU 572 | 10 |
| Yale | Nov. 22 - Dec. 15 | 3 pt. min. or antlerless | WM | GMU 554 | 75 |
| Twin Satsop A | Jan. 5-15, 2007 | Antlerless | WM | Elk Area 6061 | 10 |

| Hunt Name | Permit Season Dates | Special Restrictions | Elk Tag Prefix | Boundary Description | Permits |
|--|--------------------------|---|----------------|-----------------------------------|------------------|
| Mashel A | Jan. 1-15, 2007 | Antlerless | WM | Elk Area 6054 | 25 |
| North River | Nov. 26 - Dec. 15 | Antlerless | WM | GMU 658 | 20 |
| North Minot B | Oct. 1-7 | Antlerless | WM | Elk Area 6067 | 60 |
| Raymond E | Oct. 1-31 | Antlerless | WM | Elk Area 6010 | 30 |
| Chehalis Valley C | Jan. 1-30, 2007 | 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 |
| Tri Valley B | Dec. 1 - Jan. 30, 2007 | Antlerless | WM | Elk Area 6012 | 30 |
| Archery Permit Hunts (Only archery elk tag holders may apply.) | | | | | |
| Note: Fire closures may limit access during September seasons. | | | | | |
| Prescott D | Sept. 8-21 | Any bull | EA | GMU 149 | 1 |
| Blue Creek E | Sept. 8-21 | Any bull | EA | GMU 154 | 1 |
| Dayton E | Sept. 8-21 | Any bull | EA | GMU 162 | 4 |
| Tucannon C | Sept. 8-21 | Any bull | EA | Elk Area 1014 | 1 |
| Wenaha C | Sept. 8-21 | Any bull | EA | GMU 169 | 3 |
| Mountain View E | Sept. 8-21 | Any bull | EA | GMU 172 | 2 |
| Couse G | Sept. 8-21 | Any bull | EA | GMU 181 | 1 |
| Colockum C | Sept. 8-21 | Any bull | EA | GMUs 328, 329 | 8 |
| Teanaway E | Nov. 20 - Dec. 8 | Any bull | EA | GMU 335 | 29 |
| Peaches Ridge C | Sept. 8-21 | Any bull | EA | GMUs 336, 346 | 108 |
| Observatory C | Sept. 8-21 | Any elk | EA | GMUs 340, 342 | 88 |
| Goose Prairie C | Sept. 8-21 | Any bull | EA | GMUs 352, 356 | 147 |
| Bethel E | Sept. 8-21 | Any bull | EA | GMU 360 | 47 |
| Rimrock D | Sept. 8-21 | Any bull | EA | GMU 364 | 118 |
| Cowiche E | Sept. 8-21 | Any bull | EA | GMU 368 | 22 |
| Klickitat Meadows E | Sept. 8-21 | Any bull | EA | Elk Area 3068 | 1 |
| Klickitat Meadows F | Sept. 8-21 | Spike bull or antlerless | EA | Elk Area 3068 | 9 |
| Malaga I | Sept. 1-7 | Antlerless | EA | Elk Area 2032 | 50 |
| Peshastin G | Sept. 1-14 | Any elk | EA | Elk Area 2033 | 30 |
| Margaret E | Sept. 15-30 | Any bull | WA | GMU 524 | 8 |
| Toutle E | Sept. 15-30 | Any bull | WA | GMU 556 | 47 |
| Olympic C | Sept. 8-21 | Any bull | WA | GMU 621, EXCEPT for Elk Area 6071 | 6 |
| Skokomish C | Sept. 8-21 | Any bull | WA | GMU 636 | 5 |
| White River C | Sept. 8-21 | Any bull | WA | GMU 653 | 19 |
| Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; and any weapon may be used. | | | | | |
| Peshastin F | Aug. 18-31 | Any elk | Any elk tag | Elk Area 2033 | 5 |
| Mossyrock B | Jan. 17-30, 2007 | Antlerless | Any elk tag | Elk Area 5052 | 20 |
| Randle B | Jan. 17-30, 2007 | 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. 17-30, 2007 | Antlerless | Any elk tag | Elk Area 5051 | 20 |
| Merwin A | Nov. 24 - Dec. 15 | Antlerless | Any elk tag | Elk Area 5060 | 10 |
| Merwin B | Jan. 17-30, 2007 | Antlerless | Any elk tag | Elk Area 5060 | 10 |
| Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts: Only AHE master hunters may apply; these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed; and any weapon may be used. The second elk license and tag type must be the same tag type as the first one. | | | | | |
| Peola B | Aug. 11 - Sept. 7 | Antlerless | Any elk tag | Designated areas in GMU 178 | 15 ^{HM} |
| Peola C | Dec. 9 - Jan. 31, 2007 | Antlerless | Any elk tag | Designated areas in GMU 178 | 15 ^{HM} |
| Malaga J | Jan. 1 - Mar. 31, 2007 | Antlerless | Any elk tag | Elk Area 2032 | 30 ^{HM} |
| Fairview A | Feb. 1-28, 2007 | Antlerless | Any elk tag | Elk Area 3911 | 20 ^{HM} |
| Rattlesnake Hills | Aug. 1 - Feb. 28, 2007 | Antlerless | Any elk tag | Designated areas in GMU 372 | 20 ^{HM} |
| Corral Canyon A | Aug. 1 - Sept. 14 | Spike bull or antlerless | Any elk tag | Elk Area 3721 | 10 |
| Corral Canyon B | Sept. 15 - Oct. 15 | Spike bull or antlerless | Any elk tag | Elk Area 3721 | 10 |
| Corral Canyon C | Nov. 15 - March 31, 2007 | Spike bull or antlerless | Any elk tag | Elk Area 3721 | 20 |
| Corral Canyon D | July 1-31 | Any bull except spike bull only July 1-31 | Any elk tag | Elk Area 3721 | 10 ^{HM} |

| Hunt Name | Permit Season Dates | Special Restrictions | Elk Tag Prefix | Boundary Description | Permits |
|---|-------------------------|----------------------|---------------------|-----------------------------------|------------------|
| Blackrock A | Aug. 1 - March 31, 2007 | Any elk | Any elk tag | Elk Area 3722 | 3 ^{HM} |
| Blackrock B | Aug. 1 - March 31, 2007 | Antlerless | Any elk tag | Elk Area 3722 | 5 ^{HM} |
| Toledo B | Dec. 21-31 | Antlerless | Any elk tag | Elk Area 5029 | 20 |
| Toledo C | Aug. 1-7 | Antlerless | Any archery elk tag | Elk Area 5029 | 5 |
| Toledo D | Aug. 8-14 | Antlerless | Any archery elk tag | Elk Area 5029 | 5 |
| Toledo E | Aug. 15-21 | Antlerless | Any archery elk tag | Elk Area 5029 | 5 |
| Toledo F | Aug. 22-28 | Antlerless | Any archery elk tag | Elk Area 5029 | 5 |
| Boistford B | Aug. 1-7 | Antlerless | Any archery elk tag | Elk Area 5054 | 5 |
| Boistford C | Aug. 8-14 | Antlerless | Any archery elk tag | Elk Area 5054 | 5 |
| Boistford D | Aug. 15-21 | Antlerless | Any archery elk tag | Elk Area 5054 | 5 |
| Boistford E | Aug. 22-28 | Antlerless | Any archery elk tag | Elk Area 5054 | 5 |
| JBH A* | Nov. 13-17 | Antlerless | Any elk tag | Elk Area 5090 | 5 |
| JBH B* | Dec. 11-15 | Antlerless | Any elk tag | Elk Area 5090 | 5 |
| JBH C* | Dec. 16 - Feb. 28, 2007 | Antlerless | Any elk tag | Elk Area 5090 | 20 ^{HM} |
| Trout Lake A** | Sept. 1-7 | Antlerless | Any elk tag | Elk Area 5062 | 5 |
| Trout Lake B** | Oct. 1-7 | Antlerless | Any elk tag | Elk Area 5062 | 5 |
| Trout Lake C** | Nov. 20-30 | Antlerless | Any elk tag | Elk Area 5062 | 5 |
| Trout Lake D** | Dec. 1-14 | Antlerless | Any elk tag | Elk Area 5062 | 5 |
| Trout Lake E** | Jan. 15-30, 2007 | Antlerless | Any elk tag | Elk Area 5062 | 5 |
| North River B | Dec. 16 - Feb. 28, 2007 | Antlerless | Any elk tag | Designated areas in GMU 658 | 10 ^{HM} |
| Chehalis Valley D | Aug. 1 - Feb. 28, 2007 | Antlerless | Any elk tag | Designated areas in Elk Area 6066 | 20 ^{HM} |
| Raymond F | Dec. 1 - Feb. 28, 2007 | Antlerless | Any elk tag | Elk Area 6010 | 10 ^{HM} |
| Hannaford C | Aug. 1 - Feb. 28, 2007 | Antlerless | Any elk tag | Designated areas in Elk Area 6069 | 5 ^{HM} |
| Dungeness A | Sept. 1-30 | Antlerless | Any elk tag | Elk Area 6071 | 6 |
| Dungeness B | Oct. 1-31 | Antlerless | Any elk tag | Elk Area 6071 | 6 |
| Dungeness C | Nov. 1-30 | Antlerless | Any elk tag | Elk Area 6071 | 6 |
| Dungeness D | Dec. 1-31 | Antlerless | Any elk tag | Elk Area 6071 | 6 |
| Dungeness E | Sept. 1-30 | Any bull | Any elk tag | Elk Area 6071 | 2 |
| Dungeness F | Oct. 1-31 | Spike only | Any elk tag | Elk Area 6071 | 2 |
| Dungeness G | Nov. 1-30 | Any bull | Any elk tag | Elk Area 6071 | 2 |
| Dungeness H | Dec. 1-31 | Spike only | Any elk tag | Elk Area 6071 | 2 |
| Dungeness I | Jan. 1-30, 2007 | Any bull | Any elk tag | Elk Area 6071 | 2 |
| Dungeness J | Feb. 1-28, 2007 | Spike only | Any elk tag | Elk Area 6071 | 2 |
| Youth - Special Elk Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.) | | | | | |
| Blackrock C | Aug. 1 - Mar. 31, 2007 | Spike or antlerless | Any elk tag | Elk Area 3722 | 20 ^{HM} |
| Fairview B | Aug. 1 - Feb. 28, 2007 | Antlerless | Any elk tag | Elk Area 3911 | 10 ^{HM} |
| Dungeness K | Sept. 1 - Feb. 28, 2007 | Any elk | Any elk tag | Elk Area 6071 | 2 |
| Sol Duck Valley | Aug. 1 - Mar. 31, 2007 | Antlerless | Any elk tag | Elk Area 6072 | 10 |
| Clearwater Valley | Aug. 1 - Mar. 31, 2007 | Antlerless | Any elk tag | Elk Area 6073 | 5 |
| Persons of Disability Only - Special Elk Permit Hunts | | | | | |
| Observatory D | Oct. 23 - Nov. 5 | Any elk | EF or EM | GMUs 340, 342 | 7 |
| Little Naches C | Oct. 1-10 | Any elk | EF, EM, EA | GMU 346 | 5 |
| Little Naches D | Nov. 1-5 | Antlerless | EF, EM, EA | GMU 346 | 8 |
| Alkali C | Oct. 21 - Nov. 5 | Any elk | EF | GMU 371 | 4 |
| Blackrock D | Aug. 1 - Mar. 31, 2007 | Antlerless | Any elk tag | Elk Area 3722 | 2 ^{HM} |
| Fairview C | Aug. 1 - Feb. 28, 2007 | Antlerless | Any elk tag | Elk Area 3911 | 10 ^{HM} |
| Mudflow A | Nov. 6-12 | Antlerless | Any elk tag | Elk Area 5099 | 5 |

| Hunt Name | Permit Season Dates | Special Restrictions | Elk Tag Prefix | Boundary Description | Permits |
|--|---------------------|----------------------|----------------|----------------------|---------|
| Mudflow B | Nov. 20-26 | Antlerless | Any elk tag | Elk Area 5099 | 5 |
| Centralia Mine A | Oct. 23-24 | Antlerless | Any elk tag | Elk Area 6011 | 2 |
| Centralia Mine B | Oct. 30-31 | 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. 1-30, 2007 | Antlerless | Any elk tag | Elk Area 6068 | 5 |
| North Shore E | Feb. 1-28, 2007 | Antlerless | Any elk tag | Elk Area 6068 | 5 |
| Chehalis Valley E | Dec. 16-31 | Antlerless | Any elk tag | Elk Area 6066 | 15 |
| Hannaford A | Jan. 1-15, 2007 | Antlerless | Any elk tag | Elk Area 6069 | 5 |
| Hunters 65 or Older Only - Special Elk Permit Hunts | | | | | |
| Hannaford B | Jan. 16-30, 2007 | Antlerless | Any elk tag | Elk Area 6069 | 5 |

*Muzzleloaders only; scopes allowed in JBH hunt.

**May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

^{HM}This is a damage hunt administered by a WDFW designated hunt master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

| Hunter Education Instructor Incentive Permits | | | | |
|--|---|--------------|------------------------------------|---------|
| <ul style="list-style-type: none"> Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify. Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. Permittees may purchase a second license for use with the permit hunt only. | | | | |
| Area | Dates | Restrictions | GMUs | Permits |
| Region 3 | All general season and permit seasons established for GMUs included with the permit | Any elk | GMUs 335-368 | 2 |
| Region 5 | | Any elk | All 500 series GMUs except GMU 522 | 1 |
| Region 6 | | Any elk | GMUs 654, 660, 672, 673, 681 | 1 |

AMENDATORY SECTION (Amending Order 04-207, filed 8/11/04, effective 9/11/04)

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, Kit-

sap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

| SPECIES | OPENING DATE | CLOSING DATE |
|--|--|---|
| Bobcat | ((November 15, 2003 November 20, 2004 November 19, 2005)) November 18, 2006 November 17, 2007 November 15, 2008 | ((February 15, 2004 February 28, 2005 February 28, 2006)) February 28, 2007, 2008, and 2009 |
| Beaver, River Otter, Red Fox, Weasel, Marten, Mink, Muskrat, and Raccoon | ((November 15, 2003 November 1, 2004 November 1, 2005)) November 1, 2006, 2007, and 2008 | ((January 31, 2004 March 31, 2005 March 31, 2006)) March 31, 2007, 2008, and 2009 |

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 |
|---|---|---|
| Bobcat | ((November 8, 2003 November 20, 2004 November 19, 2005)) <u>November 18, 2006</u> <u>November 17, 2007</u> <u>November 15, 2008</u> | ((February 28, 2004 February 28, 2005 February 28, 2006)) <u>February 28, 2007,</u> <u>2008, and 2009</u> |
| Badger, Beaver, Mink, Muskrat, Raccoon, Red Fox, Weasel, Marten, River Otter (Season Bag Limit is 6 River Otter in Eastern Washington) | ((November 8, 2003 November 1, 2004 November 1, 2005)) <u>November 1, 2006,</u> <u>2007, and 2008</u> | ((February 28, 2004 March 31, 2005 March 31, 2006)) <u>March 31, 2007,</u> <u>2008, and 2009</u> |

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))~~ Mud Creek drainages.

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.

WSR 06-11-041
PERMANENT RULES
SECRETARY OF STATE
(Elections Division)

[Filed May 10, 2006, 2:42 p.m., effective June 10, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rules regarding the voter registration database include the following topics: Data entry; frequency of duplicate and death checks; incapacitated persons; voter registration challenges; lists of registered voters and disaster recovery and security plans.

Citation of Existing Rules Affected by this Order: Amending WAC 434-324-010, 434-324-055, 434-324-085, 434-324-090, 434-324-100, 434-324-113, and 434-324-160.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-07-162 on March 22, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 434-324-010 is changed to state county auditors may combine the lists of active and canceled voters.

Proposed changes to WAC 434-324-106 are not adopted due to a King County Superior Court ruling on felon voting eligibility, *Madison v. State of Washington*, No. 04-2-33414-4.

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 6, 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 2, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 7, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 9, 2006.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-010 County election management system—Applications for voter registration. (1) Each auditor must enter and maintain voter registration records in the official statewide voter registration data base by using a county election management system. Each record must contain at least the following information from the voter registration form in a format compatible with the official statewide voter registration data base:

- (a) Name;
- (b) Complete residential address;
- (c) Complete mailing address;
- (d) County registration number;
- (e) State registration number;
- (f) Gender;
- (g) Date of birth;
- (h) Date of registration;
- (i) Applicable district and precinct codes;
- (j) ~~((Five))~~ Dates upon which the individual has voted ~~((since establishing that registration record))~~, if available;
- (k) Washington state driver license number, Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver license or Washington state identification card; and

(l) A scanned image file (format .tiff) of the applicant's signature.

~~((2))~~ ~~((The auditor may also assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address.~~

~~((3))~~ In the case of an applicant who applies for voter registration by mail and sends a copy of an alternative form of identification for registration purposes, pursuant to RCW 29A.08.113, the auditor must either maintain a scanned image of the identifying document or make a notation in the registration record indicating which alternative form of identification was sent to the auditor.

~~((4))~~ (3) Upon entry of an applicant's information, the auditor must check for duplicate entries.

(4) Each auditor must have a quality assurance program to maintain accurate data entry into the statewide voter registration data base.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-055 Duplicate voter registration search conducted by secretary. Upon receipt of an applicant's electronic voter registration record from the auditor, and on a ~~((quarterly))~~ monthly basis pursuant to WAC 434-324-113(3), the secretary must search for potential duplicate registration records in the official statewide voter registration data base, required in RCW 29A.08.651, by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. ~~((Pursuant to RCW 29A.08.107, if a potential duplicate is identified, the secretary must work with the auditor to determine if the registration record is a transfer, update, or duplicate.))~~ Duplicates will be determined by comparing the signatures on all available records. If a voter is transferring his or her registration to a new county or if any other information on the application has ~~((changed))~~ been updated, the auditor must update the registration record pursuant to RCW 29A.08.107(4). A duplicate registration record must not be entered as a new registration record.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-085 Notice of new registration or transfer. (1) The auditor must send notification to an individual by nonforwardable, address correction requested mail if an individual:

- (a) Registers to vote;
- (b) Transfers his/her registration record within the county;
- (c) Transfers his or her registration record from another county within Washington state; or
- (d) Changes from one precinct to another because of a change in precinct boundaries.

(2) The notice must acknowledge that the request of the individual has been processed and must include:

- (a) Voter's full name;
- (b) Mailing address;
- (c) County name;
- (d) Precinct name and/or number; and
- (e) ~~((State registration number;~~
- ~~((f))~~ The date the voter registered ~~((; and~~
- ~~((g))~~ A signature line for the voter).

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-090 Cancellation due to death—Process and notification. (1) An auditor must cancel the voter registration records of a deceased voter as authorized by RCW 29A.08.510.

(2) In addition to comparing a list of deceased persons prepared by the registrar of vital statistics with voter registration records pursuant to RCW 29A.08.510, the secretary may also compare voter registration records with deceased persons information from the Social Security Administration. Comparisons must be conducted on a monthly basis. For any potential matches identified through the registrar of vital sta-

tistics or Social Security Administration, the secretary must confirm that the dates of birth are identical. The secretary must generate a list of matching names, identified as potentially deceased voters, and deliver it to the auditor electronically. The auditor must review the list within five days and approve or reject the proposed cancellations. ~~((Upon the sixth day, if the auditor has failed to approve or reject the proposed cancellations, the official statewide voter registration data base must automatically send notification to the county to cancel the appropriate registrations.))~~ The secretary may assist the auditor with this review.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-100 Felony conviction—Notice from county clerk. Upon receiving official notice from state or federal court of a person's conviction of a felony as outlined in RCW 29A.08.520, the auditor must search his or her county election management system to determine whether the ~~((potential))~~ felon named in the official notice is a registered voter. If the auditor finds a match, he or she must confirm that the first name, last name, and date of birth on the official notice match the voter registration record before canceling the felon's voter registration. After canceling a felon's voter registration, the auditor must send a cancellation notice to the felon using the last known address and send notification to the secretary through the county election management system.

NEW SECTION

WAC 434-324-108 Incapacitated persons lacking voting rights—Notice from court. Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search his or her county election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, he or she must cancel the incapacitated person's voter registration and send notification to the secretary through the county election management system. The auditor must also send a copy of the court order to the secretary. After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-113 Voter registration list maintenance. In addition to conducting searches to identify felons, duplicate registration records, and deceased voters as outlined in this chapter, the following applies:

(1) Each even-numbered year, maintenance of the voter registration list, as required by RCW 29A.08.605, must be completed ninety days prior to the date of the primary in that year. The voter registration list maintenance program is complete upon mailing the required notices. Counties have discretion to also run the voter registration list maintenance ~~((program))~~ in odd-numbered years.

~~(2) ((In addition to conducting quarterly comparisons to identify felons as required in WAC 434-324-106, the secretary must search the official statewide voter registration data base on a quarterly basis to ensure there are no duplicate voter registration records or deceased voter registration records maintained. Duplicate voter registration records must be processed in accordance with WAC 434-324-050, felon registration records in accordance with WAC 434-324-106, and deceased voter registration records in accordance with WAC 434-324-090.~~

~~(3))~~ If, at any time, the secretary finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the secretary must refer such information to the appropriate county auditor ~~((to determine whether a voter registration challenge is warranted, pursuant to RCW 29A.08.810. The))~~ and county prosecutor ~~((must be copied on the notification)).~~

(3) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-130 Contents of list of registered voters for the public. Pursuant to the provisions of RCW 29A.08.710, 29A.08.720 and 29A.08.740, the auditor or secretary must furnish to any person, upon request, the current list((s)) of registered voters at actual reproduction cost. The auditor or secretary may also provide a list of canceled voters. Auditors may combine these lists. The auditor ~~((must))~~ or secretary may, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain the information prescribed in RCW 29A.08.710 for each registered voter and may be in the form of computer printouts, microfilm duplicates, or electronic media copies of such information. Such voter registration lists must be used only for political purposes; commercial use of this information is punishable as provided in RCW 29A.08.740.

NEW SECTION

WAC 434-324-165 Disaster recovery and security plans. The secretary must maintain disaster recovery and security plans for the voter registration data base. A copy of the plans must be stored off-site. Both plans are exempt from public disclosure pursuant to RCW 42.17.310 (1)(ddd).

WSR 06-11-042
PERMANENT RULES
SECRETARY OF STATE
 (Elections Division)

[Filed May 10, 2006, 2:44 p.m., effective June 10, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules address issues such as the following: Manually counting ballots of selected precincts; voter verified paper audit trail printers; storing ballot images; resolving ballots tabulated on digital scan devices, voting system requirements, and modifying voting and vote tabulating systems.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-230-140, 434-253-230, 434-335-380, 434-335-390, 434-335-400, 434-335-410, 434-335-420, 434-335-600, 434-335-610, 434-335-620, 434-335-630 and 434-335-640; and amending WAC 434-219-160, 434-250-340, 434-253-023, 434-253-115, 434-253-225, 434-261-005, 434-261-045, 434-261-070, 434-335-040, and 434-335-190.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-07-163 on March 22, 2006.

Changes Other than Editing from Proposed to Adopted Version: Changes to WAC 434-230-160, 434-253-110, 434-261-075, and 434-262-203, will be adopted in the cycle 2 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 10, Repealed 12.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 10, Repealed 12.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 10, Repealed 12; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 9, 2006.

Steve Excell
 Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 03-23-093, filed 11/17/03, effective 12/18/03)

WAC 434-219-160 Political party and unaffiliated ballots—Arrangement. Ballots for each major political party and unaffiliated ballots shall be provided as follows:

(1) Where candidate names are listed on separate ballots, each ballot shall be identified by color and either the name of the political party or as an unaffiliated ballot. Each separate ballot shall contain a machine readable code to distinguish each ballot type within each precinct.

(2) Where candidate names are listed on a consolidated ballot, they shall be presented in such a manner that each party's group of candidates is clearly distinguishable and

identified by party name. The unaffiliated ballot may be listed in a separate listing or may be considered a combination of the party ballots. The order of the parties shall be the same as the order in which candidate names are listed on partisan general election ballots.

At a polling place, each ballot must be coded so that only votes cast for candidates of the party matching the oath signed by the voter are counted.

The code shall be a response position on the consolidated ballot identifying one of the major political parties or the unaffiliated status. Its purpose will be to exclude any vote cast on the ballot that does not correspond to the party or unaffiliated status indicated by the voter on the response position. The voter must mark (~~(or punch)~~) the appropriate response position corresponding to the oath or declaration on the absentee ballot return envelope. If the vote is cast at a polling place, the voter or precinct election official shall mark (~~(or punch)~~) the code. If the code is marked (~~(or punched)~~) by the voter, the precinct election official shall ensure that the code matches the oath or declaration as signed in the poll book. If a consolidated ballot is used in a mail ballot precinct or as an absentee ballot and a party/unaffiliated code is not used, each returning ballot must be segregated by oath and then subsequently inspected to ensure that only votes cast for candidates corresponding to the oath signed by the voter are counted.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-230-140 Definitions.

AMENDATORY SECTION (Amending WSR 06-02-028, filed 12/28/05, effective 1/28/06)

WAC 434-250-340 Manual count of selected precincts. In an election conducted entirely by mail, the manual count of precincts requested by political party observers pursuant to RCW 29A.60.170 must be conducted as follows:

(1) Upon mutual agreement, the official political party observers may request that a manual count be conducted of one race or issue in up to three precincts.

(2) The official political party observers may mutually agree on which precincts are to be counted, or may agree that the selection be made at random. Once the three precincts are selected, the official political party observers may mutually agree on which race or issue in each precinct is to be counted, or may agree that the selection be made at random. The selection must occur before election day to allow the county auditor to assemble the proper ballots.

(3) The count may begin no earlier than 8:00 p.m. on election day and must be completed by 8:00 p.m. on the second day after election day. The official political party observers must receive timely notice of the time and location of the count established by the county auditor. However, the process must proceed as scheduled if the observers are unable to attend.

(4) The ballots that are ready for tabulation at the time the count begins must be included in the manual count of the selected precincts.

(5) ~~((Once))~~ The manual count of the selected precincts ~~((is complete, the same ballots must be tabulated by))~~ may be conducted either before or after the voting system count. The same set of ballots must be used in both counts.

(6) The results of the manual count must be compared to the results of the voting system count, and documented in a report signed by the county auditor and political party observers present.

AMENDATORY SECTION (Amending WSR 05-24-040, filed 11/30/05, effective 12/31/05)

WAC 434-253-023 Voter verified paper audit trail—Duties prior to opening of the polls. If a direct recording electronic device is used at a poll site, before a device may be used by a voter, an inspector and at least one judge must verify:

(1) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(2) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(3) The paper printer or paper canister is sealed with a numbered seal to ensure the ~~((interior of the machine cannot be accessed))~~ paper tape cannot be removed by the voter.

AMENDATORY SECTION (Amending WSR 05-24-040, filed 11/30/05, effective 12/31/05)

WAC 434-253-115 Direct recording electronic device paper printer malfunction. (1) The following must occur if a paper printer for a direct recording electronic device has malfunctioned or run out of paper at any time:

(a) If the precinct election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, document the problem, and correct the problem, if possible. While the problem is being corrected, the direct recording electronic device and paper printer must not be removed from the poll site and must remain in sight of election officers. The direct recording electronic device and paper printer may be returned to service once the problem has been corrected.

(b) If the precinct election officer cannot confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. ~~((At the direction of the county auditor, a team or teams composed of one representative from each major political party must pick up the direct recording electronic device and paper printer for delivery to the counting center or other location, as designated by the county auditor.))~~ The paper printer must be prepared for transfer pursuant to WAC 434-253-225. ~~((A precinct election official representing each major political party must seal the direct recording electronic device with a uniquely prenumbered seal. Upon delivery, the county auditor must receive the sealed direct recording electronic device~~

~~and paper printer and record the time, date, precinct name or number, and seal numbers.))~~ The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container, consistent with WAC 434-253-203. The auditor must present a written report regarding the circumstances of the removal from service ((must be sent)), which includes the time, date, precinct name or number, device serial number(s) and seal numbers, to the county canvassing board.

(2) In any case where an electronic ballot has been cast without a readable corresponding paper record, the county may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may mean printing all ballot images from that machine.

AMENDATORY SECTION (Amending WSR 05-24-040, filed 11/30/05, effective 12/31/05)

WAC 434-253-225 Preparation for transfer of direct recording electronic device paper records. (1) In preparation for transfer to a counting center, paper records from direct recording electronic devices must be either:

(a) Placed in transfer containers; or

(b) Transferred in the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(2) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(a) Name or other identifier of the polling place in which the digital recording electronic device was utilized;

(b) The seal number from the paper printer; and

(c) The serial number or other identifier of the digital recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(3) If paper records are placed in a transfer container, the inspector and one judge from each political party, if available, must sign the transmittal sheet ((attesting to the number of paper record tapes included in the container and the seal number)) and place it in the transfer container. ((If paper records are transferred in a container, the container must be locked.)) The number of paper record tapes included in the container must be recorded on the transmittal sheet. A uniquely prenumbered seal must ((also)) be applied((, if available)) to the container.

(4) The paper records must be transferred in a manner that is consistent with the transfer of ballots.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-253-230

Sealing the ballot pages appearing in punchcard voting devices.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed on an absentee ballot as part of the initial processing, and on a poll ballot after breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system. Ballots may be duplicated on blank ballots or by making changes on an electronic facsimile of the ballot. The original ballot may not be altered in any way;

(3) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title(~~(--In the case of punch cards, this means all voting response positions are cleanly punched and removed from the card);~~);

(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks (~~(or punches)~~), and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(5) "Valid signature" is the signature of a registered voter eligible to vote in the election as verified against the voter registration files. On an absentee ballot envelope, a mark with two witnesses is a valid signature.

AMENDATORY SECTION (Amending WSR 06-02-028, filed 12/28/05, effective 1/28/06)

WAC 434-261-045 Secure storage. Received ballots and ballot images must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials. Ballots and ballot images may only be accessed in accordance with RCW 29A.60.110.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-261-070 Manual inspection of ballots. (1) Upon receiving absentee ballots and upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot will be readable by the vote tabulating system. This manual inspection is a required part of processing ballots.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29A.44.340 are in effect.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks (~~(or punches)~~) that differ from those specified in the voting instructions, but the marks clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county auditor may either:

- (a) Refer the ballots to the county canvassing board; or
- (b) Duplicate the ballots if authorized by the county canvassing board.

If the voter's intent is not clear, the ballot must be referred to the county canvassing board.

~~((4) In the case of punched ballots, if two or more corners or attachment points are detached in a punch position, the vote is valid and the ballot may be duplicated without referral to the county canvassing board.))~~

NEW SECTION

WAC 434-261-102 Resolving ballots tabulated on digital scan vote tallying systems. In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution.

Chapter 434-335 WAC

~~(ELECTRONIC VOTING REQUIREMENTS)~~ **VOTING SYSTEMS**

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-040 Voting system requirements. (1) No voting device or its component software may be certified by the secretary of state unless it:

- (a) Secures to the voter secrecy in the act of voting;
- (b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (c) ~~((Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;~~
- ~~(d))~~ Correctly registers all votes cast for any and all persons and for or against any and all measures;

~~((e))~~ (d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;

~~((f) Beginning January 1, 2006,))~~ (e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; ~~(and~~

~~(g) Except for functions or capabilities unique to this state,))~~ (f) Has been tested and approved by the appropriate

independent testing authority approved by the United States election assistance commission; and

(g) For a partisan primary, prevents the counting of votes for candidates of more than one political party.

(2) No vote tabulating system may be certified by the secretary of state unless it:

(a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct; ~~((and))~~

(d) Produces precinct and cumulative totals in printed form; and

(e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

(a) Be capable of being secured with lock and seal when not in use;

(b) Be secured physically and electronically against unauthorized access;

(c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and

(d) Not use wireless communications in any way.

(4) Transfer of information from a remote tabulating system may be made by telephonic transmission only after the creation of a disk, paper tape, or other physical means of recording ballot results.

(5) The source code of electronic voting system software that has been placed in escrow must be identical to the source code of software that has been tested and certified by the federal independent testing authority and installed in the county. The applicant must place in escrow both the human-readable source code and the working or compiled version. In lieu of placing them in escrow, the source code and the working or compiled version may be deposited with the national software reference library. The software may be verified by matching the system's digital software signatures with the digital signatures the elections assistance commission has on file, when available.

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-190 Restricted period. No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may ~~((receive administrative approval or certification))~~ be installed in a county between July 15th and ((December 31st)) November 30th of the same year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|-----------------|---|
| WAC 434-335-380 | Logic and accuracy test preparation—State primary and general election—Punchcard systems. |
| WAC 434-335-390 | Punchcard test deck maintenance and storage. |
| WAC 434-335-400 | Punchcard adjustment standards and tests. |
| WAC 434-335-410 | Punchcard test precinct selection—State primary and general elections. |
| WAC 434-335-420 | Punchcard testing requirements prior to official logic and accuracy test. |
| WAC 434-335-600 | Parallel monitoring test. |
| WAC 434-335-610 | Parallel monitoring test decks. |
| WAC 434-335-620 | Parallel monitoring test observers. |
| WAC 434-335-630 | Parallel monitoring test certification. |
| WAC 434-335-640 | Post election test. |

**WSR 06-11-043
PERMANENT RULES
SECRETARY OF STATE
(Elections Division)**

[Filed May 10, 2006, 2:46 p.m., effective June 10, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule states that a person who has signed a petition in error may submit a letter to the office of the secretary of state stating the he or she did not intend to sign the petition.

Citation of Existing Rules Affected by this Order: Amending WAC 434-379-008.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-07-164 on March 22, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 434-379-008 is amended to state that a person who has signed a petition in error may submit a letter to the office of the secretary of state stating that he or she did not intend to sign the petition. The secretary must not reduce the total number of signatures submitted.

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.

Date Adopted: May 9, 2006.

Steve Excell
Assistant Secretary of State

Date Adopted: May 11, 2006.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-01-205, filed 12/21/04, effective 7/1/05)

WAC 357-28-055 How is the periodic increment date determined for a general government employee? (1) For ~~((a))~~ a general government employee appointed to a position before July 1, 2005, the employee's periodic increment date as of June 30, 2005 is retained.

(2) For ~~((a))~~ a general government employee appointed to a position on or after July 1, 2005 whose base salary is set at the minimum of the salary range, the periodic increment date is six months from the date of appointment.

(3) For ~~((a))~~ a general government employee appointed to a position on or after July 1, 2005 whose base salary is set above the minimum but below the maximum of the salary range, the periodic increment date is twelve months from date of appointment.

(4) Once ~~((a))~~ a general government employee's periodic increment date is set, it remains the same unless:

(a) The periodic increment date is advanced or postponed in accordance with WAC 357-28-070 and 357-28-075; or

(b) ~~((The employee is appointed to another position with a different salary range maximum. Upon subsequent appointment, the provisions of subsection (2) and (3) of this section apply.))~~ The periodic increment date is adjusted for leave without pay in accordance with WAC 357-31-345.

NEW SECTION

WAC 434-379-008 Signing a petition in error. Before the deadline for filing petitions has passed, a person who believes he or she has signed an initiative or referenda petition in error may submit a letter to the secretary stating that he or she did not intend to sign the petition. This letter must be included as part of the public record for the petition. The secretary must not physically remove the person's name from the petition or reduce the total number of signatures submitted.

WSR 06-11-048

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 11, 2006, 10:54 a.m., effective June 12, 2006]

Effective Date of Rule: June 12, 2006.

Purpose: The purpose of these rules is to address periodic increment dates for both general government and higher education employees.

Citation of Existing Rules Affected by this Order: Amending WAC 357-28-055.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 06-08-110 on April 5, 2006.

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 1, 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 1, Repealed 0.

NEW SECTION

WAC 357-28-056 How is the periodic increment date determined for a higher education employee? (1) For a higher education employee appointed to a position before July 1, 2005, the employee's periodic increment date as of June 30, 2005 is retained.

(2) For a higher education employee appointed to a position on or after July 1, 2005 whose base salary is set at the minimum of the salary range, the periodic increment date is six months from the date of appointment.

(3) For a higher education employee appointed to a position on or after July 1, 2005 whose base salary is set above the minimum but below the maximum of the salary range, the periodic increment date is twelve months from date of appointment.

(4) Once a higher education employee's periodic increment date is set, it remains the same unless:

(a) The periodic increment date is advanced or postponed in accordance with WAC 357-28-070 and 357-28-075; or

(b) The employee is appointed to another position with a different salary range maximum. Upon subsequent appointment, the provisions of subsection (2) and (3) of this section apply.

WSR 06-11-049
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed May 11, 2006, 10:54 a.m., effective June 12, 2006]

Effective Date of Rule: June 12, 2006.

Purpose: The purpose of this rule is to explain which employees qualify for holiday compensation.

Citation of Existing Rules Affected by this Order:
Amending WAC 357-31-010.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 06-08-111 on April 5, 2006.

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 1, 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 1, Repealed 0.

Date Adopted: May 11, 2006.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-08-136, filed 4/6/05, effective 7/1/05)

WAC 357-31-010 Which employees qualify for holiday compensation? (1) Full-time employees and cyclic year position employees who work full monthly schedules qualify for holiday compensation if they are employed before the holiday and are in pay status:

(a) For at least eighty nonovertime hours during the month of the holiday; or

(b) For the entire work shift preceding the holiday.

(2) Full-time higher education employees and cyclic year position employees who work full monthly schedules qualify for holiday compensation if they are in pay status for the entire work shift preceding the holiday.

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day before the holiday(s) in that month.

(4) Part-time general government employees who are in pay status during the month of the holiday qualify for holiday pay on a pro rata basis in accordance with WAC 357-31-020, except that part-time employees hired during the month of the holiday will not receive compensation for holidays that occur prior to their hire date.

(5) Part-time higher education employees who satisfy the requirements of subsection (1) of this section are entitled

to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule.

WSR 06-11-050
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed May 11, 2006, 12:01 p.m., effective June 11, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Under authority granted in chapter 49, Laws of 2006 (direct shipment of wine from Washington and other United States wine producers to Washington consumers), the liquor control board is establishing a fee for a wine shipper permit of \$100 per year. This revenue will help support the cost of administering the program.

Statutory Authority for Adoption: RCW 66.08.030; chapter 49, Laws of 2006.

Adopted under notice filed as WSR 06-08-109 on April 5, 2006.

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 3.

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 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.

Date Adopted: May 10, 2006.

Merritt D. Long
Chairman

NEW SECTION

WAC 314-24-232 What is the cost of a wine shipper's permit? A wine shipper's permit is an annual permit. The fee is one hundred dollars per year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 314-24-230 Wine shipper's license.

WAC 314-24-240 Conditions on delivery.

WAC 314-24-250 Labeling requirements for private wine shippers.

WSR 06-11-051
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed May 11, 2006, 12:01 p.m., effective June 11, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Under authority granted in chapter 302, Laws of 2006 (self-distribution of beer and wine from Washington and other United States beer and wine producers to licensed Washington retailers), the liquor control board is establishing a fee for an endorsement to the certificate of approval of \$100 per year. This revenue will help support the cost of administering the program.

Statutory Authority for Adoption: RCW 66.08.030; chapter 302, Laws of 2006.

Adopted under notice filed as WSR 06-08-108 on April 5, 2006.

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 2, 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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2006.

Merritt D. Long
Chairman

AMENDATORY SECTION (Amending WSR 04-24-097, filed 12/1/04, effective 1/1/05)

WAC 314-20-145 Beer certificate of approval fee. (1) The fee for a beer certificate of approval license is \$200 per year. The certificate of approval holder must pay the \$200 fee for each privilege as described below:

((■)) (a) Manufacturer of beer produced in the United States but outside of Washington state, shipping beer to licensed Washington beer distributors or importers.

((■)) (b) Authorized representative for beer produced in the United States but outside of Washington state, shipping beer to licensed Washington beer distributors or importers.

((■)) (c) Authorized representative for beer produced outside of the United States, shipping beer to licensed Washington beer distributors or importers.

(2) A certificate of approval holder under RCW 66.24.270 (2)(a) may add an endorsement to the certificate of approval that allows the holder to ship beer or strong beer of the holder's own production directly to licensed liquor retailers. The fee for this endorsement is \$100 and is in addition to the fee required for a certificate of approval license.

AMENDATORY SECTION (Amending WSR 04-24-097, filed 12/1/04, effective 1/1/05)

WAC 314-24-117 Wine certificate of approval fee.

(1) The fee for a wine certificate of approval license is \$200 per year. The certificate of approval holder must pay the \$200 fee for each privilege as described below:

((■)) (a) Manufacturer of wine produced in the United States but outside of Washington state, shipping wine to licensed Washington wine distributors or importers.

((■)) (b) Authorized representative for wine produced in the United States but outside of Washington state, shipping wine to licensed Washington wine distributors or importers.

((■)) (c) Authorized representative for wine produced outside of the United States, shipping wine to licensed Washington wine distributors or importers.

(2) A certificate of approval holder under RCW 66.24.-206 (1)(a) may add an endorsement to the certificate of approval that allows the holder to ship wine of the holder's own production directly to licensed liquor retailers. The fee for this endorsement is \$100 and is in addition to the fee required for a certificate of approval license.

WSR 06-11-052

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 11, 2006, 1:44 p.m., effective June 11, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendment to chapter 16-436 WAC repeals WAC 16-436-186 Containers, removing all container requirements associated with peaches.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-436-186 Containers.

Statutory Authority for Adoption: Chapter 15.17 RCW, Standards of grades and packs.

Other Authority: Chapter 34.05 RCW, Administrative Procedure Act.

Adopted under notice filed as WSR 06-07-167 on March 22, 2006.

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 1.

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 1.

Date Adopted: May 11, 2006.

John Swannack
Acting Deputy Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-436-186 Containers.

**WSR 06-11-053
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed May 11, 2006, 3:31 p.m., effective June 11, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To establish official pay dates for state officers and employees for calendar year 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 06-06-062 on February 28, 2006.

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 0, Repealed 0.

Date Adopted: May 11, 2006.

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-11-038, filed 5/11/05, effective 6/11/05)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years (~~2005 and~~) 2006 and 2007:

~~((CALENDAR YEAR 2005~~
Monday, January 10, 2005
Tuesday, January 25, 2005
Thursday, February 10, 2005

~~CALENDAR YEAR 2006~~
Tuesday, January 10, 2006
Wednesday, January 25, 2006
Friday, February 10, 2006

~~((CALENDAR YEAR 2005~~
Friday, February 25, 2005
Thursday, March 10, 2005
Friday, March 25, 2005
Monday, April 11, 2005
Monday, April 25, 2005
Tuesday, May 10, 2005
Wednesday, May 25, 2005
Friday, June 10, 2005
Friday, June 24, 2005
Monday, July 11, 2005
Monday, July 25, 2005
Wednesday, August 10, 2005
Thursday, August 25, 2005
Friday, September 9, 2005
Monday, September 26, 2005
Friday, October 7, 2005
Tuesday, October 25, 2005
Thursday, November 10, 2005
Wednesday, November 23, 2005
Friday, December 9, 2005
Friday, December 23, 2005

~~CALENDAR YEAR 2006~~
Friday, February 24, 2006
Friday, March 10, 2006
Friday, March 24, 2006
Monday, April 10, 2006
Tuesday, April 25, 2006
Wednesday, May 10, 2006
Thursday, May 25, 2006
Friday, June 9, 2006
Monday, June 26, 2006
Monday, July 10, 2006
Tuesday, July 25, 2006
Thursday, August 10, 2006
Friday, August 25, 2006
Monday, September 11, 2006
Monday, September 25, 2006
Tuesday, October 10, 2006
Wednesday, October 25, 2006
Thursday, November 9, 2006
Wednesday, November 22, 2006
Monday, December 11, 2006
Friday, December 22, 2006))

CALENDAR YEAR 2006
Tuesday, January 10, 2006
Wednesday, January 25, 2006
Friday, February 10, 2006
Friday, February 24, 2006
Friday, March 10, 2006
Friday, March 24, 2006
Monday, April 10, 2006
Tuesday, April 25, 2006
Wednesday, May 10, 2006
Thursday, May 25, 2006
Friday, June 9, 2006
Monday, June 26, 2006
Monday, July 10, 2006
Tuesday, July 25, 2006
Thursday, August 10, 2006
Friday, August 25, 2006
Monday, September 11, 2006
Monday, September 25, 2006
Tuesday, October 10, 2006
Wednesday, October 25, 2006
Thursday, November 9, 2006
Wednesday, November 22, 2006
Monday, December 11, 2006
Friday, December 22, 2006

CALENDAR YEAR 2007
Wednesday, January 10, 2007
Thursday, January 25, 2007
Friday, February 9, 2007
Monday, February 26, 2007
Friday, March 9, 2007
Monday, March 26, 2007
Tuesday, April 10, 2007
Wednesday, April 25, 2007
Thursday, May 10, 2007
Friday, May 25, 2007
Monday, June 11, 2007
Monday, June 25, 2007
Tuesday, July 10, 2007
Wednesday, July 25, 2007
Friday, August 10, 2007
Friday, August 24, 2007
Monday, September 10, 2007
Tuesday, September 25, 2007
Wednesday, October 10, 2007
Thursday, October 25, 2007
Friday, November 9, 2007
Monday, November 26, 2007
Monday, December 10, 2007
Monday, December 24, 2007

WSR 06-11-056

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 11, 2006, 3:43 p.m., effective June 11, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the proposal [permanent rule] is to update language to reflect current department practices and procedures. The proposal [permanent rule] also adds two new sections: (1) WAC 246-08-395, which reinstates a requirement for licensees or persons applying for benefits to provide a current mailing address; and (2) WAC 246-08-480, which states the requirements for an index of significant decisions prepared under RCW 42.17.260 that contains orders issued in adjudicative proceedings.

Citation of Existing Rules Affected by this Order: Amending WAC 246-01-080, 246-08-101, 246-08-420, 246-08-450, and 246-08-520.

Statutory Authority for Adoption: RCW 43.70.040 and 43.70.050.

Other Authority: RCW 34.05.220, 42.17.250, 70.02.-005.

Adopted under notice filed as WSR 06-05-049 on February 13, 2006.

Changes Other than Editing from Proposed to Adopted Version: There are only editing changes to the proposed rule.

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 8, 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.

Date Adopted: May 11, 2006.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 03-11-032, filed 5/15/03, effective 6/15/03)

WAC 246-01-080 Organization. (1) DOH exists to protect and improve the health of the people of Washington. The department shares this mission with three primary partners:

(a) Professional boards, commissions, and committees, which have varying degrees of statutory authority, ranging from advisory powers to rule adoptions and disciplinary powers;

(b) The state board of health which has statutory authority to adopt rules to protect the public health, and may delegate this authority to the secretary and rescind the delegated authority; and

(c) Local health jurisdictions throughout the state.

(2) DOH is organized into ~~((five administrative))~~ four health services divisions as noted in this subsection plus the secretary's office ~~((and))~~, information resource management office ~~((s))~~, financial services office, and other administrative

offices necessary to carry out the goals expressed in RCW 43.70.020(2):

(a) Community and family health;
(b) Environmental health;
(c) Epidemiology, health statistics and public health laboratories; and

(d) Health systems quality assurance ~~((and~~
(e) ~~Management services))~~.

(3) DOH maintains offices in Kent, ~~((Olympia,))~~ Tumwater, Richland, Shoreline and Spokane. These offices are not complete service locations and are not required to keep complete policy manuals and other records available for public inspection.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

WAC 246-08-101 Declaratory orders—~~((Forms))~~ Format, content, and filing. Any person may petition the department for a declaratory order, under RCW 34.05.240 with respect to the applicability of a particular circumstance of a rule, order, statute enforced by the agency. A petition for a declaratory order shall generally adhere to the following ~~((form))~~ format:

(1) At the top of the page shall appear the wording "Before the Washington State Department of Health." On the left side of the page below the ~~((foregoing the))~~ following caption shall be set out: "In the matter of the petition of (name of petitioning party to be inserted) for a declaratory order." Opposite the ~~((foregoing))~~ caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts ~~((relied upon in form))~~ similar in form to ~~((that))~~ applicable ~~((to))~~ complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the ~~((prayer))~~ request of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies shall be filed with the ~~((appropriate board having jurisdiction in relation to a profession as provided in RCW 18.130.040 (2)(b). The original and two legible copies shall be filed with the))~~ Department of Health, ~~((Office of Professional Standards, PO Box 47872))~~ Adjudicative Service Unit, P.O. Box 47879, Olympia, WA ((98504-7872 if the secretary of the department of health has jurisdiction in relation to a profession or program as provided under RCW 18.130.040 (2)(a) and 43.70.020 through 43.70.040 respectively)) 98504-7879. Petitions shall be on white paper, 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

WAC 246-08-102 Declaratory orders—Procedural rights of persons in relation to petition. Within fifteen days after receiving a petition for a declaratory order, the department shall notify all interested persons as required by chapter

34.05 RCW about the petition and any other person it considers necessary. If a petition for a declaratory order is set for specified proceedings under RCW 34.05.240 (5)(b), the department shall give ~~((not less than))~~ at least seven days advance written notice of the proceedings to the petitioner and all interested persons ~~((described under RCW 34.05.240 (3)))~~ required by law and any other person it considers necessary. The notice ~~((shall))~~ must contain the time, date, place, and nature of the proceedings and shall describe how interested persons may participate in the proceeding.

NEW SECTION

WAC 246-08-395 Mailing lists and current address required. The department will update its mailing lists periodically. Any person may request to be added or removed from the department's mailing lists. It is the responsibility of the licensee, applicant for licensure, and person who receives or applies for benefits administered by the department, to keep the department informed of a current mailing address.

(1) Licensees, applicants for licensure, and persons who receive or apply for benefits administered by the department must provide the department with a current mailing address when submitting new applications or renewal applications with the department.

(2) Licensees, applicants for licensure, and persons who receive or apply for benefits are responsible for notifying the appropriate department programs, in writing, of any address changes. The department will accept written notice through e-mail, fax, or by regular mail.

(3) The department will use the most recent mailing address provided by the licensee, applicant, or persons who receive or apply for benefits for all official correspondence.

(4) For the purpose of this section, "licensee" means a person holding a license, permit, certification, approval, registration, charter, or similar form of authorization required by law and granted by the department.

AMENDATORY SECTION (Amending Order 346, filed 3/24/93, effective 4/24/93)

WAC 246-08-420 Public records—Access and exemptions. (1) The department shall, upon request, make public records ~~((shall be))~~ available for inspection and copying, during the department's normal business hours.

(2) The location of specific public records may be obtained by contacting the program where the records are maintained or the ~~((rules coordinator in the management services division))~~ appointed public records disclosure designee.

(3) Requests ~~((for))~~ to inspect or receive copies of public records ~~((shall be in writing and))~~ must include:

(a) ~~((The name and address of the person requesting the record;~~

~~((b))~~ A ~~((detailed))~~ description of the requested ~~((material; and~~

~~((c) If a list of names of individuals is being requested, an explanation of the purpose for which the request is made))~~ record or records;

(b) An indication whether the requestor wishes to inspect or receive a copy of the requested records;

(c) An address or other means through which the department may communicate with the requestor to clarify the request, provide information on copying charges and collect payment, and arrange for inspection or mailing of copies of the requested record or records; and

(d) If a list of names of individuals is being requested, an explanation of the purpose for which the request is made, consistent with RCW 42.17.260(9).

(4) ~~((No))~~ The department shall not charge a fee ~~((shall be charged))~~ for the inspection of public records, however the department may charge for reimbursement of the costs incurred by providing copies.

(5) The department ~~((reserves the right to))~~ will determine ~~((that))~~ the extent to which a public record is exempt from public disclosure under ~~((the provisions of))~~ chapter 42.17 RCW or other statutes.

~~((6))~~ The department reserves the right to delete identifying details when disclosing public records if there is reason to believe that disclosure of such details would be an invasion of personal privacy.

~~((7))~~ The department, when denying a request for a public record in whole or in part, shall provide a statement of the specific statutory exemption ~~((which))~~ that authorizes the withholding of the record or information and a brief explanation of how the exemption applies to the record or information withheld.

~~((8))~~ Upon receipt of such denial, the requesting party) (7) If the department denies a record, in whole or in part, the requestor may seek review of the decision by ~~((letter addressed))~~ sending a written request for review to the ~~((deputy secretary, 1112 S.E. Quincee Street,))~~ Agency Public Records Disclosure Officer, P.O. Box 47890, Olympia, WA 98504-7890.

AMENDATORY SECTION (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

WAC 246-08-450 Final orders, declaratory orders, interpretive statements and policy statements—Indexes.

(1) In accordance with RCW 42.17.260, the department shall index:

(a) Final orders that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and contain an analysis or decision of substantial importance to the department in carrying out its duties;

(b) Declaratory orders that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(c) Interpretive statements as defined in RCW 34.05.010(8); and

(d) Policy statements as defined in RCW 34.05.010(14).

(2) The department shall maintain indexes of:

(a) Final orders meeting the criteria in subsection (1)(a) of this section, issued by the department and the disciplining authorities identified in RCW 18.130.040;

(b) Declaratory orders meeting the criteria in subsection (1)(b) of this section issued by the department ~~((and))~~ the state board of health, and disciplining authorities identified in RCW 18.130.040; and

(c) Interpretive and policy statements issued by the department ~~((and)), the state board of health, and disciplining authorities identified in RCW 18.130.040.~~

(3) The indexes shall, at a minimum, contain the case or document number; type of document; name of parties, if applicable, unless such names are exempt from public disclosure; brief description of subject, program; pertinent legal citation; and location of the document.

~~(4) ((Any person may nominate a final adjudicative order or declaratory order to be evaluated for indexing by completing an Order Index Nomination Request Form which can be obtained from and returned to the Office of Professional Standards, PO Box 47872, Olympia, WA 98504-7872, along with a copy of the nominated order. The department shall make a final decision as to whether to index the nominated order, and that decision is not appealable.~~

~~(5))~~ The department shall periodically update the indexes ~~((on an ongoing basis and conduct an annual review))~~ to verify that the indexed documents continue to meet the criteria in subsection (1) of this section. The department may, at any time, delete a document from an index. ~~((Pursuant to))~~ Under RCW 42.17.260(6), a public record may not be cited in a proceeding if it has not been indexed.

~~((6))~~ (5) The indexes are public records and are available for public inspection and copying in accordance with WAC 246-08-420 and 246-08-440. Indexes are located as follows:

(a) The index of final adjudicative orders and declaratory orders is located in the ~~((Office of Professional Standards, 2413 Pacific Avenue, Olympia))~~ Adjudicative Service Unit, 310 Israel Road S.E., Tumwater, WA 98501; and

(b) The index of ~~((declaratory orders,))~~ interpretive and policy statements issued by the department and the state board of health is located in the Office of the Secretary, ~~((4112 Quincee St. SE, Olympia, WA 98504))~~ 101 Israel Road S.E., Tumwater, WA 98501.

NEW SECTION

WAC 246-08-480 Index of significant decisions. (1)

The department's index of significant decisions, prepared under RCW 42.17.260, contains orders that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and include an analysis or decision of substantial importance to the department in carrying out its duties. Together with the indices maintained under WAC 246-08-450, "significant decisions" shall serve as the index required by RCW 42.17.-260 (4)(b) and (c).

(2) The department selects the orders to be included in "significant decisions" based on recommendations from staff and the public. Generally, a decision or order is considered "significant" only if it provides a legal analysis or interpretation not found in existing case law, or applies settled law to unusual facts. The significant decision index shall include orders meeting the criteria in subsection (1) of this section, issued by the department and the disciplining authorities identified in RCW 18.130.040.

(3) The index shall, at a minimum, contain the case or document number; type of document; name of parties, if applicable, unless such names are exempt from public disclo-

sure; brief description of subject, program; pertinent legal citation; and location of the document.

(4) Any person may nominate a final adjudicative order, other adjudicative order or declaratory order to be evaluated for indexing by completing an Order Index Nomination Request Form. The form can be obtained from and returned to the Adjudicative Service Unit, P.O. Box 47879, Olympia, WA 98504-7879, along with a copy of the nominated order. The department shall make a final decision as to whether to index the nominated order, and that decision is not appealable.

(5) The department shall periodically update and review the index to verify that the indexed documents continue to meet the criteria in subsection (1) of this section. The department may, at any time, delete a document from an index. Under RCW 42.17.260(6), a public record may not be cited in a proceeding if it has not been indexed.

(6) The index is a public record and is available for public inspection and copying in accordance with WAC 246-08-420 and 246-08-440. The index of significant adjudicative orders is located in the Adjudicative Service Unit, 310 Israel Road, Tumwater, WA 98501.

AMENDATORY SECTION (Amending Order 346, filed 3/24/93, effective 4/24/93)

WAC 246-08-520 Equal opportunity/affirmative action. The department is firmly committed to equal opportunity and nondiscrimination both in the work force and in the delivery of services and makes every good faith effort to achieve the objectives of the affirmative action plan.

(1) **Employment** - The department recruits, hires, develops, and promotes persons in all ~~((job classifications))~~ positions without regard to race, creed, color, sex, age, national origin, marital status, or presence of a mental, physical, or sensory handicap. The department seeks to maintain a working environment free of harassment or intimidation, and to reasonably accommodate persons of disability.

(2) **Affirmative action** - The department strives to correct deficiencies regarding the utilization of protected groups, consistent with ~~((WAC 356-05-327, according to the timetables set forth))~~ applicable state and federal laws and guidelines as outlined in the department's affirmative action plan.

(3) **Services** - The department provides services, programs, and lets contracts in a fair and impartial manner. No person shall, on the grounds of sex, race, creed, color, age, national origin, marital status, or handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity administered or supervised by the department as required by the federal government as a prerequisite for fiscal grants-in-aid (Sec. 601, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d) and chapter 49.60 RCW.

WSR 06-11-066
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 12, 2006, 2:06 p.m., effective June 12, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule amendment increases the certification fees for field crops certified by the Washington state crop improvement association, assuring fees for seed certification services are adequate to recover operating expenses of the association.

Citation of Existing Rules Affected by this Order: Amending WAC 16-303-340 and 16-319-041.

Statutory Authority for Adoption: RCW 15.49.310, 15.49.370(3).

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 06-07-166 on March 22, 2006.

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 2, 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.

Date Adopted: May 12, 2006.

John Swannack
Acting Deputy Director

AMENDATORY SECTION (Amending WSR 05-05-052, filed 2/14/05, effective 3/17/05)

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

Table with 2 columns: Description and Amount. Rows include (a) Application fee per variety per grower, (b) Field inspection fee per acre except millet and hybrid sorghum, (c) Millet - first acre, (d) Hybrid sorghum - first acre.

Table with 2 columns: Description and Amount. Rows include (e) Special field inspection fee per acre, (f) Late application fee, (g) Reinspection fee.

minimum for each field which did not pass field inspection plus \$((0.43)) 0.44 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$((39.93)) 41.05.

Table with 2 columns: Description and Amount. Row includes (h) Final certification fee.

per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee \$0.105

per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

Table with 2 columns: Description and Amount. Row includes (i) Sampling fee \$0.105

per cwt. of clean seed sampled, with minimum charge of \$10.30 per sample, which is charged to conditioning plant in lieu of mechanical sampling.

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending WSR 05-05-051, filed 2/14/05, effective 3/17/05)

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

- (a) The application should show all classes for which certification services are requested.
(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.
(c) Applicant shall be responsible for payment of fees for certification services.
(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.
(e) Certifying agency reserves the right to refuse certification service to applicant.
(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which

warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: Provided, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: Provided, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on

the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

| Certification Classes | Field | | Fee Due |
|----------------------------|-----------------------------------|--------------|-------------|
| | Inspection | Audit | |
| Tested and Selected | \$ 27.00/hr. | \$ 27.00/hr. | When billed |
| Source Identified Classes: | | | |
| Lots 11 bu. and more | \$(0.88) 0.90/bu. | \$ 27.00/hr. | |
| Lots 6-10 bu. | \$(21.89) 23.00/lot | \$ 27.00/hr. | |
| Lots 0-5 bu. | \$ 13.00/lot | \$ 27.00/hr. | |
| Audit | None | \$ 27.00/hr. | When billed |

(b) Tree certification - \$ 27.00/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totaling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at \$ 27.00/hr. payable when billed.

(d) OECD certification (certificates of provenance) - \$ 0.60 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

WSR 06-11-067
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed May 12, 2006, 2:33 p.m., effective June 12, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To make changes to the rural arterial program and the county arterial preservation program as adopted by the CRABoard as outlined in the language.

Citation of Existing Rules Affected by this Order: Amending WAC 136-130-020, 136-165-020, 136-300-050, 136-300-060, 136-300-070, and 136-300-090.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 06-05-086 on February 14, 2006.

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.

Date Adopted: April 27, 2006.

Jay P. Weber
Executive Director

AMENDATORY SECTION (Amending WSR 02-11-008, filed 5/2/02, effective 6/2/02)

WAC 136-130-030 Project prioritization in Puget Sound region (PSR). Each county in the PSR may submit projects requesting RATA funds not to exceed 80% of the forecasted regional apportionment. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR funding period shall allot a minimum of 25% of the forecasted regional apportionment to projects on roads classified as major collectors (07) or minor collectors (08).

PSR RAP maximum rating points for the ~~((three))~~ four project types shall be assigned based on the following:

| Rating Criteria: | Project Type: | | | |
|---------------------|--------------------------------|----------------------------|--------------------------------|--------------------------------|
| | Road | <u>3R</u> <u>Safety</u> | Intersection | Bridge |
| Traffic Volume | 20 | <u>15</u> | 20 | 20 |
| Accident History | 25 | <u>15</u> | 25 | 25 |
| Structure | 15 | <u>10</u> | 5 | ((20)) <u>25</u> |
| Geometry | ((25)) <u>30</u> | <u>20</u> | ((35)) <u>40</u> | 20 |
| Special Road Usage | ((15)) <u>10</u> | <u>10</u> | ((15)) <u>10</u> | ((15)) <u>10</u> |
| <u>3R Safety</u> | | <u>30</u> | | |
| TOTAL POINTS | 100 | <u>100</u> | 100 | 100 |

Bridge category projects that will not replace the structure must have federal funds committed to them prior to submittal for RATA funding.

Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-165-020 Requirements for consideration of RATA fund increases. (1) When a county submits its final prospectus as described in WAC 136-161-050, the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation only twice in the course of a project's development: At the completion of preliminary engineering, and

prior to commencing construction. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; and

(b) If done by day labor, the work has commenced except for labor construction engineering.

All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of fifty percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation; ~~((and))~~

(d) The request is not to pay for an expansion of the originally approved project;

(e) If the work is to be done by contract, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by day labor, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including pre-project scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-300-050 Distribution of CAPA funds. (1) Certification of county arterial mileage.

(a) Classification. The statute specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

(i) In urban areas, classified within the federal functional classification system as arterials or collectors;

(ii) In rural areas, classified within the federal functional classification system as arterials, major collectors, or minor collectors.

(b) Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(c) Source of information. The master county road log as maintained by the county road administration board in accordance with chapter 136-60 WAC shall be the source of official paved road mileage to be used for CAPA distribution.

(2) Establishment of allocation percentages. At its first regular meeting after July 1 of each year, the county road administration board shall establish the next calendar year's allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the county road administration board as its percentage of paved arterial lane miles of the total statewide paved county arterial lane miles.

(3) Notice to counties. Upon their establishment, the county road administration board shall notify the county legislative authority and the county engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the next calendar year.

(4) Distribution to counties. Distribution of allocated CAPA funds shall be done monthly by the state treasurer. The state treasurer shall use the allocation percentages provided by the county road administration board as computed under the provisions of subsection (2) of this section.

(5) Eligibility. All arterial preservation work and related activities, and maintenance management done by each county shall be eligible for CAPA funding provided that:

(a) The county is determined to be in compliance with the pavement management system requirements as set forth in chapter 136-70 WAC; and

(b) The county engineer submits the annual CAPA program as required in WAC 136-300-060; and

(c) The work is in conformance with the allowable activities as specified in WAC 136-300-070.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-300-060 Annual county arterial preservation programs. Each county engineer shall, in conjunction with the county's annual road construction program as required by RCW 36.81.130 and chapter 136-16 WAC, prepare an annual county arterial preservation program. Appropriate forms will be provided by the county road administration board.

The county's annual arterial preservation program shall consist of a list of all proposed county arterial preservation projects and activities as well as total planned expenditure of CAPA and non-CAPA funds for maintenance management for the ensuing year. In order to evaluate the relative ability of CAPA funds to meet the county's total arterial pavement preservation needs, the annual county arterial preservation program shall identify those projects for which CAPA funding is available.

The county engineer shall submit the proposed county arterial preservation program to the county road administration board along with the county's annual road program and budget in accordance with chapter 136-16 WAC.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-300-070 Allowable activities within CAPP. For all CAPA-funded projects that involve structural resurfacing, the existing road must meet the following minimum width standards:

Shouldered roadway sections:

| Current ADT | Lane width | Shoulder width |
|-------------|------------|----------------|
| 0 to 100 | 9 feet | 2 feet |
| 101 to 400 | 10 feet | 2 feet |
| 401 to 4000 | 10 feet | 2 feet |
| Over 4000 | 11 feet | 4 feet |

Curbed roadway sections (minimum lane width):

| Current ADT | Two-way undivided | One-way & two-way divided |
|-------------|-------------------|---------------------------|
| All | 10 feet | 9 feet |

All roadways built to less than the above standards for which a county proposes to perform structural resurfacing must be widened with other than CAPA funds.

Use of county arterial preservation account funds shall be limited to the following three groups of activities:

(1) Implementation of computerized systems to include:

(a) Acquisition of computer hardware and software that may be necessary to operate a computer-based pavement management and maintenance management systems.

(b) Pavement management system training not otherwise provided by the county road administration board. This can include software usage, pavement condition surveying, and other specialized training directly related to the operation and maintenance of a computer-based pavement management system.

(c) Payment for related services such as data entry, pavement condition surveys, and rental of specialized PMS-related equipment such as road raters.

Acquisition of equipment other than computer hardware as described in (a) of this subsection is not eligible.

(2) Direct and attributable indirect costs associated with paved surface preservation and rehabilitation activities on existing roadways, and maintenance management activities related to all county arterials, including the following:

(a) Nonstructural resurfacing projects. These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.

(b) Structural resurfacing projects. These include thick asphalt concrete overlays (greater than one inch); portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.

(c) Associated activities. These include crack sealing (bituminous and portland cement pavements); full-depth, structural patching done in preparation for structural or non-structural overlays or seals; portland cement pavement joint reconstruction undersealing, panel jacking and panel replacement; and other related activities as are directly attributable to nonstructural and structural resurfacing projects.

(d) Maintenance management activities. These include creating maintenance management reports and training in maintenance management per the requirements listed in chapter 136-11 WAC.

(3) Resurfacing work associated with the reconstruction and/or widening of existing paved arterials. This participation is limited as follows:

(a) The present roadway is a paved county arterial as defined by WAC 136-300-050;

(b) The county's approved pavement management system has identified the existing pavement as requiring resurfacing within two years of the expected reconstruction/widening project completion date;

(c) The reconstruction/widening project will bring the roadway to at least the lane and shoulder width standards and non-CAPA funding requirements of this section;

(d) The CAPA participation will be limited to the resurfacing portion of the project as described in this section.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-300-090 Submittal of annual report. The county road administration board shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation and maintenance management activities, both CAPA and non-CAPA funded, in his or her county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of scope of work and the amount of CAPA funds expended, as well as a listing of the county's share of CAPA funds used for maintenance management.

At any time prior to April 1st of the year following, the county engineer shall, in conjunction with the annual construction report required by WAC 136-16-050 submit an annual summary of pavement preservation activities on the entire paved road system. This report shall be on the approved forms or in an equivalent format.

WSR 06-11-070

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 05-15—Filed May 15, 2006, 9:21 a.m., effective June 15, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendment reserves twenty-five cubic feet per second of water for future uses, including residential, commercial/industrial, stock watering, and agricultural irrigation not subject to instream flows. The reservation is split between uses and is further divided by tributary subbasin. The amendment also establishes closures for certain tributaries when the reservations are fully allocated and used, and clarifies how future water right permits may be obtained. The stream flows and maximum water allocation limits established for the Skagit River basin in chapter 173-503 WAC are not altered by this amendment.

Citation of Existing Rules Affected by this Order: Amending chapter 173-503 WAC.

Statutory Authority for Adoption: Chapters 43.27A, 90.54, 90.22, and 90.82 RCW.

Adopted under notice filed as WSR 06-03-136 on January 18, 2006.

Changes Other than Editing from Proposed to Adopted Version: **Differences between the proposed and final rule:** There are numerous changes from the rule amendment published with the CR-102, and this rule amendment adopted and published with the CR-103. The changes were made in response to comments as well as upon ecology's initiative. All changes made are for rule amendment clarity to more precisely identify the rule amendment or requirement. The

changes made do not change the substance or the intent of the rule.

WAC 173-503-020 Purpose, the words "as defined in WAC 173-503-040," were added after "Cultus Mt. Tributaries" as an editorial change for clarity. "Requirements as" after "stock watering" was replaced with "objectives" consistent with RCW 90.22.040.

WAC 173-503-025 Definitions, in the definition of "commercial/industrial" water use, a sentence was added that includes irrigation of agricultural products as a purpose per the PCHB Kim decision. The sentence added is "For permit exempt commercial/industrial water ground water uses, it also means irrigation of agricultural products." In addition, "within the business property" was added for clarification of where the commercial/industrial water use will take place.

In the definition of "domestic water use," "only" was added before potable water for clarification. The words "or business" were removed from the definition because business has already been included in the definition for commercial/industrial. The words "maintenance and vegetation" and "incidental livestock" were added to the list of examples of domestic water uses to further clarify the definition.

The definition of "incidental stock water use" was added to allow small scale domestic stock (i.e., family horses) to be counted as domestic water use. This concept was developed so that we can allow small scale stock in tributaries while limiting larger operations to the mainstem areas only. Large stock water uses can now access a specific stock water reservation.

The words "any applicable" were added to the definition of "maximum average consumptive daily use" in front of "return flow recharge credit" and the word "the" was removed from the same location for clarification.

In the definition for "mitigation plan" the words "must be" were added before "approved by the department" to stress that ecology approval must be gained prior to commencing a mitigation project in accordance with this rule. The remainder of this definition was removed to allow ecology to approve scientifically sound plans as submitted by a proponent.

The definition of "public water system" replaced "established by RCW 43.20.260" with "defined by RCW 70.119.-020(8)" in order to clear up confusion regarding the intended definition of public water as written in the rule amendment. Further, "excluding" was added before "a system with four or fewer" systems [to] clarify that farms with four or fewer connection and single family residences are not considered to be public water systems.

The definition for "retail service area" was added in keeping with the meaning of the rule amendment and in accordance with public comments seeking clarification of sections of the rule amendment in which this term appears.

The definition for "stock water" was added in accordance with comments seeking clarification of relevant areas of the rule amendment as they pertain to current case law and the recent Attorney General Opinion.

In the definition of "withdrawal," "appropriation or" was replaced with "extraction and" and later "or" regarding surface water diversion was replaced with "and" in order to comport with the definition for consumptive water use.

WAC 173-503-051 Future stream closures, the title was changed to "future stream closures" from "stream closures" in order to clarify that streams will not be immediately closed if they will be closed at all.

In subsection (1), "uses, ... other than the water reserved under WAC 173-503-073, ... from the tributary subbasin management units of ... identified as subject to closure in WAC 173-503-074. Therefore," was changed to, "existing ... uses, ... is not available for year-round consumptive appropriation in ... basin. However, in order to provide for some limited future uses," as an editorial change for clarity and readability. "These basins" was replaced with "the subbasin management units of the Skagit River identified in WAC 173-503-074" because the language was merely implicit in its meaning. "And used by permitted or exempt use ... in WAC 173-503-074" was added as an editorial change for clarity and in order to specify that the rule amendment applies to permitted and permit exempt users alike, as is specifically stated in other sections of the rule. Finally, "which will remain open to out-of-stream uses subject to instream flows. If subsequent water use information indicates that the basin can be reopened, the department shall notify the public and local governments of the change in the status of the basin as provided for below." was added for clarity on the future of the streams if or when a stream is closed.

In subsection (2), "for the region" was replaced with "in each affected county in WRIA 3 and 4." was added to clarify that all those affected by a change in the reservation will be notified as to the status of the reservations.

WAC 173-503-052 Future out-of-stream uses in the Upper Skagit River subbasin management units, the title was changed to "Future out-of-stream uses in the Upper Skagit River subbasin management units" in order to more clearly state the subject of the section.

In subsection (1), "The department determines that, based on historical and current low flows and uses, there remains limited water available for year-round appropriation from certain tributary subbasins within the Water Resource Inventory Area 4, Upper Skagit basin. Therefore ... these basins that can be used under certain criteria described in WAC 173-503-073. The subbasin management units within the Upper Skagit River have been delineated" was replaced by, "In order to allow for some limited future out-of-stream uses while protecting instream resources in the Upper Skagit River subbasin management unit ... the Upper Skagit subbasin management unit and important tributaries in this subbasin management unit identified." This was done in order to make this section more succinct.

Subsection (2), was changed from a separate subsection to a continuation of subsection (1). The words "are cumulatively" were added before "limited to a maximum average consumptive daily use." ".04 CFS or" was removed before the gpd number in keeping with WAC 173-503-074, which lists the tributary reservation amounts in gpd. "[I]n each tributary identified in Figure 5 of WAC 173-503-120. These uses must comply with the criteria described in WAC 173-503-073 and" was added before "will be debited" as editorial changes to clarify ecology's intent with regards to the limits of withdrawals in tributary areas.

WAC 173-503-060 Future water rights, the title was changed to "Future water rights" in order to corroborate with the rule amendment that exempt and nonexempt water rights alike are covered under the rule.

In subsection (1), "rights, including permit exempt uses under RCW 90.44.050, may be obtained" was added after "surface and ground water" in consideration of public comments, and as an editorial change to clarify the applicability of these provisions to permitted and permit exempt users alike.

In subsection (1)(b), "173-503-075" was added after "173-503-074" to reflect the change in which a separate reservation was created for stock watering. "In an application for ... a reservation is approved, the department shall deduct its permitted amount from" was removed and "The department shall deduct the" was added as an editorial change for succinctness and clarity. Further, "as described in WAC 173-503-073" was added as an editorial change for specificity. "173-503-075" was added to the end of this subsection for the above reason.

In subsection (1)(c), "applicant" was changed to "proponent" and "to the department's satisfaction" was added after "demonstrate to" and "adversely impact instream resources," was added before "or diminish water quality" in accordance with several comments made, which felt that the standards listed that a mitigation plan must meet were set too low or left too vague. The sentence "The source of water for a mitigation plan shall not be from a legally closed source." since ecology retains approval authority for the mitigation plans and it will make a determination on the legal availability of the source water when it reviews the proposed mitigation plan.

In subsection (1)(d), "or withdraw water from a legally closed basin" was added after "will not impair senior water rights" to clarify what was only implied in the rule. "A ground water permit" was replaced by "a ground water right" in keeping with the intent of the rule amendment to include both permit and permit exempt water uses. "Sufficiently" was added in the sentence allowing for changes in rule amendment application in the event of new scientific information to give clarity as to the standard by which the scientific information will be judged. A final sentence was added to the rule amendment stating "and will account for uses under the reservations in WAC 173-503-073, 173-503-074 and 173-503-075 in accordance with these findings" in order to explicate which parts of the rule amendment will be applied differently in light of new scientific information, which was merely implied in the rule amendment proposal.

Two editorial changes were made in subsection (2) to be consistent with other areas of the rule. In the first one, "public water supply" was changed to "public water system" in order to be consistent with WAC 173-503-073, the definitions section and the purpose of the rule. The words "municipal or" were removed before both references to "public water system" because municipal water systems are a subset of public water systems and thus covered by this term. Additionally "that can provide timely and reasonable water service as defined in WAC 173-503-025" was added to be consistent with public water connection requirements in WAC 173-503-073.

In subsection (3), "permits" was changed to "appropriations" to be consistent with the fact that permitted and permit exempt users alike will be subject to the reservations. "If the water source is located in a closed subbasin, a water right can only be obtained under conditions in subsection (1)(a),(c) or (d) of this section" was added to clarify the water rights of water users located within the various tributaries and streams and is consistent with the rule amendment.

In subsection (4), the word "right" was replaced by "appropriation" as an editorial change and for clarification. The statement "serve overriding considerations of the public interest" was replaced by "meet the standards set forth by RCW 90.54.020," on the request of commenters.

In subsection (5), the words "permit holders" were removed and "appropriations" was put in their place as an editorial change and for clarification. Further, the language "in accordance with specifications provided by the department, and report the data to the department in accordance with the permit requirements. In addition, the department may require the permit holder to monitor stream flows and ground water levels" was removed. The language was replaced by "measured through installation and maintenance of appropriate measuring device(s) (water source meters), except for permit exempt uses serving a single residence. Water users required to measure water use must provide a reasonable right of inspection, allow access for the meter to be read, and report the data to the department or a local entity the department designates. The department may require additional users to measure water use, if the department determines that water supplies warrant further monitoring." and an editorial change to clarify metering requirements, as several commenters showed confusion as to what would be expected of them. Ecology has retained the authority to require single residence permit exempt users to meter in the future, and believes that the data from metering of group B water systems will provide ecology with an idea of actual water usage on single residence water uses.

WAC 173-503-061 Baker River project settlement agreement flows, the language "will provide a significant benefit to salmonids and instream resources. Therefore, the department will as part of its public interest review of new water right applications ensure that no reduction in the mitigation benefits associated with the flow release provisions of the hydropower license for the Baker project will result from approval of such applications; however, this provision shall not apply to new water right applications or permit exempt water rights under RCW 90.44.050 that are processed and approved" was removed. The language was replaced by "are a necessary component to adequately mitigate for the ongoing impacts of Baker River project operations. Therefore, in order to prevent detriment to the public interest, new permits for withdrawals or diversions that would impact the portion of the Skagit River Basin between Sedro Woolley up to and including the Baker River, will only be issued if the applicant can demonstrate that there will be no measurable reduction in the mitigation benefits associated with the flow release provisions associated with the Baker River relicense. However, this provision shall not apply to new appropriations that are obtained" and "173-503-074, and 173-503-075" was added to the end as an editorial change to clarify the department's

intent based on public comments received and in accordance with the removal of "stock water" from WAC 173-503-073 reservations.

WAC 173-503-073 Water reservations, in subsection (1) a new sentence was added stating, "The department reserves its authority to review an application for new water use under the reservation in light of new information that may reflect upon or alter its current findings of availability, beneficial use, impairment, and/or public interest." This sentence was added as an editorial change to clarify ecology's permitting authority. This sentence does not change or expand ecology's authority.

In subsection (1)(a), the words "10 cubic feet per second (cfs)" before "is available for agricultural irrigation purposes" was removed. This clarifies the amount of water reserved under agricultural irrigation reservation as 3,564 acre feet annually (equivalent to 10 cfs diverted continuously through the irrigation season) and ecology would not be limiting all withdrawals under this reservation to an instantaneous withdrawal rate of 10 cfs. Similarly, "of water" was added after "3,564 acre feet" as an editorial change for clarification.

In subsection (1)(b), "stock watering" was removed from the section which still covers the "domestic, municipal, and commercial/industrial" reservation. The stock watering reservation has been moved to WAC 173-503-075 in response to several public comments to make stock watering a separate reservation, and does not raise the overall reservation values. "Fifteen cubic feet per second (15 cfs) or 10,840 acre-feet annually" was also removed and replaced with "a maximum average consumptive daily use of 9,370,208 gallons per day" to account for the removal of stock watering from the domestic, municipal, and commercial/industrial reservation, and the change in the reservation number is reflected in the stock watering reservation in WAC 173-503-075. Similarly, the new language clarifies that the reservation will be accounted for using the maximum average consumptive daily use (withdrawal amount minus any applicable septic recharge). The change from cubic feet per second and acre-feet annually to gallons per day is for clarification and because more people understand the concept of gallons per day.

In subsection (2)(a), "a source in" was removed before "the Lower, Middle or Upper Skagit" as an editorial change for clarification.

In subsection (2)(c), "The department will condition uses under the reservation to minimize the instantaneous impact of withdrawals on instream flows. Such conditions may include requiring efficient conveyance and irrigation methods or irrigation scheduling" was added at the end of the subsection to clarify ecology's permitting requirement.

In subsection (2)(e), "water user must install and maintain a water" was added before "a measuring device" and replaced "must be installed and maintained on the water source" as an editorial change for clarification. "The user or other designated local entity must" was added before "report the data to the department" for clarification of the reporting requirement, which was requested by several commenters.

In subsection (2)(g), the words "has been relinquished" have been added after "has been abandoned" to give agricultural irrigators the ability to add the unused portion of their water right to the reservation prior to when abandonment

conditions have been met. In keeping with this change, "upon notification of abandonment" has been changed to "once the department is notified of the discontinuation."

In subsections (3) and (3)(a), "stock watering" was removed as a purpose of use. Ecology is proposing to allow incidental stock water use (small scale livestock operations) as part of domestic water use. A small quantity of domestic reservation (0.5 cfs/340,000 gpd) will be set aside for a separate stock water reservation.

In subsection (3)(b), "based on the subbasin management units established in" was replaced with "and used consistent with" for clarity and succinctness. In the next sentence, "and" was removed and replaced with "Such use of the reservation," which is the start of a new sentence, and the update was an editing change for clarity. A new sentence was added, stating "For water sources located in identified tributaries in the Upper Skagit subbasin management unit in Figure 5 of WAC 173-503-120, water withdrawals must meet the restrictions described in WAC 173-503-052." This sentence does not change or add a requirement, but clarifies that the requirements in this section are consistent with other sections of the rule. The words, "the following conditions are met" were added after "if" as an editorial change for clarity. The conditions "or the applicant demonstrates to the department that surface water is the only physically available source of water that can be obtained in the tributary subbasin; (2) the appropriation complies with the conditions of the reservation, and (3) the appropriation" were added as an editorial change for clarity and do not change the requirements created by the rule. "Use of the source" was removed before the new language "(3) the appropriation" was added for clarity. Finally, "For sources located in identified tributaries in the Upper Skagit subbasin management unit in Figure 5 of WAC 173-503-120, water use is limited to only ground water sources, and is limited to a maximum daily use of 0.4 cfs or 25,851 gallons per day, debited from the total Upper Skagit subbasin management unit reservation." was removed because it would be redundant in meaning to the language added in this subsection and detailed above.

In subsection (3)(c), "Domestic" was removed before the word "water" to clarify that subsection (3) does not only pertain to domestic water uses, but also municipal and commercial/industrial water uses.

In subsection (3)(d), "of this reservation, except for permit exempt appropriations serving a single residence," was added and "including permit exempt users, under the reservation" was removed, effectively removing single residence exempt well users from the metering requirement in order that ecology can focus on enforcement of metering compliance of larger water users and single residence exempt wells will be deducted from the reservation at 350 gpd or 175 if they on [are] served by a septic system. "The water user" was replaced by "Water users required to measure their water use" was replaced in keeping with the above change. "The department may require additional users to measure their water use, if the department determines that water supplies require further monitoring" was added as a final sentence to allow for ecology to require single residence exempt well users to meter their wells if there is reason to believe that the gallons per day use exceeds or is less than 350 gpd.

In subsection (3)(f), "for a potable water supply" was added after "a new withdrawal" for clarity and consistency with other sections of the rule amendment and in response to several comments from nonpotable water users stating confusion over whether they would be required to seek public water system connection. "Municipal" water system was replaced with "public" water system in two locations because municipal water systems are a subset of public water systems. "Obtain a letter from a" was replaced with "present written evidence to the department that water service cannot be provided in a timely and reasonable manner by a" in keeping with several commenters who stated that public water suppliers do not often deny potential water connections through a letter and in keeping with standard practices of Skagit County. Similarly, "was denied. Such a denial" was replaced with "cannot be provided in this manner. This determination" in keeping with comments stating that a public water connection is not always denied as such, and the language was updated in keeping with the rule's intent.

In subsection (3)(g), "users" was replaced by "appropriations under this reservation" as an editorial change for clarification.

Subsection (3)(h) was added, stating "All users of this reservation, including permit exempt users, must inform ecology, at the time of the appropriation of water, the type of wastewater disposal system for the property or properties that the appropriation serves. If the initial wastewater disposal system is a septic system, and the property or properties subsequently connect(s) to a sewer system, the users of the appropriation must report to ecology the change in the wastewater disposal system in a timely manner." This provision allows ecology to request information to assist us in administering the rule, specifically applicability of septic recharge credit.

In subsection (4), "or a subsequent owner" was added before "seeking water" to emphasize that following the conditions of the reservation is the responsibility of subsequent owners in addition to the user which established the appropriation. This does not change or add a requirement and is consistent with the law of prior appropriation.

In subsection (5), "identified as subject to closure in WAC 173-503-074" was added after "subbasin management units" as an editorial change for clarity. "New water sources" was replaced by "Upon closure, new appropriations" as an editorial change for clarity. A final sentence was added to the first paragraph of this subsection stating "If subsequent water use information indicates that the basin can be reopened, the department shall notify the public and local governments of the change in the status of the basin as described below." for clarity and in response to several comments requesting information on how the public will be notified when basins are closed or if or when they could be reopened.

In subsection (6), "a water use authorized from the reservations" was changed to "an appropriation from a reservation" as an editorial change and in keeping with the rest of the rule, which includes permit exempt wells.

In subsection (7)(a), the words "stock watering" were removed in keeping with subsection (1) in which the reservation for stock watering was removed.

In subsection (7)(b), the words "regardless of whether the use is an interruptible or uninterruptible water right" was removed because the previous phrase "All uses of this reservation shall be debited against the reservation" gives ecology the authority to account for the water use under the reservation based upon the type of proposed use. The word "source" was changed to "use" in the first sentence as an editorial change for clarification. In the next sentence "or a standard amount" was added after "actual measured data" in order to make this section consistent with other sections of the rule. "Account for water use using 800" was replaced with "deduct the authorized quantities under water right permits or certificates from the reservation. For permit exempt appropriations, the department will initially deduct a standard amount of 350" to comport with several comments challenging the 800 gallons per day amount as far exceeding that which is actually used by residents of the Skagit River basin. "Municipal" was changed to "residential service" for clarity. "Or" after "connection" was replaced with "in a group domestic water system. The standard amount will be adjusted periodically to reflect the maximum average daily use before any recharge credit. The department will deduct" to clarify ecology's reservation accounting. In the same sentence, "a" was replaced with "each" and "until" was changed to "unless" as editorial changes and for clarity as to ecology's intent. "Availability certificates issued by the counties" was changed to "approvals issued by local jurisdictions" after it came to ecology's attention that not all counties in the Skagit River basin issue availability certificates.

In subsection (7)(c), "individual and community" was added in response to several comments requesting clarification on the sort of septic systems covered under the recharge credit. "On-site" was removed before "septic system credit" as an editorial change, and "of the reservation" was added to the same sentence as an editorial change and for clarity. After "converted to sewer systems" "whose discharge is located outside the basin of origin" was added because sewer systems with a discharge within the basin or origin would add to the basin similarly to septic systems. New language was added to the end of the subsection stating, "If water users are subsequently converted to sewer from septic systems, total water uses under the reservation in the applicable subbasin shall remain below the maximum average consumptive daily use limits in the newly sewered basin. Actions to remain in compliance with maximum average consumptive daily use limits could include: Reducing the number of withdrawals under the appropriate subbasin reservation, reducing actual water use, providing an equal quantity of imported water to the subbasin as has been provided through septic recharge return flow allowance, implementing an ecology approved mitigation plan, or by connecting to water sources from outside of the subbasin." This language was added to present water users subject to the reservation with options for continuing to use only a portion of the reservation after a sewer connection and does not add a new requirement.

In subsection (7)(d), "or relinquishes" was added to provide water users an alternative to abandoning a water right in order to add water to the reservation and allows the water right to vest more immediately. "/or debited from the reservation, upon demonstration to the department that the well or

surface water source has been decommissioned through written certification." was added to replace "debited from the reservation, upon demonstration to the department that the well or surface water source has been decommissioned through written notification of the abandonment." as an editorial change for clarification that the writing does not have to be in the form of a certification.

WAC 173-503-074 Establishment of subbasin management units and reservation quantities by subbasin management unit, a sentence was added stating, "Appropriations established after April 14, 2001, will be debited from the reserved quantities in accordance with the provisions contained in WAC 173-503-060 and 173-503-073." This sentence was added as an editorial change for clarification and does not add or change a requirement under the rule. The column in the chart showing the maximum average consumptive daily use in cubic feet per second was removed because it was redundant in its content to the column showing the maximum average consumptive daily use in gallons per day. Carpenter and Fisher Creek basins were combined based on further hydrological review.

WAC 173-503-075 Future stock watering, language was added stating: "Consistent with RCW 90.22.240, the department retains sufficient minimum flows or levels in streams, lakes or other public waters to provide adequate waters in such water sources to satisfy stock watering requirements for stock on riparian grazing lands. Future permit exempt stock water uses and future stock water uses requiring a water right can be obtained as outlined below.

(1) A reservation of 324,000 gallons per day of water is reserved for new stock water uses not subject to instream flows. It is available to users exempt from the permitting process and to users requiring a water right. Users of this reservation would be limited to a source within the Lower, Middle and Upper Skagit subbasins and must use the source only for stock watering purposes. Future permit exempt stock water users would not have to measure and report their water use, although the department encourages water withdrawal measuring. The department would measure and account for permit exempt stock water appropriations using stock inventory reports or actual measuring data, if such data exist. New stock water sources using surface water can be authorized under this reservation if authorized under an approved water right from the department. Measurement requirements for these appropriations would be outlined in the water right permit." A separate reservation for stock watering was created because of the difficulty of accounting for stock watering usage. The reservations were not raised or lowered due to this change. The language was also added to clarify that permit exempt stock water users will not have to measure water use, ecology will account for their use using stock inventory reports.

WAC 173-503-116 Incorporating new hydrologic investigations and information in rule, the word "scientific" was added before "findings" to clarify that ecology would only update its accounting of the reservations given scientific findings, which is also consistent with WAC 173-503-060. A sentence was added stating, "will account for uses under the reservations in WAC 173-503-073, 173-503-074 and 173-503-075 in accordance with these findings. If

necessary, the department will" to clarify that the section applies only to the accounting of the reservations. Finally, "this rule in the bulletin" was replaced with "maps described in WAC 173-503-120" to clarify the process for updating the maps.

WAC 173-503-120 Maps, the words "and will be updated as information becomes available as provided under WAC 173-503-116" to comport with the change to WAC 173-503-116. The maps in figures 4 and 5 were updated to reflect the combining of Fisher and Carpenter Creeks in WAC 173-503-074 and to make the maps more readable.

WAC 173-503-150 Water rights subject to instream flows predating the reservations, the words, "including permit exempt commercial/industrial irrigation users," were added to conform to the rest of the rule amendment which treats permit and permit exempt uses alike. [The language] "household water use for the Skagit River basin for domestic water uses" was removed and replaced with "of 350 gpd," as an editorial change for clarity. "Water use records are available" was replaced by "the department determines that other information demonstrate an alternative water use quantity should be deducted. Mitigation credits, including but not limited to, the recharge credit described in WAC 173-503-073(7), apply to these water uses, if appropriate." This change was made for clarity and to comport with WAC 173-503-060 and 173-503-073 allowing water users of the reservation recharge credit for septic systems and to mitigate reservation withdrawal with approved mitigation plans.

A final cost-benefit analysis is available by contacting Cathy Carruthers, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6564, fax (360) 407-6989, e-mail caca461@ecy.wa.gov.

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 16, Amended 5, 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.

Date Adopted: May 15, 2006.

Jay J. Manning
Director

AMENDATORY SECTION (Amending Order 99-05, filed 3/14/01, effective 4/14/01)

WAC 173-503-010 General provision. These rules apply to waters within the Lower and Upper Skagit water resources inventory area (WRIA 3 and 4), as defined in WAC 173-500-040, excluding the Samish River subbasin, and any islands surrounded by saltwater including Fidalgo, Guemes,

Cypress, Hope and Goat islands. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum water flows and levels), and chapter 173-500 WAC (Water resources management program).

AMENDATORY SECTION (Amending Order 99-05, filed 3/14/01, effective 4/14/01)

WAC 173-503-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Lower and Upper Skagit water resources inventory area ~~((and)), including the~~ Cultus Mt. Tributaries, as defined in WAC 173-503-040, with instream flows and levels necessary to provide for the protection and preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values, as well as recreation and water quality. In addition, these flows are necessary to satisfy stock watering objectives, consistent with RCW 90.22.040.

Chapter 90.54 RCW (Water Resources Act of 1971) requires that utilization and management of waters of the state be guided by a number of fundamentals, including:

Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (RCW 90.54.020(1))

The quality of the natural environment shall be protected and, where possible, enhanced, as follows:

Perennial rivers and streams of the state shall be retained with base flows necessary to provide for the protection and preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (RCW 90.54.020 (3)(a))

Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. (RCW 90.54.020 (3)(b))

~~((In administering and enforcing this regulation, the department's actions shall be consistent with the provisions of chapter 90.54 RCW.))~~ In furtherance of these statutory objectives, this chapter creates a reservation of a limited amount of water for specific future uses. It establishes closures for tributaries, and sets forth conditions for future water right permitting.

NEW SECTION

WAC 173-503-025 Definitions. For the purposes of this chapter, the following definitions shall be used:

"Agricultural irrigation" means the application of water to crops grown for commercial agricultural purposes.

"Allocation" means the designation of specific amounts of water for specific beneficial uses.

"Appropriation" means the process of legally acquiring the right to use specific amounts of water for beneficial uses, as consistent with the ground and surface water codes and other applicable water resource statutes. This term refers to both surface and ground water right permits and to ground water withdrawals otherwise exempted from permit requirements under RCW 90.44.050.

"Commercial/industrial use" means use of water for the purpose of business activities, including human domestic needs within the business property, manufacturing or production activities and maintenance of vegetated areas on the business property. For permit exempt commercial/industrial water ground water uses, it also means irrigation of agricultural products.

"Consumptive use" means a use of water whereby there is a diminishment of the water source.

"Department" means the Washington state department of ecology.

"Domestic water use" means, for the purposes of administering WAC 173-503-073 and 173-503-074 only, potable water to satisfy the human domestic needs of a household, including water used for drinking, bathing, sanitary purposes, cooking, laundering, maintenance of vegetation, care of household pets and incidental livestock, and other incidental uses. For permit-exempt domestic water use of ground water sources, total outdoor watering for multiple residences shall be consistent with the ground water permit exemption provisions in RCW 90.44.050.

"Incidental stock water use" means, for the purposes of administering WAC 173-503-073 and 173-503-074 only, sufficient water to care for small scale domestic livestock operations.

"Instream flow" means a stream flow level set in rule that is needed to protect and preserve fish, wildlife, scenic, aesthetic, recreational, water quality, and other environmental values, and navigational values. The term "instream flow" means a base flow under chapter 90.54 RCW, a minimum flow under chapter 90.03 or 90.22 RCW, or a minimum instream flow under chapter 90.82 RCW.

"Maximum average consumptive daily use" means the use of water measured over the highest period of use divided by the number of days in that period, less any applicable return flow recharge credit.

"Mitigation plan" means a scientifically sound plan voluntarily submitted by a proponent to offset the impacts of a proposed water use and must be approved by the department.

"Municipal water supplier" means an entity that supplies water for municipal water supply purposes. (RCW 90.03.015)

"Municipal water supply purposes" means a beneficial use of water as defined in RCW 90.03.015, including:

(a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year;

(b) For governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or

(c) Indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use.

"Nonconsumptive use" means a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

"Permit-exempt withdrawals" or **"permit exemption"** means a ground water withdrawal exempted from permit requirements under RCW 90.44.050, but which is otherwise subject to the ground water code.

"Public water system" means any system defined in RCW 70.119.020(8) which provides water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and excluding a system with four or fewer connections all of which serve residences on the same farm. This term includes group domestic systems.

"Reservation" means an allocation of water for future beneficial uses. The priority date of a given allocation from the reservation is the same as the effective date of rulemaking that established the reservation.

"Retail service area" means the area where a municipal water supplier currently provides direct water service and has documented plans to provide new water service.

"Scientifically sound" means adhering to the requirements of best available science as defined in WAC 365-195-905 (5)(a) and (b).

"Stream management unit" means a stream segment, reach, or tributary used to describe the part of the relevant stream to which a particular instream flow level applies. Most of these units contain a control station.

"Stock water" means drinking water supply for the raising of livestock animals and associated uses of water related to care of stock animals.

"Subbasin management unit" means a stream segment, reach, or tributary basin, used to describe where a particular instream flow level, water reservation budget, or water diversion or withdrawal limit applies.

"Timely and reasonable manner" means the way in which potable water service can be provided by a public water system to a property as defined in local coordinated water system plans, or by public water systems, or by local legislative authorities.

"Withdrawal" means the extraction and use of ground water, or the diversion and use of surface water.

NEW SECTION

WAC 173-503-051 Future stream closures. (1) The department determines that, based on historical and current low flows and existing water uses, water is not available for year-round consumptive appropriation in the Skagit River basin. However, in order to provide for some limited future

out-of-stream uses, the department has set aside a limited amount of water for future out-of-stream uses in the subbasin management units of the Skagit River identified in WAC 173-503-074 that can be used under certain criteria described in WAC 173-503-073. When and if the full amount of the reserved quantities are allocated and used by permitted or exempt use, those subbasins identified as subject to closure in WAC 173-503-074 shall thereby be closed without further action of the department, except for the Upper Skagit, Middle Skagit, and Lower Skagit subbasin management units, which will remain open to out-of-stream uses subject to instream flows. If subsequent water use information indicates that the basin can be reopened, the department shall notify the public and local governments of the change in the status of the basin as provided for below.

(2) The department will notify the public of effective subbasin closures and reopening of subbasins through publication of a notice in a newspaper of general circulation in each affected county in WRIA 3 and 4.

(3) Exceptions to the closures and instream flow requirements are provided in WAC 173-503-060, 173-503-073, 173-503-074 and 173-503-075.

NEW SECTION

WAC 173-503-052 Future out-of-stream uses in the Upper Skagit River subbasin management unit. In order to allow for some limited future out-of-stream uses while protecting instream resources in the Upper Skagit River subbasin management unit, the department has set aside a limited amount of water for future out-of-stream uses in the Upper Skagit subbasin management unit and important tributaries in this subbasin management unit identified in Figure 5 of WAC 173-503-120.

All appropriations in each Upper Skagit tributary subbasin identified in Figure 5 of WAC 173-503-120 are to be from ground water sources only and are cumulatively limited to a maximum average consumptive daily use of 25,851 gallons per day in each tributary basin identified in Figure 5 of WAC 173-503-120. These uses must comply with the criteria described in WAC 173-503-073 and will be debited against the Upper Skagit subbasin reservation quantity.

AMENDATORY SECTION (Amending Order 99-05, filed 3/14/01, effective 4/14/01)

WAC 173-503-060 ((Ground water-)) Future water rights. ~~((If the department determines that there is hydraulic continuity between surface water and the proposed ground water source, a water right permit or certificate shall not be issued unless the department determines that withdrawal of ground water from the source aquifer would not interfere with stream flows during the period of stream closure or with maintenance of minimum instream flows. If such findings are made, then applications to appropriate public ground waters may be approved subject to the flows established in WAC 173-503-040(2).))~~ (1) Surface and ground water rights, including permit exempt uses under RCW 90.44.050, may be obtained that are not subject to the instream flows established in WAC 173-503-040 and closures established in WAC 173-

503-051 if all statutory requirements are met and if any of the following situations apply:

(a) The proposed use is nonconsumptive, and compatible with the intent of this chapter.

(b) The water use qualifies for the reservations established in this chapter. The proposed use from the reservation must be consistent with all the conditions outlined in WAC 173-503-073, 173-503-074 and 173-503-075. The department shall deduct the water use from its record of water available from the reservations as described in WAC 173-503-073 and 173-503-075.

(c) The applicant or governmental agency elects to submit a scientifically sound mitigation plan and it is approved by the department. A mitigation plan can be submitted to mitigate for an individual withdrawal or to mitigate for multiple withdrawals in a subbasin. A mitigation plan may be approved if the proponent can demonstrate to the department's satisfaction that when the mitigation is implemented the proposed withdrawal(s) will not impair senior water rights, including instream flow rights, adversely impact instream resources, or diminish water quality. An approved mitigation plan shall include a monitoring and reporting plan, including a quality assurance/quality control plan. It shall also include conditions that the plan be implemented as long as the associated water right is used and that any water provided for mitigation purposes be prohibited from being applied to any other purpose. Except for closed basins, if monitoring of a mitigation plan shows the mitigation is not effective, departmental approval of the mitigation plan shall be suspended and the use of water under the water right shall then be subject to the instream flows until the department finds the mitigation plan is effective. In the case of a closed basin, if monitoring of a mitigation plan shows the mitigation is not effective, departmental approval of the mitigation plan shall be suspended and the water use shall cease until the department approves a new or revised mitigation plan.

(d) A proposed ground water use will not impair senior water rights or withdraw water from a legally closed basin. Based on the hydrogeology of the basin, and the location and depth where ground water withdrawals generally occur, future ground water withdrawals may capture water that would result in impacts to surface water flows and levels in the Skagit River basin. A ground water right that is not subject to the instream flows or closures may only be approved if an applicant can demonstrate, through scientifically sound studies and technical analysis, and to the satisfaction of the department, that the proposed use will not cause impairment to existing water rights, including the instream flows set in this chapter or withdraw water from a legally closed source. The department acknowledges that additional scientific investigations may identify areas where water may be used without impairing the instream flows set in this chapter. If future scientifically sound investigations sufficiently identify such areas, the department will notify the public of these findings through publication of a *Skagit River Water Supply Bulletin*, and will account for uses under the reservations in WAC 173-503-073, 173-503-074 and 173-503-075 in accordance with these findings.

(2) Before the department can approve a water right application for a new public water system under subsection

(1)(b), (c), or (d) of this section, the applicant must also demonstrate that there are no other public water systems in the same proposed retail service area that can provide timely and reasonable water service as defined in WAC 173-503-025. If domestic potable water can be provided by another public water system, the department shall reject the water right application.

(3) Surface and ground water appropriations may be issued in subbasins identified in WAC 173-503-074 that are subject to the instream flows and subject to the maximum water availability determination of two hundred cubic feet per second pursuant to WAC 173-503-050. The applicant must adequately demonstrate to the satisfaction of the department that the proposed withdrawal can be managed to avoid impairment of the instream flows established in WAC 173-503-040. The project proponent must also describe how its water needs will be met when water use is curtailed. If the water source is located in a closed subbasin, a water right can only be obtained under conditions in subsection (1)(a), (c) or (d) of this section.

(4) No appropriation to withdraw, divert or store the public surface or ground waters of the Skagit River basin that conflicts with the provisions of this chapter will hereafter be commenced, except in cases where such rights will clearly meet the standards set forth in RCW 90.54.020 (3)(a).

(5) All future surface and ground water appropriations shall be measured through installation and maintenance of appropriate measuring device(s) (water source meters), except for permit exempt uses serving a single residence. Water users required to measure water use must provide a reasonable right of inspection, allow access for the meter to be read, and report the data to the department or a local entity the department designates. The department may require additional users to measure water use, if the department determines that water supplies warrant further monitoring.

(6) Any authorization for new beneficial uses must require development on a timeline that shows reasonable progress and due diligence.

NEW SECTION

WAC 173-503-061 Baker River project settlement agreement flows. The department acknowledges that the project releases submitted to the Federal Energy Regulatory Commission for relicense of Puget Sound Energy's Baker River project are a necessary component to adequately mitigate for the ongoing impacts of Baker River project operations. Therefore, in order to prevent detriment to the public interest, new permits for withdrawals or diversions that would impact the portion of the Skagit River basin between Sedro Woolley up to and including the Baker River, will only be issued if the applicant can demonstrate that there will be no measurable reduction in the mitigation benefits associated with the flow release provisions associated with the Baker River relicense. However, this provision shall not apply to new appropriations that are obtained under a reservation provided for in WAC 173-503-073, 173-503-074 and 173-503-075.

NEW SECTION

WAC 173-503-071 Lakes and ponds. RCW 90.54.020 (3)(a) requires, in part, that the quality of the natural environment shall be protected, and where possible, enhanced, and lakes and ponds shall be retained substantially in their natural condition. Future withdrawals that would not be consistent with this requirement shall be denied.

NEW SECTION

WAC 173-503-072 Administrative requirements. In administering and enforcing this regulation, the department's actions shall be consistent with the provisions of chapter 90.54 RCW. Additionally, all agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this chapter (RCW 90.54.090).

NEW SECTION

WAC 173-503-073 Water reservations. (1) The department has weighed the public interest supported by providing a limited amount of water for domestic supply, commercial/industrial supply, municipal supply, stock watering and agricultural irrigation with the potential for negative impact to instream resources. The department finds that the public interest advanced by these limited reservations clearly overrides the potential for negative impacts on instream resources. (RCW 90.54.020 (3)(a).) Critical to the department's finding that the public interest overrides the negative impacts is the limited nature of the reservations. The department does not anticipate the ability to make additional future reservations given the volume of water previously allocated in the basin for out-of-stream uses and the distressed condition of the fishery resource. Further reservations would be expected to exceed "potential" negative impacts and create actual negative impacts.

Based on this finding, the department hereby reserves specific quantities of an amount of surface and ground water, which can be allocated for specific future beneficial uses. These reservations of water are not subject to the instream flows established in WAC 173-503-040 or closures established in WAC 173-503-051. Uses of the water under the reservation are available only if all the conditions set forth in this section are fully complied with. The department reserves its authority to review an application for new water use under the reservation in light of new information that may reflect upon or alter its current findings of availability, beneficial use, impairment, and/or public interest.

(a) Agricultural irrigation reservation. A reservation of 3,564 acre-feet of water annually, is available for agricultural irrigation purposes not subject to the instream flows.

(b) Domestic, municipal, and commercial/industrial water supply reservation. A reservation of a maximum average consumptive daily use of 9,370,208 gallons per day of water is available for domestic, municipal, or commercial/industrial water supply not subject to the instream flows.

(2) Conditions for use of the reserved agricultural irrigation water are as follows:

(a) The reservation is available for both ground and surface water and is only available from the Lower, Middle or Upper Skagit River subbasin management units.

(b) The reservation shall be only for the purpose of agricultural irrigation, as defined in WAC 173-503-025.

(c) A water right for use from the reservation must be obtained from the department. The department will condition uses under the reservation to minimize the instantaneous impact of withdrawals on instream flows. Such conditions may include requiring efficient conveyance and irrigation methods or irrigation scheduling.

(d) Water use will be authorized for only the irrigation season, unless the applicant can demonstrate to the department's satisfaction a need for a continuous, year-round, irrigation demand.

(e) A water user must install and maintain a water measuring device (water source meters) in accordance with specifications provided by the department. The user or other designated local entity must report the data to the department in accordance with the permit requirements.

(f) The department will maintain an estimate of the amount of water used from the reservation based on water rights issued by the department and actual measured water use.

(g) Agricultural irrigation water rights obtained under this reservation are limited to irrigation purposes only. The purpose of use of a water right obtained under the agricultural irrigation reservation cannot be changed. In the event that the water use authorized under a water right from the reservation is no longer desired, has been abandoned, or has been relinquished, the department will credit the quantity of water previously used back to the reservation for that purpose, once the department is notified of the discontinuation.

(3) Conditions for use of the reserved domestic, municipal, and commercial/industrial water reservation are as follows:

(a) The reservation shall be only for the purpose of domestic, municipal, or commercial/industrial water use as defined in WAC 173-503-025. It is available to users exempt from the permitting process and to users requiring a water right, as outlined in WAC 173-503-060.

(b) This reserve of water shall be allocated and used consistent with WAC 173-503-074. The water source must be a ground water well if the source is located in a subbasin management unit tributary to the Skagit River. Such use of the reservation is subject to availability of water in the reservation and the conditions of use of the reservation. For water sources located in identified tributaries in the Upper Skagit subbasin management unit in Figure 5 of WAC 173-503-120, water withdrawals must meet the restrictions described in WAC 173-503-052. A surface water source can be used only if the following conditions are met:

(i) The source is located in the Upper, Middle or Lower Skagit subbasin management units, or the applicant demonstrates to the department that surface water is the only physically available source of water that can be obtained in the tributary subbasin;

(ii) The appropriation complies with the conditions of the reservation; and

(iii) The appropriation is approved by the department through a water right permit.

(c) Water use shall meet the water use efficiency standards of the uniform plumbing code as well as any applicable local or state requirements for conservation standards.

(d) All users of this reservation, except for permit exempt appropriations serving a single residence, shall install and maintain a measuring device (water source meter), in accordance with specifications provided by the department. Water users required to measure their water use must provide a reasonable right of inspection, allow the meter to be read, and report the data to the department or a designated local entity. The department may require additional users to measure their water use, if the department determines that water supplies require further monitoring.

(e) This reservation shall be administered and accounted for by the department and local governmental authorities.

(f) A new withdrawal for potable water supply under this reservation is not allowed in areas where a public water system has been established and a connection can be provided in a timely and reasonable manner. If an applicant for a building permit or subdivision approval cannot obtain water through a public water system, the applicant must present written evidence to the department that water service cannot be provided in a timely and reasonable manner by a public water supplier prior to drilling a well. This determination shall be consistent with the criteria listed in RCW 43.20.260.

(g) For appropriations under this reservation utilizing a permit-exempt ground water source, water use shall be consistent with the provisions in RCW 90.44.050.

(h) All users of this reservation, including permit exempt users, which would like to obtain the septic recharge credit must state, at the time of the appropriation of water, the type of wastewater disposal system for the property or properties that the appropriation serves. If the initial wastewater disposal system is a septic system, and the property or properties subsequently connect(s) to a sewer system, the users of the appropriation must report to the department the change in the wastewater disposal system in a timely manner.

(4) It shall be the responsibility of an applicant for a building permit or subdivision approval seeking water, or a subsequent owner using water under the reservation to comply with the conditions in WAC 173-503-073(3) and all other conditions of this chapter.

(5) The reservations are a one-time, finite resource. Once the reservations are fully allocated, they are no longer available and the subbasin management units identified as subject to closure in WAC 173-503-074 are closed, except for the Upper, Middle and Lower Skagit subbasin management units. Upon closure, new appropriations, including permit exempt wells, may be available only under the provisions in WAC 173-503-060, 173-503-081, 173-503-100 and 173-503-110. If subsequent water use information indicates that the basin can be reopened, the department shall notify the public and local governments of the change in the status of the basin as described below.

The department shall notify the appropriate county, in writing, when it determines that fifty percent, seventy-five percent, and one hundred percent of the reservation for each subbasin management unit has been allocated. The depart-

ment shall also issue a public notice annually in a newspaper of general circulation for the region that shows the amount of reserved water for each subbasin management unit that has been allocated, remains unallocated, any subbasin management units that have been fully allocated and from which water is no longer available under these reservations, and any subbasin management units that are reopened.

(6) If an appropriation from a reservation is not in compliance with any condition of these reservations, the department may take action consistent with WAC 173-503-090.

(7)(a) A record of all withdrawals from the domestic, municipal, and commercial/industrial reservation shall be maintained by the department. The record will readily show both the allocated and unallocated quantities of water that are in reserved status.

(b) All uses of this reservation shall be debited against the reservation. The department will account for water use under the reservation based on actual measured water use or a standard quantity. If actual measuring data are not available, the department will deduct the authorized quantities under water right permits or certificates from the reservation. For permit exempt appropriations, the department will deduct a standard amount of 350 gallons per day for each domestic or residential service connection in a group domestic water system. The standard amount will be adjusted periodically based on reported water use to reflect the maximum average daily use before any recharge credit for those users that are required to measure and report water use. The department will deduct 5,000 gallons per day for each commercial/industrial use, unless actual measured use is available. Additionally, the department reserves the right to account for water use based on the best available information contained in well logs, water approvals issued by local jurisdictions, water rights issued by the department, public water system approvals or other documents.

(c) For water users using individual and community on-site septic systems, fifty percent of the water used will be credited to the reservations for recharge from on-site septic systems provided that the water user's point of withdrawal is not located in the service area of a sewer provider's adopted general sewer plan as defined in WAC 173-240-050(3). The septic system credit will be removed for water users of the reservation that are subsequently converted to sewer systems whose discharge is located outside of the basin of origin. If water users are subsequently converted to sewer from septic systems, total water uses under the reservation in the applicable subbasin shall remain below the maximum average consumptive daily use limits in the applicable subbasin. Actions to remain in compliance with maximum average consumptive daily use limits could include: Reducing the number of withdrawals under the appropriate subbasin reservation, reducing actual water use, providing an equal quantity of imported water to the subbasin as has been provided through septic recharge return flow allowance, implementing a department approved mitigation plan, or by connecting to water sources from outside of the subbasin.

(d) If a water user under the reservation subsequently abandons or relinquishes the withdrawal, the department will credit back to the reservation the actual amount of water used and/or debited from the reservation, upon demonstration to

the department that the well or surface water source has been decommissioned through written certification.

NEW SECTION

WAC 173-503-074 Establishment of subbasin management units and reservation quantities by subbasin management unit. The department hereby establishes the following subbasin management units. The boundaries of the

management units are shown on the maps in WAC 173-503-120. Table 1 shows the approximate location and maximum average consumptive daily use of reserved water that can be withdrawn for each management unit. Appropriations established after April 14, 2001, will be debited from the reserved quantities in accordance with the provisions contained in WAC 173-503-060, 173-503-073 and 173-503-150.

Table 1

| Subbasin Management Unit | Location | Reservation Quantity |
|---|--|--|
| *Denotes basins subject to future closure under WAC 173-503-051 | Approximate point where the stream meets a connecting water body | Maximum average consumptive daily use in gallons per day |
| Alder Creek* | NE 1/4, SW 1/4, Sec. 18, T35N, R7E (RM 41.7) | 81,430 |
| Anderson/Parker/Sorenson creeks* | Sec. 26, T35N, R5E (flows into slough on south side of Skagit River) | 20,034 |
| Careys Creek* | NE 1/4, SW 1/4, Sec. 14, T35N, R6E | 11,633 |
| Carpenter/Fisher Creek* | NE 1/4, Sec. 30, T33N, R4E | 11,633 |
| Childs/Tank creeks* | Sec. 13, T35N, R5E (flows into Minkler Lake) | 18,096 |
| Coal Creek* | NW 1/4, SE 1/4, Sec. 21, T35N, R5E (flows into Skiyou Slough) | 18,742 |
| Cumberland Creek* | SW 1/4, SE 1/4, Sec. 14, T35N, R6E (RM 39.9) | 25,851 |
| Day Creek* | NE 1/4, Sec. 20, T35N, R6E | 131,839 |
| Gilligan Creek* | SE 1/4, SE 1/4, Sec. 27, T35N, R5E (RM 28.4) | 25,851 |
| Grandy Creek* | NE 1/4, SE 1/4, Sec. 15, T35N, R7E (RM 45.6) | 147,350 |
| Hansen Creek* | SE 1/4, Sec. 30, T35N, R5E (RM 24.2) | 38,130 |
| Jones Creek* | SE 1/4, NE 1/4, Sec. 17, T35N, R6E (RM 35.1) | 67,212 |
| Loretta Creek* | SW 1/4, Sec. 22, T35N, R6E | 11,633 |
| Mannser Creek* | SE 1/4, NE 1/4, Sec. 17, T35N, R6E | 15,511 |
| Morgan Creek* | NE 1/4, NE 1/4, Sec. 25, T35N, R5E (flows into slough on south side of Skagit River) | 13,572 |
| Muddy Creek* | SW 1/4, NW 1/4, Sec. 14, T35N, R6E (flows into Davis Slough) | 28,436 |
| Nookachamps Creek - East Fork* | Sec. 10, T34N, R4E | 14,218 |
| Nookachamps Creek - Upper* | Sec. 10, T34N, R4E | 12,279 |
| O'Toole Creek* | NW 1/4, NW 1/4, Sec. 21, T35N, R7E (RM 43.6) | 23,266 |

| Subbasin Management Unit | Location | Reservation Quantity |
|---|---|--|
| *Denotes basins subject to future closure under WAC 173-503-051 | Approximate point where the stream meets a connecting water body | Maximum average consumptive daily use in gallons per day |
| Red Cabin Creek* | NW 1/4, NW 1/4, Sec. 15, T35N, R6E (flows into Jims Slough) | 42,653 |
| Salmon/Stevens creeks* | SE 1/4, SE 1/4, Sec. 28, T35N, R5E | 5,170 |
| Skagit - Lower | From the Skagit River at the east edge of Sec. 30, T35N, R5E downstream to the mouth | 5,254,103 |
| Skagit - Middle | From the Skagit River at the west edge of Sec. 29, T35N, R5E to the Skagit River at the east edge of Sec. 21, T35N, R7E | 1,394,655 |
| Skagit - Upper◆ | Water Resource Inventory Area 4 (Upper Skagit) excluding Grandy Creek sub-basin management unit | 1,938,816 |
| Wiseman Creek* | NW 1/4, SW 1/4, Sec. 23, T35N, R5E | 18,095 |
| Total Reservation | | 9,370,208 |

◆ All uses in each Upper Skagit tributary subbasin identified in Figure 5 of WAC 173-503-120 are limited to a maximum average consumptive daily use of 25,851 gallons per day. These uses will be debited against the Upper Skagit tributary subbasin reservation quantity.

NEW SECTION

WAC 173-503-075 Future stock watering. (1) Consistent with RCW 90.22.240, the department retains sufficient minimum flows or levels in streams, lakes, or other public waters to provide adequate waters in such water sources to satisfy stock watering requirements for stock on riparian grazing lands. Future permit exempt stock water uses and future stock water uses requiring a water right can be obtained as outlined below.

A reservation of 324,000 gallons per day of water is reserved for new stock water uses not subject to instream flows. It is available to users exempt from the permitting process and to users requiring a water right. Users of this reservation would be limited to a source within the Lower, Middle and Upper Skagit subbasins and must use the source only for stock watering purposes. Future permit exempt stock water users would not have to measure and report their water use, although the department encourages water withdrawal measuring. The department would measure and account for permit exempt stock water appropriations using stock inventory reports or actual measuring data, if such data exist. New stock water sources using surface water can be authorized under this reservation if authorized under an approved water right from the department. Measurement requirements for these appropriations would be outlined in the water right permit.

(2) Chapter 173-503 WAC shall be implemented consistent with RCW 90.22.040 and the department's policy that encourages direct stock water uses from streams to remove livestock from streams for the purpose of protecting water quality and stream habitat. This applies to both existing and new stock water rights.

NEW SECTION

WAC 173-503-081 Future changes and transfers. No changes or transfers to existing surface or ground water rights in the Skagit River basin shall hereafter be granted that conflict with the purposes or provisions of this chapter. Any change or transfer proposals can be approved only if there is a finding that existing rights, including instream flows hereby established, will not be injured or impaired under the provisions of RCW 90.03.380 or 90.44.100.

AMENDATORY SECTION (Amending Order 99-05, filed 3/14/01, effective 4/14/01)

WAC 173-503-090 (~~Enforcement~~) Compliance and enforcement. (~~In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including, but not limited to, the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335, 90.03.400, 90.03.410, 90.03.600, 90.44.120 and 90.44.130.~~) (1) In accordance with RCW 90.03.605, in order to obtain compliance with this chapter, the department shall prepare and make available to the public, technical and educational information regarding

the scope and requirements of this chapter. This is intended to assist the public in complying with the requirements of their water rights and applicable water laws.

(2) When the department determines that a violation has occurred, it shall:

(a) First attempt to achieve voluntary compliance, except in egregious cases involving potential harm to other water rights or to the environment. An approach to achieving this is to offer information and technical assistance to the person, in writing, identifying one or more means to accomplish the person's purposes within the framework of the law.

(b) If education and technical assistance do not achieve compliance, the department shall issue a notice of violation, a formal administrative order under RCW 43.27A.190, or assess penalties under RCW 43.83B.336, 90.03.400, 90.03.410, 90.03.600, 90.44.120 and 90.44.130.

AMENDATORY SECTION (Amending Order 99-05, filed 3/14/01, effective 4/14/01)

WAC 173-503-100 (~~Regulation review~~) Alternative sources of water. (~~Review of the rules in this chapter may be initiated by the department of ecology whenever new information is available, a change in conditions occurs, or statutory modifications are enacted that are determined by the department of ecology to require review.~~) (1) The legislature has long acknowledged that water supply and availability around the state are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource (RCW 90.54.090 (1)(a)). This chapter provides limited exceptions for new uses in the Skagit River basin.

(2) However, there is a continuing need for ongoing and reliable sources for new water uses. The need dictates the continued development and use of alternative sources of water. Alternative sources of water of equal or better quality than the proposed source have the potential to be used, where appropriate to improve stream flows for fish, to offset impacts of withdrawals on stream flows and provide sources of water for future out-of-stream uses. Alternative sources include, but are not limited to:

- Reuse of reclaimed water;
- Artificial recharge and recovery;
- Multipurpose water storage facilities;
- Conservation and efficiency measures applied to existing uses and the transfer of saved water;
- Acquisition of existing water rights; and
- Establishment of a trust water rights program.

NEW SECTION

WAC 173-503-110 Establishment of trust water rights program. (1) The department may establish a trust water rights program to facilitate the acquisition of existing water rights through purchases, long-term leases, donations and conserved water saved through state and federally funded conservation projects.

(2) The determination of how much water should be allocated between future out-of-stream uses and the restoration and enhancement of instream flows will be made at the time

the water is acquired and deposited into the trust water rights program.

NEW SECTION

WAC 173-503-116 Incorporating new hydrologic investigations and information in rule. The Skagit River basin and estuary is a complex river system. Consequently, the department acknowledges that additional hydrologic investigations, ground and surface water modeling, and fisheries studies may enhance scientific understanding of the hydrology and ecology of the Skagit River system. If further scientific investigations produce results that indicate the findings and conditions of this chapter should be updated, the department will publish, after consultation with local and tribal governments, the scientific findings in a *Skagit River Water Resources Supply Bulletin* and will account for uses under the reservations in WAC 173-503-073, 173-503-074 and 173-503-075 in accordance with these findings. If necessary, the department will outline a process for updating maps described in WAC 173-503-120.

NEW SECTION

WAC 173-503-120 Maps. For the purposes of administering this chapter, the boundaries of the Skagit River basin and subbasin management units contained in Figures 4 and 5 are presumed to accurately reflect the basin hydrology and will be updated as information becomes available as provided under WAC 173-503-116.

Figure 4

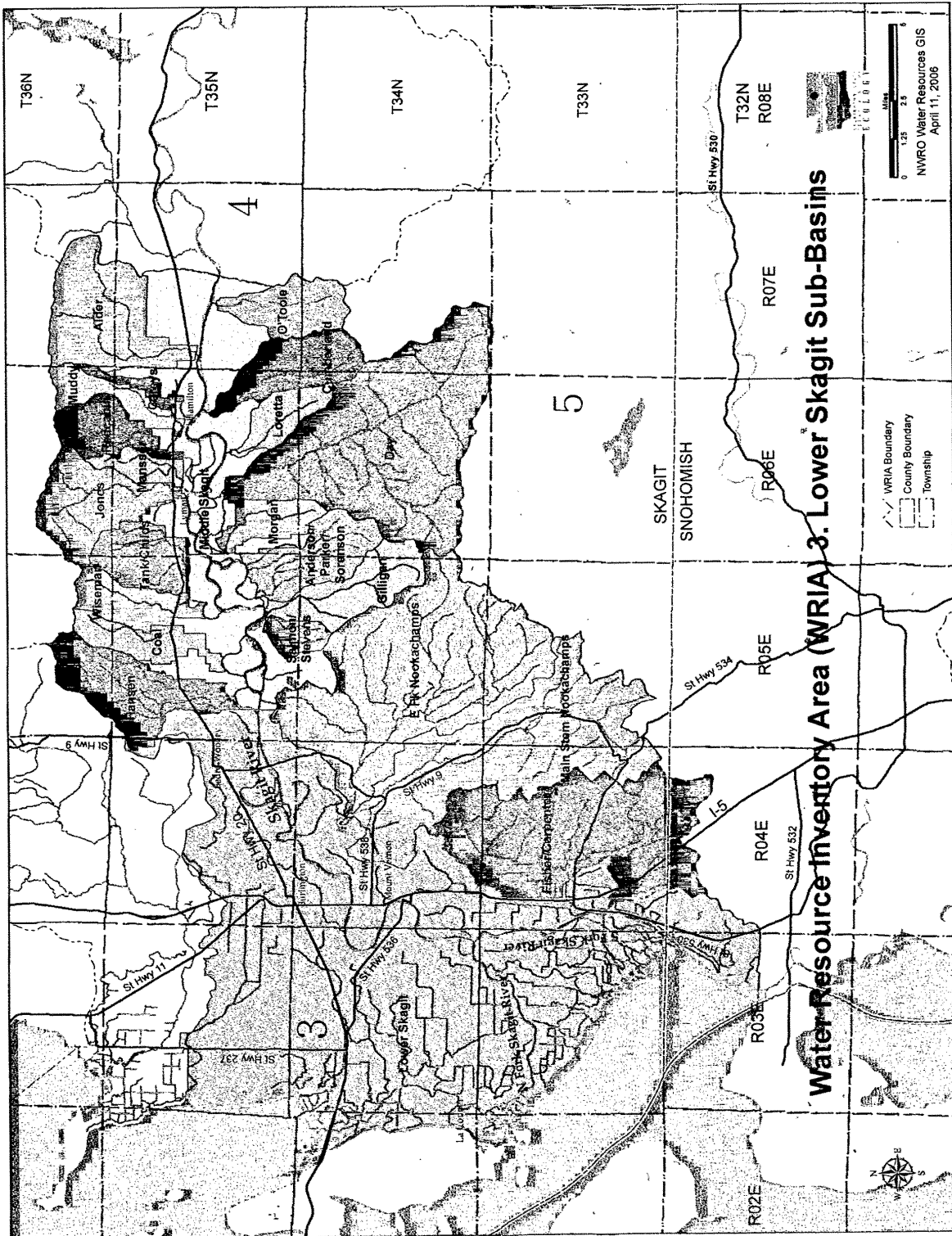
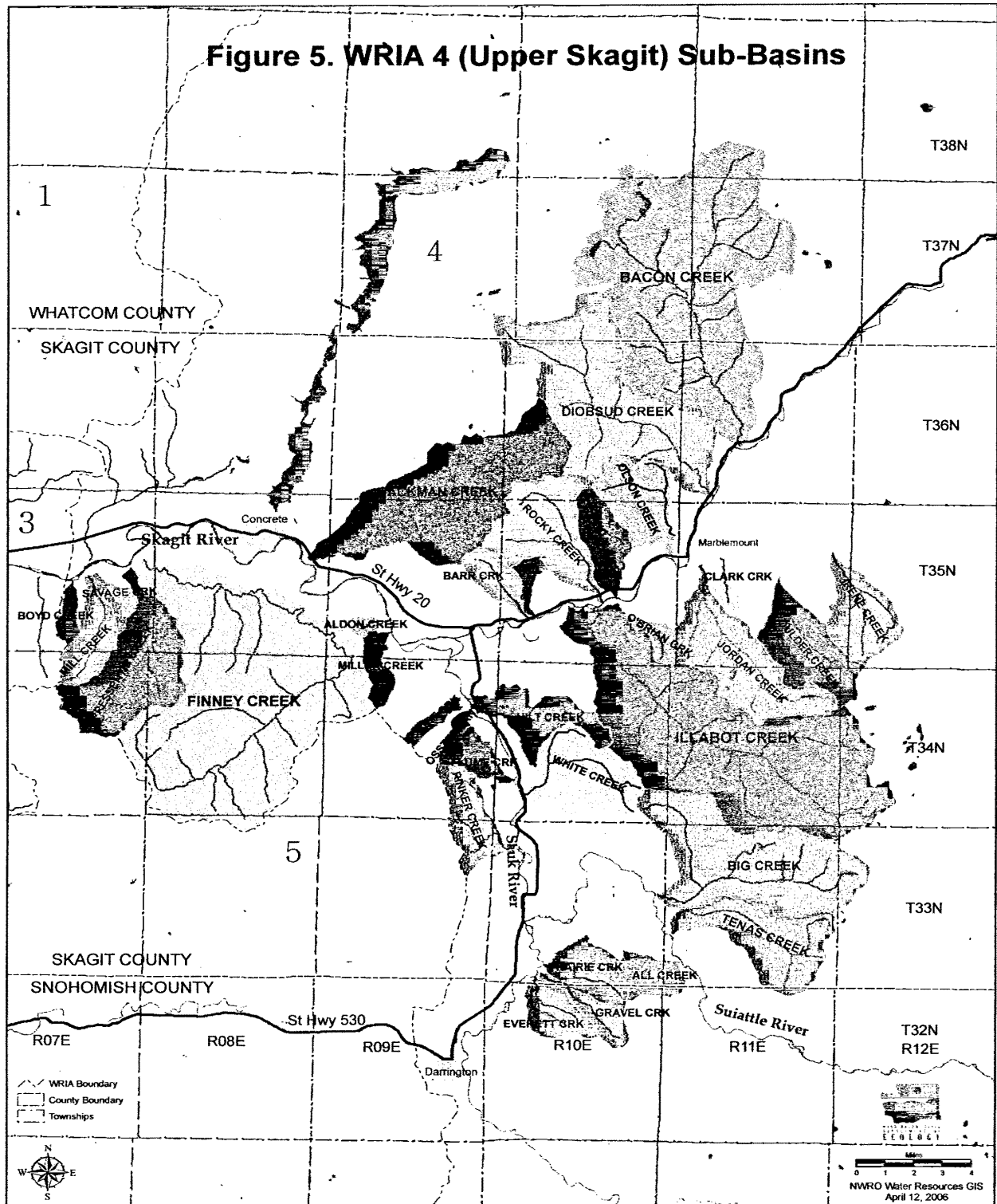


Figure 5



NEW SECTION

WAC 173-503-130 Appeals. All final written decisions of the department pertaining to water right permits, regulatory orders, and related water right decisions made pursuant to this chapter can be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-503-140 Regulation review. Review of the rules in this chapter may be initiated by the department whenever new information is available, a change in conditions occurs, or statutory modifications are enacted that are determined by the department to require review.

NEW SECTION

WAC 173-503-150 Water rights subject to instream flows predating the reservations. All water rights established after this amendment shall be subject to the provisions of this chapter as now amended. Water rights that were established after April 14, 2001, the original effective date of this chapter, but that were established prior to the effective date of the reservations contained in WAC 173-503-073, and 173-503-074, may participate in the appropriate reservation provided they agree to change their priority date to that of the reservations. The department assumes that these water rights established during this period will participate under the reservation, unless the water user notifies the department otherwise in writing. For accounting purposes, these water rights, including permit exempt commercial/industrial irrigation users, will be debited against the subbasin reservations at an amount equal to the maximum average consumptive daily water use of 350 gpd, and an amount of 5,000 gpd for commercial/industrial uses, unless the department determines that other information demonstrates an alternative water use quantity should be deducted. Mitigation credits, including, but not limited to, the recharge credit described in WAC 173-503-073(7), apply to these water uses, if appropriate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-503-080 Policy statement for future permitting actions.

**WSR 06-11-080
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)**

[Filed May 16, 2006, 4:21 p.m., effective June 16, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This revision removes restrictions on the amount of time that contracted family crisis counselors may be engaged in service with families that has proven effective

in strengthening families and preventing out-of-home placements. Additionally, the revision removes a maximum hourly service limit on counselors under the same circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 388-32-0030.

Statutory Authority for Adoption: RCW 13.32A.040, 74.13.031, and 74.08.090.

Adopted under notice filed as WSR 06-08-094 on April 4, 2006.

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.

Date Adopted: May 12, 2003 [2006].

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-19-051, filed 9/11/03, effective 9/11/03)

WAC 388-32-0030 What FRS services does the department provide? The assigned social worker provides services to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is limited to a ninety-day period. Children's administration (CA) provides intake/assessment services (IAS).

(1) ~~((The children's administration's (CA) central intake provides intake services.))~~ Youth and/or their families who call or self-present at children's administration central intake or a local ((DCFS)) office requesting FRS services ((shall)) must be provided assistance in contacting the appropriate children's administration's intake services to make a formal request for FRS services.

~~((2))~~ (a) The FRS social worker must contact the family within twenty-four hours of their assignment to the case, to schedule an appointment to begin the phase I family interview process. These FRS phase I sessions are intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

~~((3))~~ (b) CA or its contractors may provide FRS phase II crisis counseling services ~~((for up to forty-five days)).~~

~~((4))~~ (2) Families eligible for FRS phase II crisis counseling are those who, in the opinion of the family and the CA social worker, require more intensive services than those provided through phase I services.

~~((5))~~ (a) Families must make a commitment to participate in the FRS phase II crisis counseling service and must not concurrently be receiving similar counseling services through other agencies or practitioners. At a minimum, there must be a parent and a child willing to participate. FRS phase II Crisis Counseling assists the family to develop skills and supports in order to resolve conflicts.

~~((6))~~ (b) FRS phase II crisis counseling services may not exceed twelve hours within forty-five days unless it is provided using a CA approved model that is based on research demonstrating effectiveness.

(c) The assigned counselor helps the family develop skills and supports to resolve conflicts. The counselor may refer to resources including medical, legal, ongoing counseling and CPS for problem resolution.

~~((a)) FRS phase II crisis counseling may not be extended for either additional days or additional hours, except by an exception to policy waiver signed by the area administrator.~~

~~((b))~~ (d) FRS phase II crisis counseling services are available a maximum of twice in a lifetime for any one family. The family must include a parent/guardian who has legal custody of the youth.

WSR 06-11-082

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 16, 2006, 4:23 p.m., effective June 16, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-825-228 and 388-815-254 to implement section 205 (1)(e), chapter 518, Laws of 2005, the budgeted allotment for the vendor rate increase (VRI) and the individual provider hourly rate. These rates increase the service need levels for fiscal year 2006 and fiscal year 2007. When effective, these rules replace the emergency rules filed on March 14, 2006, as WSR 06-07-085.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-228 and 388-825-254.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: ESSB 6090, Conference Budget, section 205 (1)(a), chapter 518, Laws of 2005.

Adopted under notice filed as WSR 06-08-049 on March 30, 2006.

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 2, 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.

Date Adopted: May 10, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-22-068, filed 10/29/04, effective 11/29/04)

WAC 388-825-228 How can short-term intervention services through the family support opportunity program help my family? If your family is eligible, you may receive up to one thousand ~~((four))~~ five hundred dollars per year in short-term intervention ~~((:))~~ funding to pay for necessary services not otherwise available.

(1) Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.

(2) Short-term intervention funding cannot be used for basic subsistence such as food or shelter but is available for those specialized costs directly related to and resulting from your child's disability.

AMENDATORY SECTION (Amending WSR 04-22-068, filed 10/29/04, effective 11/29/04)

WAC 388-825-254 Service need level rates. (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252 (2) and (5);

(b) Service need levels. The amount of SSP (state supplementary payment) available to an individual will be included when calculating the monthly allocation of state family support dollars.

(c) Availability of family support funding;

(d) Authorization by a review committee, in each regional office, which reviews each request for service;

(e) The amounts designated in subsection (2)(a) through (d) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) Service need level lid amounts as follows:

(a) Clients designated for service need level one (WAC 388-825-256) may receive up to ~~((one thousand one hundred ninety-eight dollars per month))~~ fifteen thousand four hundred dollars per year or ~~((two thousand four hundred sixty-two dollars))~~ twenty-nine thousand four hundred dollars per ((month)) year if the individual requires licensed nursing care in the home:

(i) If an individual is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be ~~((five hundred thirty-one))~~ six thousand eight hundred dollars per ((month)) year;

(ii) If the combined total of family support services at this maximum plus in-home support is less than ~~((one)) six thousand ((one)) eight hundred ((ninety-eight))~~ dollars additional family support can be authorized to bring the total to ~~((one)) six thousand ((one)) eight hundred ((ninety-eight))~~ dollars per year.

(b) Clients designated for service need level two (WAC 388-825-256) may receive up to ~~((four hundred seventy-two))~~ six thousand dollars per ~~((month))~~ year if not receiving funding through Medicaid Personal Care:

(i) If an individual is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be ~~((two hundred sixty-five))~~ three thousand four hundred dollars per ~~((month))~~ year;

(ii) If the combined total of family support services at this maximum plus in-home support is less than ~~((four hundred seventy-two))~~ six thousand dollars, additional family support can be authorized to bring the total to ~~((four hundred seventy-two))~~ six thousand dollars per year.

(c) Clients designated for service need level three (WAC 388-825-256) may receive up to ~~((two hundred sixty-five dollars per month))~~ three thousand four hundred dollars per year provided the individual is not receiving Medicaid personal care. If the individual is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one ~~((hundred thirty-three dollars per month))~~ thousand seven hundred dollars per year; and

(d) Clients designated for service level four (WAC 388-825-256) may receive up to one ~~((hundred thirty-three dollars per month))~~ thousand seven hundred dollars per year family support services.

(3) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

(4) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

WSR 06-11-096

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 17, 2006, 4:23 p.m., effective June 17, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The division of alcohol and substance abuse (DASA) is amending and repealing sections of chapter 388-805 WAC, Certification requirements for chemical dependency service providers, establishing the level of quality and patient care standards for chemical dependency service providers seeking certification by DSHS/DASA.

REASON FOR ADOPTION:

1. DASA is adopting amendments to chapter 388-805 WAC. The key new rules amendments proposed will implement:

RCW 70.96A.142, effective July 1, 2004, amended by the 2004 Washington state legislature in chapter 166, Laws of 2004.

RCW 70.96A.090, effective July 24, 2005, amended by the 2005 Washington state legislature in chapter 70, Laws of 2005.

RCW 70.96A.157, effective July 1, 2005, amended by the 2005 Washington state legislature in chapter 504, Laws of 2005.

2. In addition, DASA stakeholders recommended language clarifying the federal requirements of 42 Code of Federal Regulation, Part 2 and federal requirements regarding court ordered release of patient confidential information listed in 42 Code of Federal Regulations, Part 2, Sections 2.63 through 2.67 prior to the release of any patient identifying information. Other revisions included:

a. Language to clarify requirement of agencies to report critical incidents to DASA.

b. Language to clarify definitions for change of ownership, community relations plan, county coordinator, critical incident, determination of need, established ratio and opiate substitution treatment program.

c. Language is proposed to synchronize the term "client" to "patient" throughout the chapter.

d. Language is proposed to clarify for opiate substitution treatment programs:

- Application and relation process.
- The state methadone authority must authorize exception to the take-home regulations as defined in 42 Code of Federal Regulations, Part 8.12.
- Treatment plan reviews every six months after two years of continued care of a patient.
- The administrator must formally appoint a medical director. The medical director is responsible for all medical services and compliance with state and federal regulations.

3. In addition, other sections of this chapter were subject to review and amendment deemed appropriate as required by the Governor's Executive Order 97-02 on Regulatory Improvement.

Amending WAC 388-805-005 What definitions are important throughout this chapter?, 388-805-010 What chemical dependency services are certified by the department?, 388-805-030 What are the requirements for opiate substitution treatment program certification?, 388-805-035 What are the responsibilities for the department when an applicant applies for approval of an opiate substitution treatment program?, 388-805-040 How does the department determine there is a need in the community for opiate substitution treatment?, 388-805-085 What are the fees for agency certification?, 388-805-090 May certification fees be waived?, 388-805-100 What do I need to do to maintain agency certification?, 388-805-110 What do I do to relocate or remodel a facility?, 388-805-145 What are the key responsibilities required of an agency administrator?, 388-805-150 What must be included in an agency administrative manual?, 388-805-300 What must be included in the agency clinical manual?, 388-805-310 What are the requirements for chemical dependency assessments?, 388-805-315 What are the requirements for treatment, continuing care, transfer, and dis-

charge plans?, 388-805-325 What are the requirements for patient record content?, 388-805-330 What are the requirements for reporting patient noncompliance?, 388-805-620 What are the requirements for outpatient services?, 388-805-625 What are the requirements for outpatient services for persons subject to RCW 46.61.5056?, 388-805-640 What are the requirements for providing off-site chemical dependency treatment services?, 388-805-710 What are the requirements for opiate substitution medical management?, 388-805-715 What are the requirements for opiate substitution medication management?, 388-805-740 What are the requirements for opiate substitution treatment counseling?, 388-805-750 What are the requirements for opiate substitution treatment take-home medications?, 388-805-800 What are the requirements for ADATSA assessment services?, 388-805-810 What are the requirements for DUI assessment providers?, 388-805-815 What are the requirements for DUI assessment services?, and 388-805-820 What are the requirements for alcohol and other drug information school?; and repealing WAC 388-805-850 What are the requirements for treatment accountability for safer communities (TASC) providers and services?

Citation of Existing Rules Affected by this Order: Repealing WAC 388-805-850; and amending WAC 388-805-005, 388-805-010, 388-805-030, 388-805-035, 388-805-040, 388-805-085, 388-805-090, 388-805-100, 388-805-110, 388-805-145, 388-805-150, 388-805-300, 388-805-310, 388-805-315, 388-805-325, 388-805-330, 388-805-620, 388-805-625, 388-805-640, 388-805-710, 388-805-715, 388-805-740, 388-805-750, 388-805-800, 388-805-810, 388-805-815, and 388-805-820.

Statutory Authority for Adoption: RCW 70.96A.090, 70.96A.142, and 70.96A.157.

Other Authority: Chapter 70.96A RCW; chapter 166, Laws of 2004; chapters 70 and 504, Laws of 2005; 42 C.F.R. part 2; and 42 C.F.R. part 8.

Adopted under notice filed as WSR 06-06-014 on February 17, 2006.

A final cost-benefit analysis is available by contacting Deb Cummins, Certification, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-3716, toll free 1-877-301-4557, fax (360) 438-8057, e-mail cummida@dshs.wa.gov. No changes were made. The preliminary cost-benefit analysis will be final.

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 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 21, 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 27, Repealed 1.

Date Adopted: May 10, 2006.

Andy Fernando, 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 06-13 issue of the Register.

WSR 06-11-100

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 17, 2006, 4:30 p.m., effective June 17, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adding new WAC 388-550-4670 and 388-550-4690 to add a "hold harmless" provision to meet requirements in ESSB 6090 and to describe the authorization requirements and utilization review process for hospitals eligible for certified public expenditure (CPE) payments.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Other Authority: Section 209(9), chapter 518, Laws of 2005 (ESSB 6090).

Adopted under notice filed as WSR 06-08-095 on April 4, 2006.

A final cost-benefit analysis is available by contacting Ayuni Wimpee, Cherry Street Plaza, 626 8th Avenue, Olympia, WA 98504-5510, phone (360) 725-1835, fax (360) 753-9152, e-mail wimpeah@dshs.wa.gov. No changes were made. The preliminary cost-benefit analysis will be final.

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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: May 10, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-4670 CPE payment program—"Hold harmless" provision. (1) To meet legislative requirements, the department includes a "hold harmless" provision for hospital providers eligible for the certified public expenditure (CPE) payment program. Under the "hold harmless" provision, hospitals eligible for payments under the CPE payment

program will receive no less in combined state and federal payments than they would have received under the methodologies in effect during state fiscal year (SFY) 2005.

(2) As part of the "hold harmless" payment calculation, the department reprices inpatient hospital claims paid during the service year, beginning with service year SFY 2006, to determine how these claims would have been paid under the payment methodologies in effect during SFY 2005.

(3) The department makes the final "hold harmless" calculation after the department receives the hospital's final audited Medicare cost report and audited financial statements for the service year. The department calculates the federally required prospective cost settlement at the same time. Any adjustments to state grants payments due to the cost settlement calculations will be made as payment adjustments to the next year's state grants.

NEW SECTION

WAC 388-550-4690 Authorization requirements and utilization review for hospitals eligible for CPE payments.

(1) Certified public expenditure (CPE) inpatient hospital claims submitted to the department must meet all authorization and program requirements in WAC and current department-published issuances.

(2) The department performs utilization reviews of inpatient hospital:

(a) Admissions in accordance with the requirements of 42 CFR 456, subparts A through C; and

(b) Claims for compliance with medical necessity and length of stay (LOS) standards.

(3) CPE inpatient hospital claims that would have been paid by the diagnosis related group (DRG) payment method prior to July 1, 2005:

(a) Are not targeted for retrospective utilization review based on the department's Professional Activity Study (PAS) Length of Stay (LOS) criteria;

(b) Are subject to the department's medical necessity retrospective utilization review process (see WAC 388-550-1700); and

(c) That involve a client's seven-day readmission (see WAC 388-550-1050) are subject to a department retrospective utilization review described in WAC 388-550-3000 (5)(e).

(4) CPE inpatient hospital claims that would have been paid by the ratio of costs-to-charges (RCC) payment method prior to July 1, 2005 and exceed the Professional Activity Study (PAS) average LOS, will continue to be targeted for retrospective utilization review based on the department's PAS LOS criteria. See WAC 388-550-4300(3).

(5) For claims identified in subsection (4) of this section, the department may request a copy of the client's hospital medical records and itemized billing statements. The department sends written notification to the hospital detailing the department's findings. Any day of a client's hospital stay that exceeds the PAS LOS:

(a) Is paid under the RCC payment method if the department determines it to be medically necessary for the client at the acute level of care;

(b) Is paid as an administrative day (see WAC 388-550-1050 and 388-550-4500(8)) if the department determines it to be medically necessary for the client at the subacute level of care; and

(c) Is not eligible for payment if the department determines it was not medically necessary.

(6) Inpatient hospital claims that would not have been paid under a prior payment methodology are not eligible for payment under the CPE payment program.

WSR 06-11-103

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 17, 2006, 4:37 p.m., effective October 1, 2006]

Effective Date of Rule: October 1, 2006.

Purpose: Delaying the effective date of amended WAC 388-101-1100 and new WAC 388-101-1105 through 388-101-1145.

This notice delays the effective date of the rules filed for permanent adoption as WSR 06-09-090 on April 19, 2006, and scheduled to take effect on May 20, 2006, regarding reports, investigations and findings of abuse, abandonment, neglect and financial exploitation of clients in supported living programs. The effective date of WSR 06-09-090 is delayed to October 1, 2006.

This notice is filed under RCW 34.05.380 (3)(b) that permits the department file a subsequent rule-making order to delay the effective date of a rule that is not yet effective.

Citation of Existing Rules Affected by this Order: Amending WAC 388-101-1100.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.12.080.

Other Authority: Chapter 71A.12 RCW.

Adopted under notice filed as WSR 06-06-075 on February 28, 2006.

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.

Date Adopted: May 17, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-11-112
PERMANENT RULES
FOREST PRACTICES BOARD

[Filed May 18, 2006, 1:41 p.m., effective June 18, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: 2SHB 1095 (2003 legislation) amended portions of chapter 76.09 RCW, Forest practices and chapter 76.13 RCW, Stewardship of nonindustrial forests and woodlands, to limit the burden on small forest landowners from forest road maintenance and abandonment planning requirements. This rule making pertains to those statutory amendments. Also the definitions of "road construction" and "road maintenance" are amended for clarification purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010, 222-16-050, 222-20-010, 222-20-015, 222-20-040, 222-20-055, 222-24-010, 222-24-050, and 222-24-051.

Statutory Authority for Adoption: RCW 76.09.040.

Adopted under notice filed as WSR 06-04-062 on January 30, 2006.

Changes Other than Editing from Proposed to Adopted Version: The changes from the proposed to the adopted version are nonsubstantive edits for language clarification.

A final cost-benefit analysis is available by contacting Gretchen Robinson, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1705, fax (360) 902-1428, e-mail gretchen.robinson@wadnr.gov.

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 7, 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 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 10, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2006.

Pat McElroy
Chair

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-16-010 *General definitions. Unless otherwise required by context, as used in these rules:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Alluvial fan" see "sensitive sites" definition.

"Appeals board" means the forest practices appeals board established in the act.

"Aquatic resources" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*) and their respective habitats.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Bankfull depth" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

"Bankfull width" means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"Basal area" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"Bedrock hollows" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, Labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western hemlock, lodgepole pine, western red cedar, western white pine, Oregon crabapple, or quaking aspen, and may be associated with open water. This includes nutrient-poor fens. (See board manual section 8.)

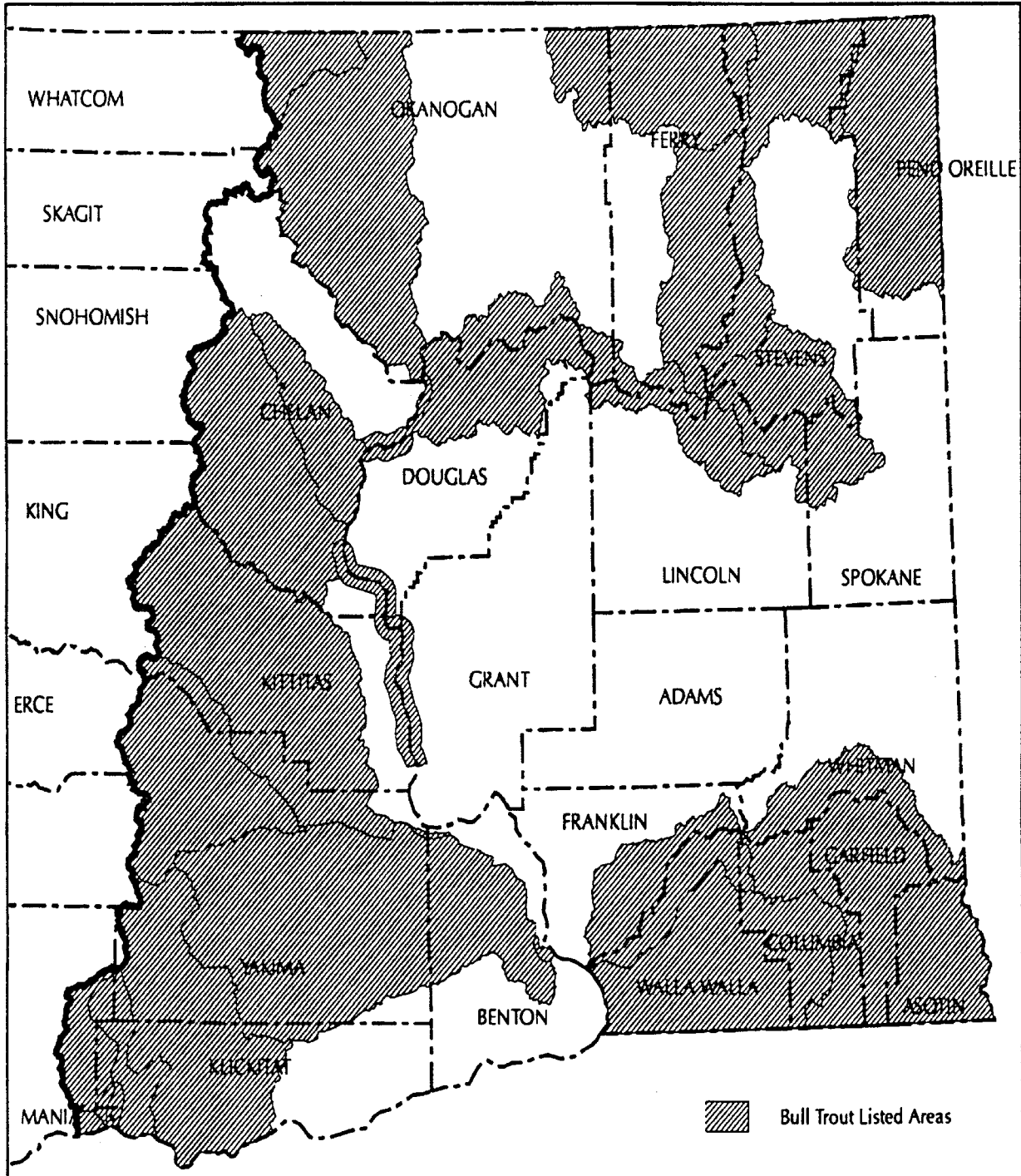
"Borrow pit" means an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Bull trout habitat overlay" means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol

and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for locally-based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determina-

tion is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull Trout Overlay Map



"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest. (See board manual section 2 for descriptions and illustrations of CMZs and delineation guidelines.)

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a

result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Convergent headwalls" (or headwalls) means tear-drop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local governmental entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts, and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practices activities which would reasonably be expected to cause significant damage to a public resource.

"Deep-seated landslides" means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Desired future condition (DFC)" is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of

age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

"Diameter at breast height (dbh)" means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Drainage structure" means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent excessive buildup in water volume and velocity. A drainage structure is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts, ditch diversions, water bars, or other such structures demonstrated to be equally effective.

"Eastern Washington" means the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington Definition Map



"Eastern Washington timber habitat types" means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

| Timber Habitat Types | Elevation Ranges |
|----------------------|------------------|
| ponderosa pine | 0 - 2500 feet |
| mixed conifer | 2501 - 5000 feet |
| high elevation | above 5000 feet |

"Edge" of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Equipment limitation zone" means a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

"Erodible soils" means those soils that, when exposed or displaced by a forest practices operation, would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities.

"Fish" means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

"Fish habitat" means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

"Fish passage barrier" means any artificial in-stream structure that impedes the free passage of fish.

"Flood level - 100 year" means a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood

waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. For small forest landowner road maintenance and abandonment planning only, the term "forest land" excludes the following:

(a) Residential home sites. A residential home site may be up to five acres in size, and must have an existing structure in use as a residence;

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

"Forest ((land owner)) landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner(~~(:-Provided, That))~~. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land. The following definitions apply only to road maintenance and abandonment planning:

(1) "Large forest landowner" is a forest landowner who is not a small forest landowner.

(2) "Small forest landowner" is a forest landowner who at the time of submitting a forest practices application or notification meets all of the following conditions:

• Has an average annual timber harvest level of two million board feet or less from their own forest lands in Washington state;

• Did not exceed this annual average harvest level in the three year period before submitting a forest practices application or notification;

• Certifies to the department that they will not exceed this annual harvest level in the ten years after submitting the forest practices application or notification.

However, the department will agree that an applicant is a small forest landowner if the landowner can demonstrate that the harvest levels were exceeded in order to raise funds to pay estate taxes or to meet equally compelling and unexpected obligations such as court-ordered judgments and extraordinary medical expenses.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;
 Prevention and suppression of diseases and insects;
 Salvage of trees; and
 Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"**Forest road**" means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices (~~(or forest management activities such as fire control)~~). "Forest road((s))" does not include skid trails, highways, or ~~((county))~~ local government roads except where the ~~((county))~~ local governmental entity is a forest landowner ~~((or operator))~~. For road maintenance and abandonment planning purposes only, "forest road" does not include forest roads used exclusively for residential access located on a small forest landowner's forest land.

"**Forest trees**" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than 15 years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

"**Full bench road**" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

"**Green recruitment trees**" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"**Ground water recharge areas for glacial deep-seated slides**" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"**Headwater spring**" means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

"**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"**Historic site**" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history;

or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"**Horizontal distance**" means the distance between two points measured at a 0% slope.

"**Hyporheic**" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

"**Identified watershed processes**" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"**Inner gorges**" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

"**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"**Interdisciplinary team**" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practices activity.

"**Islands**" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

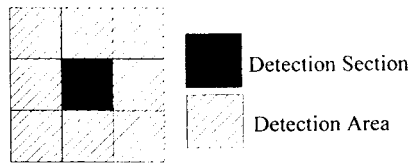
"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"**Local governmental entity**" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"**Low impact harvest**" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"**Marbled murrelet detection area**" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.



"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Multiyear permit" means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to

prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- A nest is located; or
- Downy chicks or eggs or egg shells are found; or
- Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- Birds calling from a stationary location within the area; or
- Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) and (2) above, the sites will be presumed to be occupied based upon observation of circling described in (1)(e), unless a two-year survey following the 2003 Pacific Seabird Group (PSG) protocol has been completed and an additional third-year of survey following a method listed below is completed and none of the behaviors or conditions listed in (1)(a) through (d) of this definition are observed. The landowner may choose one of the following methods for the third-year survey:

(a) Conduct a third-year survey with a minimum of nine visits conducted in compliance with 2003 PSG protocol. If one or more marbled murrelets are detected during any of these nine visits, three additional visits conducted in compliance with the protocol of the first nine visits shall be added to the third-year survey. Department of fish and wildlife shall be consulted prior to initiating third-year surveys; or

(b) Conduct a third-year survey designed in consultation with the department of fish and wildlife to meet site specific conditions.

(4) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(5) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(6) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" means any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide, but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

| | |
|------------------------------------|-----------------------------------|
| Ponderosa pine habitat type | Mixed conifer habitat type |
| all hardwoods | all hardwoods |

| |
|------------------------------------|
| Ponderosa pine habitat type |
| ponderosa pine |
| western larch |
| Douglas-fir |
| western red cedar |

| |
|-----------------------------------|
| Mixed conifer habitat type |
| western larch |
| ponderosa pine |
| western red cedar |
| western white pine |
| Douglas-fir |
| lodgepole pine |

"Public resources" means water, fish, and wildlife and in addition means capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian function" includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

"Riparian management zone (RMZ)" means:

(1) For Western Washington

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

| Site Class | Western Washington Total RMZ Width |
|------------|------------------------------------|
| I | 200' |
| II | 170' |
| III | 140' |
| IV | 110' |
| V | 90' |

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) For Eastern Washington

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

| Site Class | Eastern Washington Total RMZ Width |
|------------|------------------------------------|
| I | 130' |
| II | 110' |
| III | 90' or 100'* |
| IV | 75' or 100'* |
| V | 75' or 100'* |

* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

(3) **For exempt 20 acre parcels**, a specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RMZ core zone" means:

(1) **For Western Washington**, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the 30 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

"RMZ inner zone" means:

(1) **For Western Washington**, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

"RMZ outer zone" means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

"Road construction" means (~~the establishment of any new sub-grade including widening, realignment, or modification of an existing road prism, with the exception of replacing or installing drainage structures, for the purposes of managing forest land under Title 222 WAC~~) either of the following:

(a) Establishing any new forest road;

(b) Road work located outside an existing forest road prism, except for road maintenance.

"Road maintenance" means (~~any road work specifically related to maintaining water control or road safety and visibility (such as: grading, spot rocking, resurfacing, road-side vegetation control, water barring, ditch clean out, replacing or installing relief culverts, cleaning culvert inlets and outlets) on existing forest roads~~) either of the following:

(a) All road work located within an existing forest road prism;

(b) Road work located outside an existing forest road prism specifically related to maintaining water control, road safety, or visibility, such as:

- Maintaining, replacing, and installing drainage structures;

- Controlling road-side vegetation;

- Abandoning forest roads according to the process outlined in WAC 222-24-052(3).

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Sensitive sites" are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Headwall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means a depositional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

"**Shorelines of the state**" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"**Side casting**" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"**Site class**" means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) **For Western Washington**

| Site class | 50-year site index range (state soil survey) |
|------------|---|
| I | 137+ |
| II | 119-136 |
| III | 97-118 |
| IV | 76-96 |
| V | <75 |

(2) **For Eastern Washington**

| Site class | 100-year site index range (state soil survey) | 50-year site index range (state soil survey) |
|------------|--|---|
| I | 120+ | 86+ |
| II | 101-120 | 72-85 |
| III | 81-100 | 58-71 |
| IV | 61-80 | 44-57 |
| V | ≤60 | <44 |

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.

(b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.

(c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.

(d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

"**Site preparation**" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practices activities.

"**SOSEA goals**" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Spotted owl dispersal habitat**" see WAC 222-16-085(2).

"**Spotted owl special emphasis areas (SOSEA)**" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"**Stream-adjacent parallel roads**" means roads (including associated right of way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

"**Sub-mature habitat**" see WAC 222-16-085 (1)(b).

"**Suitable marbled murrelet habitat**" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest

structure) to the forested area in which the nesting platforms occur.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Temporary road" means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

"Threaten public safety" means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, timber does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33-.035.

"Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Yarding corridor" means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-16-050 *Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices rules.

(1) **"Class IV - special."** Except as provided in WAC 222-16-051, application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as critical habitat (state) of threatened or endangered species.

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

*(d) Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal areas, on potentially unstable slopes or landforms described in (i) below that has the potential to deliver sediment or debris to a public resource or that has the potential to threaten public safety, and which has been field verified by the department (see WAC 222-10-030 SEPA policies for potential unstable slopes and landforms).

(i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following: (See the board manual section 16 for more descriptive definitions.)

(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than 35 degrees (70%);

(B) Toes of deep-seated landslides, with slopes steeper than 33 degrees (65%);

(C) Ground water recharge areas for glacial deep-seated landslides;

(D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or

(E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.

(ii) The department will base its classification of the application/notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports or other information provided by the applicant.

(iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:

(A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;

(B) The forest practices are to be conducted in accordance with an approved prescription from the watershed analysis (or as modified through the 5-year review process); and

(C) The applicable prescription is specific to the site or situation, as opposed to a prescription that calls for additional

analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.

*(e) Timber harvest, in a watershed administrative unit not subject to an approved watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.

(f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

*(g) Forest practices subject to an approved watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

*(h) Filling or draining of more than 0.5 acre of a wetland.

(2) **"Class IV - general."** Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special."

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(b) Forest practices (other than those in Class I) on lands that have been or are being converted to another use;

(c) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development(see WAC 222-16-060 and 222-34-050); or

(d) Forest practices involving timber harvesting or road construction on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except where the forest landowner provides one of the following:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest products operations for ten years accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application.

Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the

department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with the State Environmental Policy Act.

(3) **"Class I."** Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type S, F or flowing Type Np Waters; or (ii) movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type S Water and does not involve disturbance of the beds or banks of any waters.

*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type S Water, the riparian management zone of any Type F Water, or the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area

when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

*(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type S Water or the riparian management zone of a Type F Water, the bankfull width of a Type Np Water or flowing Type Ns Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on forest roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) **"Class II."** Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: Provided, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 77.55.100) or is within a "shorelines of the state," or involves owner of perpetual timber rights subject to RCW 76.09.067 (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or on lands that have been or are being converted to another use. No forest practice enumerated below involving timber harvest or road construction may be conducted as a "Class II" if it takes place within urban growth areas designated pursuant to chapter 37.70A RCW. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practices application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal. Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary 5-year review of the watershed analysis.

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

*(d) Salvage of logging residue if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent.

*(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "**Class III.**" Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 77.55.100).

*(b) Those within the shorelines of the state other than those in a Class I forest practice.

*(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

*(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

*(f) All road construction (~~and reconstruction~~) except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

*(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type S, F or flowing Type Np Waters; or

(ii) Movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

(i) Operations involving owner of perpetual timber rights subject to RCW 76.09.067.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

*(o) Multiyear permits.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in *WAC 222-20-020(1)* exist, the operation may commence. (NOTE: OTHER LAWS AND RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Except as provided in subpart (4) below, applications and notifications** shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)).

(4) In lieu of a landowner's signature, where the timber rights have been transferred by deed to a perpetual owner who is different from the forest landowner, the owner of perpetual timber rights may sign a forest practices application or notification for operations not converting to another use and the statement of intent not to convert for a set period of time. The holder of perpetual timber rights shall serve the signed forest practices application or notification and the signed statement of intent on the forest landowner. The forest practices application shall not be considered complete until the holder of perpetual timber rights has submitted evidence acceptable to the department that such service has occurred.

(5) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as out-

lined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(6) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices rules as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(8) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application.

(a) A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days.

(b) An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications.

(c) A local governmental entity clearing and/or grading permit is necessary information for all Class IV applications on lands that have been or will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW, if the local governmental entity has jurisdiction and has an ordinance requiring such permit.

(d) A checklist road maintenance and abandonment plan is necessary information for all small forest landowners' applications or notifications for timber harvest (including salvage), unless exempt under WAC 222-24-0511. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

(9) **An operator's name**, if known, must be included on any forest practices application or notification. The landowner or timber owner must provide notice of hiring or change of operator to the department within 48 hours. The department shall promptly notify the landowner if the operator is subject to a notice of intent to disapprove under WAC 222-46-070. Once notified, the landowner will not permit the operator, who is subject to a notice of intent to disapprove, to conduct the forest practices specified in the application or notification, or any other forest practices until such notice of intent to disapprove is removed by the department.

(10) **Financial assurances** may be required by the department prior to the approval of any future forest practices application or notification to an operator or landowner under the provisions of WAC 222-46-090.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-20-015 Multiyear permits. (1) Where a watershed analysis has been approved for a WAU under WAC 222-22-080, landowner(s) may apply for a multiyear permit. The information provided and level of detail must be comparable to that required for a two-year permit. At a minimum, the application must include:

(a) A description of the forest practices to be conducted during the period requested for the permit, and a map(s) showing their locations; and

(b) Prescriptions must be identified where operations are proposed within or include areas of resource sensitivity.

(2) A landowner with an approved road maintenance and abandonment plan (other than a checklist) may apply for a multiyear permit to perform road maintenance ~~((or abandonment if the landowner has an approved road maintenance and abandonment plan where))~~ road abandonment, and/or associated right of way timber harvest, if the schedule for implementing the plan is longer than two years. ~~((The information provided and level of detail must be comparable to that required for two-year permits under WAC 222-24-050.))~~

(3) A landowner may apply for a multiyear permit to perform an approved alternate plan.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-20-040 Approval conditions. (1) **Whenever an approved application** authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department 2 business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) **Local governmental entity conditions.**

(a) RCW 76.09.240(4) allows a local governmental entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is

designed to ensure that local governmental entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to Class IV general applications on lands that have been or are being converted to a use other than commercial timber production or to Class IV general applications on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW.

(c) The department shall transmit the applications to the appropriate local governmental entity within two business days from the date the department receives the application.

(d) The department shall condition the application consistent with the request of the local governmental entity if:

(i) The local governmental entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local governmental entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local governmental entity has entered into an interagency agreement with the department consistent with WAC 222-50-030 addressing enforcement of forest practices.

(e) The local governmental entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or storm water management; or

(iv) The protection of critical areas designated pursuant to chapter 36.70A RCW.

(f) Local governmental entity conditions shall be filed with the department within twenty-nine days of the filing of the application with the department or within fourteen business days of the transmittal of the application to the local governmental entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local governmental entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local governmental entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) Lead agency mitigation measures.

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters 76.09 and 43.21C RCW and the rules in Title 222 WAC and chapter 197-11 WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under SEPA. (See WAC 197-11-758.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC 197-11-350.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within

the later of (i) twenty-nine days of the receipt of the application by the department, (ii) fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local governmental entity; or (iii) one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead agency, the department must deny the application or require an EIS. (See WAC 197-11-738.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall deny the application.

(5) Small forest landowner approval conditions. The department shall not disapprove a small forest landowner's application/notification on the basis that fish passage barriers have not been removed or replaced if the landowner has committed to participate in the department's family forest fish passage program for:

• Any barriers on their forest roads located within the boundaries of their application/notification; and

• Any barriers on their forest roads needed for their proposed forest practice, but located outside the boundaries of the application/notification.

(6) CRGNSA special management area.

(a) **Policy.** The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§ 544, et seq. chapter 43.97 RCW, 16 U.S.C. § 544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1). 16 U.S.C. § 544a.

The forest practices rules addressing forest practices in the CRGNSA special management area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and rules for forest practices in the CRGNSA special management area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA management plan, and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

(b) The CRGNSA special management area guidelines shall apply to all forest practices within the CRGNSA special management area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirement controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines con-

trol. Copies of the guidelines can be obtained from the department's Southeast and ~~((Southwest))~~ Pacific Cascade regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.

(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on an application or notification within the CRGNSA special management area.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-20-055 Continuing forest land obligations.

Continuing forest land obligations include reforestation, road maintenance and abandonment plans, and harvest strategies on perennial nonfish habitat waters in Eastern Washington. This section does not apply to small forest landowner checklist road maintenance and abandonment plans.

(1) Prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the Forest Practices Act and rules, the seller must notify the buyer of the existence and nature of such a continuing obligation and the buyer must sign a notice of continuing forest land obligation indicating the buyer's knowledge of the obligations. The notice must be:

- (a) On a form prepared by the department;
- (b) Sent to the department by the seller at the time of sale or transfer of land or perpetual timber rights; and
- (c) Retained by the department.

(2) If the seller fails to notify the buyer about the continuing forest land obligation, the seller must pay the buyer's costs related to continuing forest land obligations, including all legal costs and reasonable attorneys' fees incurred by the buyer in enforcing the continuing forest land obligation against the seller.

(3) Failure by the seller to send the required notice to the department at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forest land obligation prior to sale.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-24-010 Policy. *(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

*(2) To protect water quality and riparian habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. This will be accomplished by constructing and maintaining roads so as not to result in the delivery of sediment and surface water to

any typed water in amounts, at times or by means, that preclude achieving desired fish habitat and water quality by:

- Providing for fish passage at all life stages (see Washington state department of fish and wildlife hydraulic code Title 220 WAC);
- Preventing mass wasting;
- Limiting delivery of sediment and surface runoff to all typed waters;
- Avoiding capture and redirection of surface or ground water. This includes retaining streams in their natural drainages and routing subsurface flow captured by roads and road ditches back onto the forest floor;
- Diverting most road runoff to the forest floor;
- Providing for the passage of some woody debris;
- Protecting stream bank stability;
- Minimizing the construction of new roads; and
- Assuring ~~((that there is))~~ no net loss of wetland function.

The road construction and maintenance rules in this chapter must be applied in achieving these goals. Additional guidance is identified in ~~((the))~~ board manual section 3. If these goals are not achieved using the rules and the applied guidance, additional management strategies must be employed.

* (3) Extra protection is required during road construction and maintenance to protect public resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate in the development of road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.

* (4) This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and rules and/or permit requirements may apply. See chapter 222-50 WAC.)

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-24-050 *Road maintenance and abandonment. The goals for road maintenance are established in WAC 222-24-010. ~~((All forest roads must be improved and maintained to the standards of this chapter within 15 years of the effective date of these rules.))~~ Guidelines for how to meet these goals and standards are in the board manual ~~((;))~~ section 3. ~~((Work performed toward meeting the standards must generally be even flow over the 15-year period with priorities for achieving the most benefit to public resources early in the period.))~~ Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts installed under an approved forest practices application or notification ~~((if they have been properly maintained))~~ and are capable of passing fish, until the end of the culvert's functional life.

The goals for road maintenance outlined in this chapter are expected to be achieved by July 1, 2016. The strategies

for achieving the goals are different for large forest landowners and small forest landowners.

For large forest landowners, all forest roads must be improved and maintained to the standards of this chapter prior to July 1, 2016. Work performed toward meeting the standards must generally be even flow over the fifteen-year period with priorities for achieving the most benefit to the public resources early in the period. These goals will be achieved through the road maintenance and abandonment plan process outlined in WAC 22-24-051.

For small forest landowners, the goals will be achieved through the road maintenance and abandonment plan process outlined in WAC 22-24-0511, by participation in the state-led family forest fish passage program, and by compliance with the Forest Practices Act and rules. The purpose of the family forest fish passage program is to assist small forest landowners in providing fish passage by offering cost-share funding and prioritizing projects on a watershed basis, fixing the worst fish passage barriers first. The department, in consultation with the departments of ecology and fish and wildlife, will monitor the extent, effectiveness, and progress of checklist road maintenance and abandonment plan implementation and report to the legislature and the board by December 31, 2008, and December 31, 2013.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 22-24-051 *Large forest landowner road maintenance schedule. All forest roads must be ~~((covered under))~~ included in an approved road maintenance and abandonment plan ~~((within 5 years of the effective date of this rule or))~~ by ~~((December 31, 2005))~~ July 1, 2006. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 22-24-052(4).

*~~((1))~~ (1) Landowners ~~((with 500 acres or more of forest land in a DNR region))~~ must maintain a schedule of submitting plans to the department that cover 20% of their roads or land base each year.

*~~((2))~~ (2) ~~((Landowners with less than 500 acres of forest land in a DNR region must submit with their first forest practices application or notification a road maintenance and abandonment plan covering the roads that will be used by the application. Within one year of the date of submittal of the first forest practices application or notification or before the end of 2005, whichever comes first, the landowner must submit a road maintenance and abandonment plan for the rest of their ownership in that region. Once the plan is approved, the landowner must attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications.~~

~~((3))~~ (3) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 22-22 WAC, landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan. A proposal to update the road plan to meet the current road maintenance standards must be submitted to

the department for review on or before the next scheduled road maintenance plan review. If annual reviews are not required as part of the watershed analysis road plan, the plan must be updated by October 1, 2005. All roads in the planning area must be in compliance with the current rules by ~~((the end of calendar year 2015))~~ July 1, 2016. ~~((See the board manual section 3 for road maintenance and abandonment plan outline.))~~

*~~((4))~~ (3) Plans will be submitted by landowners on a priority basis. Road systems or drainages in which improvement, abandonment or maintenance have the highest potential benefit to the public resource are the highest priority. Based upon a "worst first" principle, work on roads that affect the following are presumed to be the highest priority:

(a) Basins containing, or road systems potentially affecting, waters which either contain a listed threatened or endangered fish species under the federal or state law or a water body listed on the current 303(d) water quality impaired list for road related issues.

(b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas with a history of slope failures.

(c) Road systems or basins where other restoration projects are in progress or may be planned coincident to the implementation of the proposed road plan.

(d) Road systems or basins likely to have the highest use in connection with future forest practices.

*~~((5))~~ (4) Based upon a "worst first" principle, road maintenance and abandonment plans must pay particular attention to:

(a) Roads ~~((that block))~~ with fish passage barriers;

(b) Roads that deliver sediment to typed water;

(c) Roads with evidence of existing or potential instability that could adversely affect public resources;

(d) Roads or ditchlines that intercept ground water; and

(e) Roads or ditches that deliver surface water to any typed waters.

*~~((6))~~ (5) Road maintenance and abandonment plans must include:

(a) Ownership maps showing all forest roads, including orphan roads; planned and potential abandonment, all typed water, Type A and B Wetlands that are adjacent to or crossed by roads, stream adjacent parallel roads and an inventory of the existing condition; and

(b) Detailed description of the first years work with a schedule to complete the entire plan within fifteen years; and

(c) Standard practices for routine road maintenance; and

(d) Storm maintenance strategy that includes prestorm planning, emergency maintenance and post storm recovery; and

(e) Inventory and assessment of the risk to public resources or public safety of orphaned roads; and

(f) The landowner or landowner representative's signature.

*~~((7))~~ (6) Priorities for road maintenance work within plans are:

(a) Removing ~~((blockages to))~~ fish passage barriers beginning on roads affecting the most habitat first, generally starting at the bottom of the basin and working upstream;

(b) Preventing or limiting sediment delivery (areas where sediment delivery or mass wasting will most likely affect bull trout habitat will be given the highest priority);

(c) Correcting drainage or unstable sidecast in areas where mass wasting could deliver to public resources or threaten public safety;

(d) Disconnecting road drainage from typed waters;

(e) Repairing or maintaining stream-adjacent parallel roads with an emphasis on minimizing or eliminating water and sediment delivery;

(f) Improving hydrologic connectivity by minimizing the interruption of surface water drainage, interception of subsurface water, and pirating of water from one basin to another; and

(g) Repair or maintenance work which can be undertaken with the maximum operational efficiency.

~~*((8)) (7) Initial plans ((for landowners with 500 acres or more of forest land in a DNR region)) must be submitted to the department during the year 2001 as scheduled by the department.~~

~~*((9)) (8) Each year on the anniversary date of the plan's submittal, landowners must report work accomplished for the previous year and submit to the department a detailed description of the upcoming year's work including modifications to the existing work schedule.~~

The department's review and approval will be conducted in consultation with the department of ecology, the department of fish and wildlife, affected tribes and interested parties. The department will:

(a) Review the progress of the plans annually with the landowner to determine if the plan is being implemented as approved; and

(b) The plan will be reviewed by the department and approved or returned to the applicant with concerns that need to be addressed within forty-five days of the plan's submittal.

(c) Additional plans will be signed by the landowner or the landowner's representative.

~~*((10)) (9) The department will facilitate an annual water resource inventory area (WRIA) meeting with landowners, the department of fish and wildlife, the department of ecology, affected tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected counties, local U.S. Forest Service, watershed councils, and other interested parties. The purpose of the meeting is to:~~

~~(a) Suggest priorities for road maintenance and abandonment planning; and~~

~~(b) Exchange information on road maintenance and stream restoration projects.~~

~~(*((11) A forest practices application with a detailed one to five year work plan associated with a submitted road maintenance and abandonment plan will be treated as a multiyear permit. The application will be reviewed, approved, conditioned and/or disapproved within 45 days of acceptance. The application will be reviewed in consultation with the department of ecology, department of fish and wildlife, affected tribes and interested parties.)~~

~~*((12)) (10) Regardless of the schedule for plan development, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources. If the~~

department determines that log haul on such a road will cause or has the potential to cause material damage to a public resource, the department may require the applicant to submit a plan to address specific issues or segments on the haul route.

~~*((13)) (11) If a landowner is found to be out of compliance with the work schedule of an approved road maintenance and abandonment plan and the department determines that this work is necessary to prevent potential or actual damage to public resources, then the department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC 222-46-040 (stop work order) to restrict use of the affected road segment.~~

~~(a) The landowner may submit a revised maintenance plan for maintenance and abandonment and request permission to use the road for log haul.~~

~~(b) The department must approve use of the road if the revised maintenance plan provides protection of the public resource and maintains the overall schedule of maintenance of the road system or basin.~~

~~*((14)) (12) If a landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a plan or plans for those drainages or road systems within the area identified by the department.~~

NEW SECTION

WAC 222-24-0511 *Small forest landowner road maintenance planning. (1) Small forest landowners who own a total of eighty acres or less forest land in Washington state are not required to submit any road maintenance and abandonment plan for any block of forest land that contains twenty contiguous acres or less.

(2) Small forest landowners other than those described in subsection (1) of this section, are only required to submit a checklist road maintenance and abandonment plan when they submit a forest practices application or notification that includes timber harvest or salvage. The checklist must include all their forest roads that are used for the forest practice. Instead of a checklist, landowners may submit a road maintenance and abandonment plan as described in WAC 222-24-051 with the following modifications:

- They are not required to submit an annual report.

- If they participate in the family forest fish passage program, they may schedule their barrier projects accordingly.

(3) Forest roads must be maintained only to the extent necessary to prevent damage to public resources.

*((4) If the department determines that a road will cause or has the potential to cause damage to a public resource, the department may require the applicant to submit a compliance schedule of work to fix the problem(s) identified by the department.

(5) Fish passage barriers will be assessed on a watershed basis focusing on fixing the worst barriers first.

(a) The department's family forest fish passage program is available to assist with the removal, replacement, or repair of fish passage barriers that were installed prior to May 14, 2003. The program includes limits on landowner costs and

the opportunity for in-kind contributions. One hundred percent public funding shall be provided if an existing barrier was installed under an approved forest practices application, and hydraulics project approval, and that barrier becomes a high priority for replacement.

(b) Small forest landowners who participate in the family forest fish passage program are not required to remove, replace or repair barriers until cost share funding is available and higher priority barriers on lands within the watershed have been removed or funded. Small forest landowners participating in the program may make use of prioritization without any obligations to receive funding from the program.

WSR 06-11-118
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 19, 2006, 1:42 p.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: To implement the statutory requirements of chapter 18.210 RCW, requiring continuing education for licensed on-site wastewater treatment system designers and certified local health department inspectors.

Statutory Authority for Adoption: RCW 18.43.035.

Other Authority: Chapter 18.210 RCW.

Adopted under notice filed as WSR 06-06-059 on February 28, 2006.

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 13, 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 13, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 27 [May 1], 2006.

George A. Twiss
Executive Director

NEW CHAPTER 196-34 WAC

CONTINUING EDUCATION OF LICENSED PROFESSIONAL ON-SITE WASTEWATER TREATMENT SYSTEM DESIGNERS AND CERTIFIED INSPECTORS

NEW SECTION

WAC 196-34-100 Purpose and effective date. The purpose of the continuing education requirement is to encour-

age licensed on-site wastewater treatment system designers (designers) and certificate of competency holders (inspectors), under Chapter 18.210 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, all designers and inspectors must meet these requirements as a condition of continued licensure/certification under chapter 18.210 RCW.

NEW SECTION

WAC 196-34-105 Definitions. Terms used in this chapter are defined as follows:

1. Professional Development Hour (PDH) - An hour engaged in a qualifying activity.

2. Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 Professional Development Hours.

3. College/Unit Semester/Quarter Hour - Completion of courses in college level curriculums satisfactory to the Board.

4. Qualifying Activity - Any activity that is related to on-site wastewater treatment systems or will help the designer or inspector to maintain their competency as an on-site wastewater treatment system professional.

5. Year - that 12-month period between the renewal and expiration of a credential for a designer or inspector.

6. Board - The Board of Registration for Professional Engineers and Land Surveyors.

NEW SECTION

WAC 196-34-110 Requirements. Starting July 1, 2006, all designers and inspectors, wishing to maintain active practice must accumulate 45 PDH for any given three-year period. Starting July 1, 2007 the PDH accumulated by designers and inspectors are subject to audit by the Board. Those individuals, who practice as both a designer and inspector, need only accumulate a total of 45 PDH for the three-year period.

NEW SECTION

WAC 196-34-115 Qualifying activities. The Board believes that designers and inspectors under provisions of Chapter 18.210 RCW should have the discretion to make independent choices on what activities help them to be improved practitioners. The Board will not provide advance approvals for selected activities or vendors. The Board expects designers and inspectors to seek out qualifying activities that can be demonstrated to the Board as relevant to his or her continuing education as a designer or inspector.

NEW SECTION

WAC 196-34-120 Units. Qualifying activities earned and applied to one of the following categories may not be applied to another category.

1. College hours:
 - a. Completion of 1 college semester hour 45 PDH
 - b. Completion of 1 college quarter hour 30 PDH

- 2. 1 Continuing Education Unit 10 PDH
- 3. For publication or presentation of each:
 - a. Authored technical paper or article 10 PDH
 - b. Authored book 30 PDH
- 4. Obtaining a patent 10 PDH
- 5. Membership in professional/technical societies or government committees or boards. 2 1/2 PDH
(Not to exceed a total of 5 PDH/year)
- 6. For each hour of attendance in a professional or technical society meetings with an informational program. (Not to exceed a total of 5 PDH/year) 1 PDH
- 7. For each hour of attendance at meetings or hearings of the Board or On-site Advisory Committee. (Not to exceed a total of 7 1/2 PDH/year) 1 PDH
- 8. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) 1 PDH
(* *This credit does not apply to full-time faculty.*)
- 9. Completion of the continuing education requirements for maintaining a credential as a Registered Sanitarian. 10 PDH
- 10. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations. 1 PDH
- 11. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed a total of 5 PDH/year) 1 PDH
- 12. For each hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills. 1 PDH
- 13. For each hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the Board. 1 PDH
- 14. For each hour of self-study. (Not to exceed a total of 5 PDH/year) 1 PDH
- 15. For each hour of work, outside normal duties of employment that involves participation in other recognized professional activities. (i.e. a designer working with a land surveyor) (Not to exceed a total of 2 PDH/year) 1 PDH

NEW SECTION

WAC 196-34-125 Activities that do not qualify for PDH credits. The following are not considered qualifying activities:

- 1. Taking courses, specialized instruction or meeting performance criteria that were conditions of a board order.
- 2. Attendance or testimony at legislative hearings.
- 3. Attendance or testimony at city or county council meetings/hearings.
- 4. Attendance or testimony at civil or criminal trials.
- 5. Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
- 6. Attendance at gatherings that are primarily social in nature.
- 7. Membership and/or attendance in service club meetings.

NEW SECTION

WAC 196-34-130 Determination of credit. The Board is the final authority with respect to claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the 15 PDH annual requirement may be carried forward to the next renewal period.

NEW SECTION

WAC 196-34-135 Record keeping and audits. The designer or inspector is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The designer or inspector is required to keep their records of continuing education covering the cumulative time in the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to the Board upon request.

If an audit disqualifies credits that were reported to the Board by a designer or inspector and results in the licensee failing to complete the PDH requirements, the Board may require the shortage to be made up over a period of time established by the Board.

NEW SECTION

WAC 196-34-140 Non-compliance with continuing education. 1. A designer or inspector who fails to comply with the requirements of this chapter is subject to disciplinary action by the Board.

2. A designer or inspector who, through the course of an audit, is discovered to have falsified continuing education documentation to the Board is subject to disciplinary action by the Board.

NEW SECTION

WAC 196-34-145 Waiver. The Board may grant a waiver to the time requirement for collection of continuing

education to designers or inspectors who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the Board. All waivers expire on the next date of license/certificate renewal unless the Board grants an extension.

The Board may grant waivers for:

- a. Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.
- b. Individuals who have been placed on active military duty for at least 120 days.

NEW SECTION

WAC 196-34-150 Exemption. Designers or inspectors who have been approved for "Inactive Status" as provided in WAC 196-34-155 are exempt from the requirement of collecting continuing education.

NEW SECTION

WAC 196-34-155 Inactive status. Any designer or inspector who signs a Board approved affirmation that they are not engaged in the practice as an on-site wastewater treatment system professional is eligible for inactive status. Those with inactive status are prohibited from any practice as an on-site wastewater treatment system professional as provided in chapter 18.210 RCW. A designer or inspector on inactive status may reinstate their license to active status by written request to the Board and payment of any applicable fees. In the first year of reactivated practice the designer or inspector may be required by the Board to collect an additional 15 PDH.

NEW SECTION

WAC 196-34-160 Comity/out-of-jurisdiction resident The continuing education requirements, as provided for in this chapter, may be satisfied when the Board can verify that a designer or inspector has satisfied continuing education requirements in another jurisdiction recognized by the Board, as being equivalent to the requirements of this chapter.

WSR 06-11-119

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 19, 2006, 1:43 p.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: To implement legislative requirement that licensed land surveyors must complete continuing education credits starting July 2006.

Citation of Existing Rules Affected by this Order: Amending chapter 196-16 WAC.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 06-06-061 on February 28, 2006.

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 13, 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 13, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 27 [May 1], 2006.

George A. Twiss
Executive Director

AMENDMENTS TO CHAPTER 196-16 WAC

CONTINUING PROFESSIONAL DEVELOPMENT FOR PROFESSIONAL LAND SURVEYORS

NEW SECTION

WAC 196-16-100 Purpose and effective date. The purpose of the continuing professional development requirement is to encourage licensed professional land surveyors, under chapter 18.43 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, licensed land surveyors must meet the requirements of this chapter as a condition of continued licensure.

NEW SECTION

WAC 196-16-105 Definitions. Terms used in this section are defined as follows:

1. Professional Development Hour (PDH) - An hour engaged in a qualifying activity.
2. Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 Professional Development Hours.
3. College/Unit Semester/Unit Quarter - Completion of courses in college level curriculums satisfactory to the Board.
4. Qualifying activity - Any activity that is related to land surveying or will help the licensee maintain competency in their practice as a professional land surveyor.
5. Year - That 12-month period between the anniversaries of the licensee's birth date.
6. Board - The Board of Registration for Professional Engineers and Land Surveyors.

NEW SECTION

WAC 196-16-110 Requirements. Starting on July 1, 2006, all licensed professional land surveyors wishing to maintain lawful practice must accumulate 15 PDH per year of a two-year renewal cycle. All renewals for licensure as a

professional land surveyor occurring on or after July 1, 2007 are subject to audit by the Board.

NEW SECTION

WAC 196-16-115 Qualifying activities. The Board believes that individuals licensed as professional land surveyors should have the discretion to make independent choices on what activities help them to be improved practitioners. While the Board will not provide advance approvals for selected activities or vendors they do expect licensees to seek out qualifying activities that can be demonstrated to the satisfaction of the Board that they are relevant to the licensee's continuing professional development.

NEW SECTION

WAC 196-16-120 Units. Qualifying activities will accrue PDH as follows:

1. College hours:
 - a. Completion of 1 College semester hour 45 PDH
 - b. Completion of 1 College quarter hour 30 PDH
2. 1 Continuing Education Unit 10 PDH
3. For publication or presentation of each:
 - a. Authored technical paper or article 10 PDH
 - b. Authored Book 30 PDH
4. Membership in professional/technical societies or government committees or boards. (Not to exceed 5 PDH/year) 2 1/2 PDH
5. For each hour of attendance at professional or technical society meetings with an informational program. (Not to exceed 5 PDH/year) 1 PDH
6. For each hour of attendance at meetings or hearings of the Board. (Not to exceed 7 1/2 PDH/year) 1 PDH
7. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) 1 PDH
 (*) *This credit does not apply to full-time faculty*
8. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations. 1 PDH
9. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed 5 PDH/year) 1 PDH

10. For each hour of participation in organized courses, including employer provided courses, on first aid/safety, technical or management skills. 1 PDH

11. For each hour of participation in sessions, or courses sponsored by technical or professional societies, organizations or the Board. 1 PDH

12. Each hour of self-study. (Not to exceed 5 PDH/year) 1 PDH

NEW SECTION

WAC 196-16-125 Activities that do not qualify for PDH credits. The following are not considered qualifying activities:

1. Taking courses, specialized instruction or meeting performance criteria that were conditions of a Board order.
2. Attendance or testimony at legislative hearings.
3. Attendance or testimony at city or county council meetings/hearings.
4. Attendance or testimony at civil or criminal trials.
5. Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
6. Attendance at gatherings that are primarily social in nature.
7. Membership and/or attendance in service club meetings.

NEW SECTION

WAC 196-16-130 Determination of credit. The Board is the final authority with respect to acceptance of claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the 15 PDH annual requirements may be carried forward to the next renewal period.

NEW SECTION

WAC 196-16-135 Record keeping and audits. The licensee is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The licensee is required to keep their records of continuing education covering the cumulative time in the current renewal period and the full two years of the prior renewal period. All continuing professional development records and supporting documentation must be furnished to the Board upon request.

If an audit disqualifies credits that were reported to the Board by a licensee and results in the licensee failing to complete the PDH requirements, the Board may renew the license and require the shortage to be made up in the subsequent renewal period.

NEW SECTION

WAC 196-16-140 Non-compliance with continuing professional development. 1. A licensed land surveyor who

fails to comply with the requirements of this chapter is subject to disciplinary action by the Board.

2. A licensed land surveyor who, through the course of an audit, is found to have falsified continuing professional development documentation to the Board is subject to disciplinary action by the Board.

NEW SECTION

WAC 196-16-145 Exemptions. Individuals who are in "Retired Status" as provided in WAC 196-16-035 or have been approved for "Inactive Status" as provided in WAC 196-16-155 are exempt from the requirements of collecting continuing professional development hours.

NEW SECTION

WAC 196-16-150 Waivers. The Board may grant a waiver to the time requirement for collection of continuing professional development to individuals who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the Board. All waivers expire on the next date of license renewal unless the Board grants an extension.

The Board may grant waivers for:

- a. Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.
- b. Individuals who have been placed on active military duty for at least 120 days.

NEW SECTION

WAC 196-16-155 Inactive license status. Any licensee who signs a Board approved affirmation that they are not engaged in the practice of land surveying is eligible for inactive license status. Those with inactive status are prohibited from land surveying practice as defined in Chapter 18.43 RCW. A licensee on inactive status may reinstate their license to active status by written request to the Board and payment of any applicable fees. In the first year of reactivated practice the licensee may be required by the Board to collect an additional 15 PDH.

NEW SECTION

WAC 196-16-160 Comity/out-of-jurisdiction resident The continuing professional development requirements, as provided for in this chapter, may be satisfied when the Board can verify that a licensee has satisfied continuing professional development requirements in another state, which are judged by the Board as equivalent to the requirements of this chapter.

WSR 06-11-120

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 19, 2006, 1:44 p.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: The purpose of amending WAC 196-16-035 is to implement the rules regarding continuing education for licensed land surveyors starting July 2006.

The purpose of amending WAC 196-27A-030 is to include language regarding the submission of false or fraudulent statements when reporting continuing education by licensed land surveyors.

Citation of Existing Rules Affected by this Order: Amending WAC 196-27A-030 and 196-16-035.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 06-06-060 on February 28, 2006.

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 2, 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 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 27 [May 1], 2006.

George A. Twiss
Executive Director

AMENDATORY SECTION (Amending WSR 04-04-001, filed 1/21/04, effective 2/21/04)

WAC 196-16-035 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional land surveyor, having reached at least the age of sixty-five and having discontinued active practice as a land surveyor, may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of a land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for

"retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as a land surveyor in a volunteer capacity, provided that the retired registrant does not create a land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of land surveying, such as members of commissions, boards or committees;

(h) Serve in a land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(i) A professional land surveyor in retired status is not required to complete continuing professional development as provided in WAC 196-16-110. However, if a retired status land surveyor wishes to return to active status, the licensee will need to complete an additional 15 PDH during their first year of reactivated practice.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corporation or Washington land surveying limited liability company;

(c) Apply their professional land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may

again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

AMENDATORY SECTION (Amending 02-23-027, filed 11/12/02, effective 12/13/02)

WAC 196-27A-030 Explicit acts of misconduct. In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.

(2) The practice of engineering or land surveying by a registrant when the registrant's license is retired (see WAC 196-25-100(6)), expired, suspended or revoked.

(3) Failing to comply with the terms and conditions of an order issued by the board.

(4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.

(5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.

(6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.

(7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.

(10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.

(12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.

(13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.

(14) Willfully attempting to interfere with a board investigation by falsifying records, making false statements and intimidating or influencing witnesses.

(15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.

(16) Willfully making false statements or submitting fraudulent documents when reporting the completion of continuing professional development requirements.

WSR 06-11-121

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 19, 2006, 1:45 p.m., effective June 19, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To replace the current brief adjudicative proceedings portions of chapter 196-09 WAC, so that the new sections regarding the brief adjudicative proceedings may be used in more circumstances, and be standardized throughout the division and agency.

Statutory Authority for Adoption: RCW 18.43.035.

Other Authority: Chapter 18.235 RCW.

Adopted under notice filed as WSR 06-07-119 on March 20, 2006.

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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 27 [May 1], 2006.

George A. Twiss
Executive Director

AMENDATORY SECTION (Amending WSR 04-04-001, filed 1/21/04, effective 2/21/04)

WAC 196-09-050 Brief adjudicative proceedings. (1)

The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. ~~((Such proceedings may be held at the request of the applicant/registrant/board (petitioner) for the following purposes:))~~ Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapter 18.43 RCW, chapter 18.210 RCW, chapter 18.235 RCW, administrative rules in title 196 WAC or any statutes or rules that specifically govern the defined practices of engineering, land surveying and on-site wastewater treatment system designs. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

~~((1) To appeal a determination that an applicant for certification as an engineer in training or land surveyor in training does not meet the minimum certification requirements as provided in chapter 18.43 RCW and/or chapters 196-20 and 196-21 WAC; or~~

~~(2) To appeal a determination that a professional engineer or professional land surveyor applicant does not meet the minimum licensing requirements as provided in chapter 18.43 RCW and/or chapter 196-12 WAC (PE) and chapter 196-16 WAC (PLS); or))~~

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(g) Whether an applicant or licensee failed to cooperate in an investigation by the board

(h) Whether an application or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(i) Whether an applicant or licensee has defaulted on educational loans;

(j) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(k) Whether a person has engaged in false, deceptive or misleading advertising; or

(1) Whether a person has engaged in unlicensed practice.

~~((3) To determine whether a licensee requesting renewal or reinstatement has submitted all required information and has met the minimum criteria for renewal or reinstatement; or))~~

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

~~((4) To determine whether an individual, named in default of student loan payments under RCW 18.43.160, holds a certification or license issued under chapter 18.43 RCW.))~~

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.

AMENDATORY SECTION (Amending WSR 04-04-001, filed 1/21/04, effective 2/21/04)

WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

~~(1) ((Applicants for certification/licensing: Original complete application with all attachments required by the board; all documents relied upon in reaching the determination of ineligibility; and all correspondence between the applicant and the board about the application or the appeal.))~~
-Renewal or reinstatement of license:

- All correspondence between the applicant and the board about the renewal or reinstatement;
- Copies of renewal notice(s) sent by the department of licensing to the licensee;
- All documents received by the board from or on behalf of the licensee relating to information, payments, or explanations that have been provided to the board.

~~(2) ((License renewal or reinstatement: Copy(ies) of original renewal notice(s) sent by the department of licensing to the licensee; all documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.))~~ Applicants for certification/licensing:

- Original complete application with all attachments as submitted by the applicant;
- Copies of all supplementary information related to application review by staff or board member;
- All documents relied upon in reaching the determination of ineligibility;
- All correspondence between the applicant and the board about the application or appeal.

~~(3) Default of student loan payments: ((Copy(ies) of notice(s) to the board showing the name and other identification information of the individual claimed to be in default on student loan payments; copies of identification information corresponding to the person(s) who is (are) certified/licensed by the board that relate to the identity of the individual in default; and all documents received by the board from or on~~

~~behalf of the licensee relating to rebutting such identification.))~~

- Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

- Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

- All documents received by the board from or on behalf of the licensee relating to rebutting such identification;

- Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

- A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

(4) Determination of compliance with previously issued board order:

- The previously issued final order or agreement;
- All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
- All correspondence between the license holder and the program regarding compliance with the final order or agreement; and
- All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

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 06-11-132

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 23, 2006, 8:07 a.m., effective June 23, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To adopt new and amended rules to implement ESSB 5034, the electioneering communications legislation signed into law on May 13, 2005. The new and amended rules will provide guidance to persons who engage in electioneering communications and independent expenditures, as well as to political party organizations.

Citation of Existing Rules Affected by this Order: Amending 11 [WAC 390-05-210, 390-16-060, 390-16-207, 390-17-030, 390-17-060, 390-18-010, 390-18-020, 390-18-025, 390-18-030, 390-18-040, and 390-18-050].

Statutory Authority for Adoption: RCW 42.17.370 and 42.17.562.

Adopted under notice filed as WSR 06-07-104 on March 16, 2006.

Changes Other than Editing from Proposed to Adopted Version: (1) Regarding the amended C-6 form that is incorporated in amended WAC 390-16-060, dollar sign symbols were added where appropriate to the form; (2) regarding new

WAC 390-16-307 some unnecessary descriptive language was eliminated consistent with the statutory definitions of independent expenditure and electioneering communication; (3) regarding amended WAC 390-18-010, the context of subsection (5)(a) clearly calls for the abbreviation "e.g.," rather than "i.e."; and (4) regarding new WAC 390-18-060, in paragraphs (c) and (d), use of the conjunctive "and/or" - rather than just "and" - makes it clearer that communications sponsored jointly by multiple sponsors as well as separately are reportable as is intended by the statute.

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 12, Amended 11, 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 12, Amended 11, 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 12, Amended 11, Repealed 0.

Date Adopted: April 27, 2006.

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 96-09-015, filed 4/8/96, effective 5/9/96)

WAC 390-05-210 Definition—Contribution. (1) The term "contribution" as defined in RCW 42.17.020 shall be deemed to include, among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. When such in-kind contribution of goods or services is provided, it shall be reported at its fair market value~~(s)~~ per WAC 390-05-235 and, pursuant to RCW 42.17.640, the fair market value is the amount of the contribution to be allocated to the contributor in determining compliance with the contributor's contribution limit.

(2) **Duplicating political advertising.** The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee.

(3) **Consulting with a state, local or judicial candidate.** An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent is a contribution to such candidate. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent when:

(a) Any arrangement, coordination or direction by the candidate, the candidate's authorized committee or agent is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that candidate or opposing one or more of that candidate's opponents; or

(b) An expenditure is made based on information about the candidate's plans, projects or needs provided to the expending person by the candidate, the candidate's authorized committee or agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through ~~((or))~~, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the ~~((current election cycle, (i) is or has been authorized to raise or spend over \$500 per election on behalf of the candidate, or (ii))~~ twelve months preceding the expenditure, is or has been an officer of the candidate's authorized committee; or

(d) The expenditure is made by or in consultation with any person who, during the ~~((current election cycle))~~ twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the candidate, the candidate's authorized committee or agent.

(4) **Consulting with a caucus political committee.** An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent is a contribution to such caucus political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent when:

(a) Any arrangement, coordination or direction by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that caucus political committee or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) An expenditure is made based on information about the caucus political committee's plans, projects or needs provided to the expending person by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus with a view toward having an expenditure made; or

(c) An expenditure is made by, through ~~((or))~~, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the ~~((current election cycle, (i) is or has been authorized to raise or spend over \$500 per year on behalf of the caucus political committee, or (ii))~~ twelve months preceding the expenditure, is or has been an officer of the caucus political committee or another political committee financed, controlled or operated by the caucus; or

(d) The expenditure is made by or in consultation with any person who, during the ~~((current election cycle))~~ twelve

months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus.

(5) **Consulting with a bona fide political party.** An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party or its agent is a contribution to such bona fide political party. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party when:

(a) Any arrangement, coordination or direction by the bona fide political party, its agent or a political committee financed, controlled or operated by the party is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that bona fide political party or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) An expenditure is made based on information about the bona fide political party's plans, projects or needs provided to the expending person by the bona fide political party or its agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through ~~((or)),~~ in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the ~~((current election cycle, (i) is or has been authorized to raise or spend over \$2,500 per year in nonexempt funds on behalf of the bona fide political party, or (ii)))~~ twelve months preceding the expenditure, is or has been an officer of the bona fide political party or a political committee financed, controlled or operated by the bona fide political party; or

(d) The expenditure is made by or in consultation with any person who, during the ~~((current election cycle))~~ twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the bona fide political party, its agent or a political committee financed, controlled or operated by the bona fide political party.

(6) **Consulting with other political committees.** An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee is a contribution to such political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee when:

(a) Any arrangement, coordination or direction by the political committee, its agent or another political committee financed, controlled or operated by the committee is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or prior to an expenditure being made by that person ~~((supporting))~~ benefiting that political committee; or

(b) An expenditure is made based on information about the political committee's plans, projects or needs provided to

the expending person by the political committee or its agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through ~~((or)),~~ in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the ~~((current election cycle, (i) is or has been authorized to raise or spend over \$5,000 on behalf of the political committee or another political committee financed, controlled or operated by the committee, or (ii)))~~ twelve months preceding the expenditure, is or has been an officer of the political committee or another political committee financed, controlled or operated by the committee; or

(d) An expenditure is made by or in consultation with any person who, during the ~~((current election cycle))~~ twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the political committee, its agent or another political committee financed, controlled or operated by the committee.

NEW SECTION

WAC 390-05-500 Debate or forum. "Debate or forum" means qualifying events under RCW 42.17.020 (21)(b) where candidates are invited based upon predefined objective criteria, including where only one candidate in an uncontested race participates.

NEW SECTION

WAC 390-05-505 Electioneering communication exclusions. (1) "Electioneering communication" does not include communications listed in RCW 42.17.020(21).

(2) "Electioneering communication" also does not include:

(a) Letters to the editor or comparable communications to news media described in RCW 42.17.020 (21)(c);

(b) Communications conveyed through web sites, e-mails, telephone calls, or in-person leaflet/pamphlet drops at street addresses; or

(c) Communications conveyed in a manner not specified in RCW 42.17.020(20).

NEW SECTION

WAC 390-05-510 General treasury funds. "General treasury funds" means a collective designation of all of the assets of an organization which furnish the means for defraying the necessary, usual, ordinary running and incidental expenses of an organization. General treasury funds are typically not derived from a special solicitation, effort, or receipt, but derive from regular, planned for, and ongoing revenue streams or sources.

NEW SECTION

WAC 390-05-515 Member. In determining whether a communication is to a "member" as that term is used in RCW 42.17.020 and 42.17.100, and for the purposes of RCW 42.17.105(8) and 42.17.640:

(1) The commission will examine whether the organization is a legitimate membership organization with common interest goals and objectives, taking into account such factors as the organization's permanence, structure and whether it has formal organizing documents, membership criteria and services it provides its members.

(2) With respect to the status of members of an organization, the commission will examine whether a valid, active relationship exists between the organization and its members or classes of members for purposes other than influencing the outcome of an election, taking into account such factors as whether the members affirmatively accept membership and the rights and obligations conferred on members by the organization.

(3) If a membership organization and its members satisfy the criteria regarding "membership associations" and "members" established by the Federal Election Commission (FEC) in 11 C.F.R. Sec. 100.134 (e)-(g), the commission will consider the organization and its members as qualifying for the exemption in RCW 42.17.020 (15)(b)(v) and (21)(g), unless the communication was not sent primarily to members. However, these FEC criteria are not the only indicators of legitimate membership organizations or valid members, a determination that will be made by the commission on a case-by-case basis as necessary.

(4) In determining whether an internal political communication is "primarily" limited to the members of an organization or political committee, the commission will consider whether any distribution to nonmembers is incidental and isolated.

NEW SECTION

WAC 390-05-520 Periodical. "Periodical" means a publication on paper that is serial in nature and appears or is intended to appear indefinitely at regular or stated intervals.

NEW SECTION

WAC 390-05-525 Public service announcement. (1) "Public service announcement" means a communication meets all the following criteria. The communication is:

- (a) Designed to benefit or promote the community's health, safety or welfare or nonprofit community events;
- (b) Not selling a product or service;
- (c) Sponsored by an organization with a history of routinely providing the community such outreach public service messages in the service area of the organization;
- (d) Of primary interest to the general public and is not targeted to reach only voters or voters in a specific jurisdiction;
- (e) Not coordinated with or controlled or paid for by a candidate's authorized committee or political committee;
- (f) Subject to the policies for public service announcements of the entity broadcasting, transmitting, mailing, erecting, distributing or otherwise publishing the communication including policies regarding length, timing and manner of distribution; and
- (g) One for which the arrangements to include a reference or depiction of the candidate or candidates in the com-

munication were made at least six months before the candidate became a candidate.

(2) Examples of public service announcements include but are not limited to communications regarding nonprofit community events, outreach or awareness activities such as: Breast cancer screening, heart disease, domestic violence, organ donation, emergency or other disaster relief for organizations such as the Red Cross, programs designed to encourage reading by school children, childhood safety, fund drives for charitable programs such as United Way, and similar matters.

NEW SECTION

WAC 390-05-530 Funding sources for electioneering communications. (1) "Source of funds" means a person who contributes anything of value for the communication, including a loan, gift, advance, payment, pledge, or personal or professional services for less than full consideration.

(2) Goods, services, property or rights other than money or its equivalent are deemed to have a monetary value equivalent to their fair market value.

(3) "Source of funds" does not include those things of value specified in RCW 42.17.020 (15)(b).

AMENDATORY SECTION (Amending WSR 02-12-007, filed 5/23/02, effective 6/23/02)

WAC 390-16-060 Forms for report of independent expenditures and electioneering communications. (1) The official form for reports of independent expenditures and electioneering communications as required by RCW 42.17.-100 (~~and~~), 42.17.103 and 42.17.565 is designated "C-6," revised (~~6/02~~) 5/06. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504 and on-line at www.pdc.wa.gov. Any paper attachments shall be on 8 1/2" x 11" white paper.

(2) The C-6 report may be filed electronically consistent with WAC 390-19-040 by using an electronic filing alternative provided or approved by the commission. C-6 reports of electioneering communications shall be filed electronically as provided in RCW 42.17.565.

((STRICKEN GRAPHIC



Form C6 6/02. This space for office use. POST RECEIVED

Use this form for: (check one)

- INDEPENDENT EXPENDITURES (Occurring at any time) — \$100 or more
INDEPENDENT EXPENDITURE ADS (Appearing within 21 Days of an Election) — \$1,000 or more

See instructions on Reverse

1. Name and address of person making expenditure: Name, Mailing Address, City / State / Zip Code

2. Candidate(s) or ballot proposition(s) supported or opposed. Candidate/Proposition Names, Office/District/Proposition Number, Party (If Partisan). Check Support or Oppose

Continued on attached sheet.

Table with 5 columns: Date Made, Date first Published/ Presented, Name and Address of Vendor or Recipient, Description of Expenditure (E.g., direct mail, newspaper ad, TV or radio ad), Amount or Value (*See Below). Includes a row for 'Expenditures \$50 or less not itemized above'.

Summary table with 3 columns: Amount or Value, Total this report, Total independent expenditures made by filer during this election campaign. Includes a note: *If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

Person responsible for making Independent Expenditure:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the above mentioned candidate, the candidate's authorized committee, or an agent of the candidate. I further certify that the above information is true, complete, and correct to the best of my knowledge. Signature, Printed name, Street address, City/State/Zip, Date Signed, Place signed (city and county)

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

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INSTRUCTIONS – C6 REPORT Rev. 6/02

WHO MUST REPORT:

- (1) Persons who make independent expenditures aggregating \$100 or more anytime during an election campaign in support of or opposition to a candidate or ballot proposition.
- (2) Persons sponsoring independent expenditure political ads valued at \$1,000 or more that are mailed or presented to the public within twenty-one days of a primary, general or special election.

DO NOT report monetary or in-kind contributions made directly to or in coordination with a candidate or political committee.

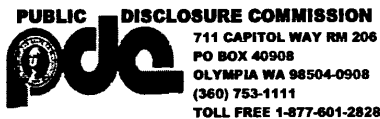
WHEN AND WHERE TO REPORT:

When aggregate amount reaches:

| | |
|--|---|
| Less than \$100 | —No report is required |
| \$100 or more (or value cannot be estimated) | —Postmark within 5 days of making the expenditure. |
| If additional expenditures are made: | —10 th of month preceding election in which other reports are not required* —21 days prior to election* —7 days prior to election* —10 th day of month after election* |
| <i>*Required only when expenditures have been made since last report was submitted.</i> | |
| Send original to Public Disclosure Commission . Send a copy to the County Auditor (county elections office) of the county of residence of the candidate supported or opposed. For ballot propositions, County Elections Officer of the county of residence of the person responsible for the independent expenditure. Persons making independent expenditures are advised to contact their City Clerk to learn if local filing is required by local ordinance. | |

| | |
|--|--|
| \$1,000 or more and ads are presented to the public within 21 days of an election | —Deliver (electronic^①, fax^②, or paper format) to PDC within 24 hours of, or on the first working day after, the date the advertisement was first published, mailed, or otherwise presented to the public. |
| Additional independent expenditures <u>of any amount</u> following the expenditure listed on the initial filing must be reported within 24 hours of, or on the first working day after, the date the new advertisement is first published, mailed, or otherwise presented to the public. | |
| <i>① Fill out and sign electronic filing signature card, fax a copy of the signature card to the PDC, complete and file the electronic C6 report. Mail the original signature card to PDC within 24 hours.</i> | |
| <i>② Fax a copy of the signed C6 report to the PDC and mail the original within 24 hours.</i> | |
| Send original to Public Disclosure Commission . County filing is NOT required for reports due within 24 hours. Persons making independent expenditures are advised to contact their City Clerk to learn if local filing is required by local ordinance. | |

_____ STRICKEN GRAPHIC))



| | |
|---------------------------|--|
| Form C6 5/06 | |
|---------------------------|--|

Reporting Form for: (check one)

Instructions on Page 3

- INDEPENDENT EXPENDITURES** (Occurring at any time) — **\$100 or more**
- INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) — **\$1,000 or more**
- ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) — **\$5,000 or more**

| | |
|--|-----------|
| 1. Name and complete postal mailing address of sponsor: | E-mail |
| | Telephone |

2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

| Date Made | Date First Presented/ Mailed | Name and Address of Vendor or Recipient | Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad) | Amount or Value (*See Below) |
|---|------------------------------|---|---|------------------------------|
| Expenditures \$100 or less not itemized above | | | | \$ |

| | |
|--|---|
| Amount or Value | Total this report |
| *If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed. | Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports. |
| | \$ |

| 3. List of candidate(s) or ballot proposition(s) identified in the advertising. | | | | Show portion of current expense attributable to each candidate or proposition | Show total C-6 expenses related to each candidate/ proposition during election campaign |
|--|----------------------------------|-------|---|---|---|
| Candidate/Proposition | Office/District/ Proposition No. | Party | Check Support or Oppose | | |
| | | | <input type="checkbox"/> <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> <input type="checkbox"/> | \$ | \$ |
| Continued on attached sheet <input type="checkbox"/> | | | | \$ | \$ |

Filer Name:

4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:

- a) An individual using only personal funds.
- b) An individual using personal funds and/or funds received from others.
- c) A business, union, group, association, organization, or other person using only general treasury funds.
- d) A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e) A political committee filing C-3 and C-4 reports. (RCW 42.17.040 - .090)
- f) A political committee filing C-5 reports. (RCW 42.17.093)
- g) Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of \$250 for the electioneering communication:

| Date Received | Source's Name, Address, City, State, Zip | For individuals, Employer's Name, City and State | Amount |
|---------------|--|--|--------|
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Sub-Total | \$ |
| | | Amount from attached pages | \$ |
| | | TOTAL FUNDS RECEIVED | \$ |

| | |
|---|--------------------------------------|
| Sponsor of Independent Expenditure or Electioneering Communication | |
| I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17.020. I further certify that the above information is true, complete, and correct to the best of my knowledge. | Signature _____ |
| | Printed Name _____ |
| | Street address _____ |
| | City/State/Zip _____ |
| | Date Signed _____ |
| | Place Signed (city and county) _____ |
| *RCW9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor." | |

NEW SECTION

WAC 390-16-063 Additional information regarding C-6 report filing. (1) A political committee reporting pursuant to RCW 42.17.065, 42.17.080 and 42.17.090 is exempt from providing on a C-6 form itemized information concerning its sources of funds giving in excess of two hundred fifty dollars for an electioneering communication, unless the committee received funds that were requested or designated for the communication.

(2) An out-of-state political committee shall report pursuant to RCW 42.17.565 if it sponsors an electioneering communication defined in RCW 42.17.020.

(3) The sponsor of an electioneering communication shall report pursuant to RCW 42.17.565 and commission rules regarding electioneering communications, even if the expenditure also satisfies the definition of independent expenditure in RCW 42.17.020 or 42.17.100. Persons in compliance with this subsection are deemed in compliance with RCW 42.17.100 or 42.17.103.

(4) Any person making an expenditure that is reportable under RCW 42.17.200, grass roots lobbying campaigns, that also satisfies the definition of electioneering communication in RCW 42.17.020 shall file pursuant to RCW 42.17.565 and commission rules regarding electioneering communications.

AMENDATORY SECTION (Amending WSR 04-12-054, filed 5/28/04, effective 6/28/04)

WAC 390-16-207 In-kind contributions—Explanation and reporting. (1) An in-kind contribution occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW 42.17.020 ~~((14)(b))~~ or WAC 390-17-405.

(2) An in-kind contribution also occurs when a person makes an expenditure that

- Supports or opposes a candidate or a ballot measure,
- Meets the definition of contribution in RCW 42.17.020~~((14))~~ or WAC 390-05-210, and
- Is other than a monetary contribution made directly to a candidate or political committee.

For example, an in-kind contribution occurs when a person, after collaborating with a candidate or a candidate's agent, purchases space in a newspaper for political advertising supporting that candidate or opposing that candidate's opponent.

(3) An in-kind contribution also occurs when a person makes an electioneering communication that is a contribution as provided in RCW 42.17.570.

(4) According to RCW 42.17.095~~((8))~~ and WAC 390-16-238, a candidate may not use his or her campaign funds to make a contribution, including an in-kind contribution, to another candidate or a political committee. However, under RCW 42.17.095~~((3))~~, a candidate may use surplus funds as defined in RCW 42.17.020 to make a contribution to a political party or caucus political committee.

~~((4))~~ **(5) In-kind contributions to recipients who have limits.**

(a) If a state office candidate receives in-kind contributions from any person valued at more than \$25 in the aggregate

during an election cycle, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(c) If a state official against whom recall charges have been filed or a political committee supporting the recall of a state official receives in-kind contributions from any person valued at more than \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limits provided in RCW 42.17.640.

~~((5))~~ **(6) Political committees that make in-kind contributions.** A political committee that makes in-kind contributions to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify the recipient and the amount of the contribution as part of its C-4 report covering that period.

If the in-kind contribution is in the form of an expenditure that has been obligated, but not yet paid, the identity of the recipient candidate or political committee, along with a good faith estimate of the value of the contribution, must be disclosed in part 3 of Schedule B, in addition to the other information required by the form. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, along with the other information required by the form.

If a political committee provides equipment, property or anything else of value owned, leased or controlled by it to a candidate or political committee, the contributing committee must attach a statement to its C-4 report showing the name of the candidate or political committee to whom the contribution was made and the date, description and fair market value of the in-kind contribution.

~~((6))~~ **(7) Reporting by recipients.** Except as provided in subsection ~~((4))~~ **(5) of this section**, in-kind contributions from one source are not reportable by the recipient candidate or political committee until the aggregate value of all in-kind contributions received from that source during a reporting period is more than \$50. If this threshold is met, the in-kind contributions must be reported in part 1 of Schedule B to the C-4 report covering that reporting period.

~~((7))~~ **(8) Valuing in-kind contributions.**

(a) For purposes of determining the value of goods or services provided as in-kind contributions, refer to WAC 390-05-235, Definition—Fair market value.

(b) If an expenditure that constitutes an in-kind contribution is made, the value of the in-kind contribution to a particular candidate or political committee is the portion of the expense that benefits the candidate or political committee.

~~((8))~~ **(9) Application of RCW 42.17.105~~((8))~~—Last-minute contributions.**

(a) If an expenditure that constitutes an in-kind contribution is made no later than twenty-two days before a general election and written notice of the in-kind contribution is in

the possession of the recipient candidate committee or political committee twenty-two or more days before that general election, the contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105((8)).

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the twenty-one days before a general election, and if written notice of the value of this donation is in the possession of the recipient candidate or political committee twenty-two or more days before the election, that in-kind contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105((8)).

NEW SECTION

WAC 390-16-307 Contributions by controlled entities. (1) **Corporations.** Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch or department of a corporation that is participating in an election campaign or making contributions.

(2) A corporation is participating in an election campaign if it:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication;

(c) Endorses a candidate prior to contributions being made by a subsidiary, branch or department of the corporation with respect to a candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed prior to a contribution being made by a subsidiary, branch or department of the corporation; or

(e) Directly or indirectly collaborates or consults with its subsidiary, branch or department on matters relating to the support of or opposition to a candidate, including the amount of a contribution, when a contribution should be given, or what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

(3) **Trade associations, labor unions, collective bargaining organizations.** Two or more entities are treated as a single entity if one of the two or more entities is a local unit or branch of a trade association, labor union or collective bargaining association that is participating in an election campaign or making contributions.

(4) A trade association, labor union or collective bargaining organization is participating in an election campaign if it:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication;

(c) Endorses a candidate prior to contributions being made by a local unit or branch of the association, union or organization with respect to a candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed prior to a contribution

being made by a local unit or branch of the association, union or organization; or

(e) Directly or indirectly collaborates or consults with its local unit or branch on matters relating to the support of or opposition to a candidate, including the amount of a contribution, when a contribution should be given, or what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

AMENDATORY SECTION (Amending WSR 04-12-056, filed 5/28/04, effective 6/28/04)

WAC 390-17-030 Sample ballots and slate cards. (1)

Intent. The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW 42.17.640 (14)(a) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards and other candidate listings remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.020(21) and 42.17.640 (14)(a), "**sample ballots**" means slate cards, or other candidate listings, whether written or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the ~~((political advertising))~~ provisions ~~((of RCW ((42.17.505)))~~ 42.17.510 through 42.17.550.

(4)(a) **A bona fide political party** may use contributions it receives pursuant to RCW 42.17.640(14) to produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) **Any person**, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) **An in-state political committee**, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) **An out-of-state committee**, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due no later than the 20th day of the month following the month in which the expenditure was made.

(8) If a **lobbyist or lobbyist employer** makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) **The candidates listed on a sample ballot** are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) **Qualifying criteria for sample ballots, slate cards and other candidate listings.** In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 42.17.640(14), a sample ballot must satisfy **all** of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

- The identification of each candidate (pictures may be used);
- The office or position currently held;
- The office sought;
- Party affiliation; and
- Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin

boards or electronic billboards, the sample ballot must be a separate document.

AMENDATORY SECTION (Amending WSR 02-12-007, filed 5/23/02, effective 6/23/02)

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.640 (14)(a) and (b). Such contributions are required to be reported under RCW 42.17.090, are subject to the restrictions in RCW 42.17.105(8), but are not subject to the contribution limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fund-raising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt contributions account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt activities" are those activities referenced in RCW 42.17.640(14) as further clarified by subsections (4), (5), (6), and (7) of this section (~~and by the Washington state supreme court's decision regarding issue advocacy in Washington State Republican Party v. Washington State Public Disclosure Commission et al., 141 Wn.2d 245, 4 P.3d 808 (2000)~~). Only exempt activities are eligible for payment with exempt contributions.

(4)(a) Except as permitted by WAC 390-17-030, Sample ballots and slate cards, activities referenced in RCW 42.17.640 (14)(a) that promote or constitute political advertising for one or more clearly identified candidates do not qualify as exempt activities.

(b) A candidate is deemed to be clearly identified if the name of the candidate is used, a photograph or likeness of the candidate appears, or the identity of the candidate is apparent by unambiguous reference.

(5) Activities referenced in RCW 42.17.640 (14)(a) that do not promote, or constitute political advertising for, one or more clearly identified candidates qualify as exempt activities. For example, get-out-the-vote telephone bank activity that only encourages persons called to "vote republican" or "vote democratic" in the upcoming election may be paid for with exempt contributions regardless of the number of candidates who are benefited by this message.

(6)(a) "Internal organization expenditures" referenced in RCW 42.17.640 (14)(b) are expenditures for organization purposes, including legal and accounting services, rental and

purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fund-raising expenditures" referenced in RCW 42.17.640 (14)(b) are expenditures for fund-raising purposes, including facilities for fund-raisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to subsections (a) and (b) above are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(7) For purposes of RCW 42.17.640 (14)(a) and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

NEW SECTION

WAC 390-17-410 Electioneering communications may constitute contributions and be subject to limit. (1) Electioneering communications are contributions when they satisfy the definition of contribution in RCW 42.17.020(15) or 42.17.570.

(2) Contributions are subject to all applicable provisions of chapter 42.17 RCW and Title 390 WAC, including RCW 42.17.105(8) and 42.17.640.

AMENDATORY SECTION (Amending WSR 03-12-034, filed 5/29/03, effective 6/29/03)

WAC 390-18-010 Advertising, political advertising, ~~(— Identification of sponsor), electioneering communications, and independent expenditures.~~ (1) For the purposes of chapter 42.17 RCW (~~42.17.510~~) and (~~this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor~~) Title 390 WAC:

(a) "Sponsor of an electioneering communication, independent expenditure or political advertising" is defined in RCW 42.17.020.

(b) Unless the context clearly provides otherwise, "advertising" or "advertisement" means political advertising, electioneering communications, or independent expenditures that are for political advertising and/or electioneering communications subject to the provisions of chapter 42.17 RCW and as defined in RCW 42.17.020 or 42.17.100.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, (~~it is unnecessary to include that contributor's name as~~) that person is not deemed a sponsor provided the contribution is

reported in accordance with applicable provisions of chapter 42.17 RCW and Title 390 WAC.

(4) Printed advertising shall clearly state, in an area set apart from any other printed matter, that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ committee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). However, printed advertising undertaken as an independent expenditure (~~as defined in RCW 42.17.020~~) or electioneering communication shall comply with the "Notice to Voters" and, if relevant, the "Top Five Contributors" provisions of RCW 42.17.510 and provide this information in an area set apart from any other printed matter. Political committees (~~(— other than a bona fide political party,)~~) that sponsor independent expenditure or electioneering communication printed advertising are required to provide the "Top Five Contributors" to that political committee pursuant to WAC 390-18-025; however, this requirement does not apply to bona fide political parties sponsoring independent expenditures.

(5)(a) (~~Political~~) Advertising consisting of more than one page but intended to be presented as a single item (~~(i.e.)~~) e.g., 3-page letter with return envelope) must identify the sponsor on the first page or fold of the advertising. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) (~~Political~~) Advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.

(6) The name of the sponsor of all radio or (~~television~~) television advertising shall be clearly spoken or identified as required in RCW 42.17.510. (~~However,~~)

(a) All radio, telephone and television (~~political~~) advertising undertaken as an independent expenditure as defined in RCW 42.17.020 shall comply with the "Notice to Voters" and, if relevant, the "Top Five Contributors" provisions of RCW 42.17.510 and this information shall be clearly spoken or identified as provided in RCW 42.17.510.

(b) All radio and television advertising undertaken as an electioneering communication as defined in RCW 42.17.020 shall comply with the "Notice to Voters" and, if relevant, the "Top Five Contributors" provisions of RCW 42.17.510 and this information shall be clearly spoken or identified as provided in RCW 42.17.510.

(c) Political committees (~~(— other than a bona fide political party,)~~) that sponsor independent expenditure or electioneering communication radio and television (~~political~~) advertising are required to clearly speak or otherwise identify the "Top Five Contributors" to that political committee pursuant to WAC 390-18-025; however, this requirement does not apply to bona fide political parties sponsoring independent expenditures.

AMENDATORY SECTION (Amending WSR 99-12-067, filed 5/27/99, effective 6/27/99)

WAC 390-18-020 (~~Political~~) Advertising—Political party identification. (1) According to RCW 42.17.510, sponsors of (~~political~~) advertising supporting or opposing a

candidate ~~((for partisan office))~~ who has expressed a party or independent preference on the declaration of candidacy must clearly identify the candidate's political party or independent status in the advertising.

(2) According to RCW 42.17.510, sponsors of electioneering communications identifying a candidate who has expressed a party or independent preference on the declaration of candidacy must clearly identify the candidate's political party or independent status in the advertising.

(3) To assist sponsors in complying with this requirement, the commission shall publish a list of abbreviations or symbols that clearly identify political party affiliation or independent status. These abbreviations may be used by sponsors ~~((of political advertising))~~ to identify a candidate's political party.

AMENDATORY SECTION (Amending WSR 02-12-007, filed 5/23/02, effective 6/23/02)

WAC 390-18-025 ((Political)) Advertising—Identification of "top five contributors." (1) For purposes of RCW 42.17.510 (2), ~~(4) and (5)~~, "top five contributors" means the five persons, as defined in RCW 42.17.020, giving the largest aggregate contributions exceeding seven hundred dollars during the twelve-month period preceding the date on which the ~~((political))~~ advertisement is published or otherwise presented to the public. If more than five contributors give an amount equal to the largest aggregate contribution exceeding seven hundred dollars and the funds are received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

(2)(a) For independent expenditure advertisements, the "top five contributors" identification requirement of RCW 42.17.510 applies to all political committees that make independent expenditures, including continuing political committees~~((, required to register and report under))~~ and out-of-state political committees subject to chapter 42.17 RCW other than a bona fide political party committee.

(b) For electioneering communications, the "top five contributors" identification requirement of RCW 42.17.510 applies to all political committees that make electioneering communications including continuing political committees and out-of-state political committees subject to chapter 42.17 RCW.

(3) If a political committee keeps records necessary to track contributions according to the use intended by contributors, and the committee subsequently makes independent expenditures for advertisements supporting or opposing a candidate or slate of candidates or an electioneering communication identifying a specific candidate or slate of candidates, that committee may identify the top five contributors giving for that purpose, as opposed to identifying the overall top five contributors to the committee as is otherwise required by RCW 42.17.510~~((2))~~ and this section.

However, a contributor's contributions earmarked for independent expenditures supporting or opposing a specific candidate or slate of candidates or electioneering communications identifying a specific candidate or slate of candidates shall not be used ~~((to support or oppose))~~ with respect to a

different candidate or slate of candidates without the contributor being identified as one of the top five contributors for the actual expenditure if that contributor is one of the top five contributors for that expenditure.

NEW SECTION

WAC 390-18-027 Medium that does not include a visual image. (1) For electioneering communications identifying sponsors and top five contributors as required by RCW 42.17.510 a "medium that does not include a visual image" means radio.

(2) For independent expenditures identifying sponsors and top five contributors as required by RCW 42.17.510 a "medium that does not include a visual image" means radio or telephone transmissions.

AMENDATORY SECTION (Amending WSR 04-12-057, filed 5/28/04, effective 6/28/04)

WAC 390-18-030 ((Political)) Advertising—Exemptions from identification. ~~((+))~~ Pursuant to RCW 42.17.510~~((4))~~ (6), the following forms of ~~((political))~~ advertising need not include the sponsor's name and address, the "notice to voters" or the "top five contributors" information as otherwise required by RCW 42.17.510 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, ~~((political tickers,))~~ pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

~~((2) Political tickers are text messages that scroll across a television screen during scheduled programming.))~~

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-18-040 Use of the terms "reelect," "retain," and "return." (1) The term "reelect" when used in ~~((a political))~~ an advertisement represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.

(2) The term "reelect" may be used in ~~((a political))~~ an advertisement by a nonincumbent candidate who has previously been elected to the office being sought provided that

in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in ~~((a-political))~~ an advertisement represents that the candidate is the incumbent but does not imply that the candidate attained the office by election.

(4) The term "return" in ~~((a-political))~~ an advertisement represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was attained by election.

(5) Whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedures, the candidate holding an office in the affected district or political subdivision may, in ~~((a-political))~~ an advertisement, use the term "reelect," "retain" or "return," as appropriate, if the candidate is seeking the same office in the revised district or political subdivision.

(6) Stating the office sought (e.g., "mayor") by a candidate in a political advertisement without expressly stating the candidate is seeking election to the office (e.g., "for mayor"; "Elect Smith Mayor") represents that the candidate presently holds that office.

AMENDATORY SECTION (Amending WSR 99-12-068, filed 5/27/99, effective 6/27/99)

WAC 390-18-050 Commercial advertisers—Public inspection of records. (1) Pursuant to RCW 42.17.110, any person, without reference to or permission from the public disclosure commission, is entitled to inspect the ~~((political))~~ advertising records of a commercial advertiser.

(2) No commercial advertiser shall be required to make available for public inspection information regarding ~~((political))~~ advertising prior to the time when the advertisement has initially received public distribution or broadcast.

(3) The documents and books of account that must be maintained open for public inspection pursuant to RCW 42.17.110(1) are:

(a) The name of the candidate or ballot measure supported or opposed;

(b) The name and address of the person who sponsored the advertising;

(c) The total cost of the advertising, how much of that amount has been paid, who made the payment, when it was paid, and what method of payment was used; and

(d) Date(s) the commercial advertiser rendered service.

(4) In addition to subsection (3) of this section and pursuant to RCW 42.17.110 (1)(b), the documents and books of account open for public inspection must include a description of the major work components or tasks, as specified in (a) through (f) of this subsection, that were required to provide the advertising services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Time and number of spot advertisements. If the broadcaster provides additional ser-

vices such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.

NEW SECTION

WAC 390-18-060 Electioneering communication reporting threshold and sponsors. (1) A "sponsor of an electioneering communication" is defined in RCW 42.17.020 (43).

(2) For the purposes of RCW 42.17.020 (20)(c), an electioneering communication is reportable by the sponsor to the commission when the communication, alone or in combination:

(a) Identifies the same candidate in one or more communications satisfying RCW 42.17.020 (20)(a) and (b) or commission rules;

(b) Is made by the same sponsor of one or more of the communications;

(c) When it, either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market or aggregate value of \$5,000 or more; and

(d) Is not a communication exempted from reporting under RCW 42.17.020(21) or commission rule.

(3) When the electioneering communication or communications - including radio or television transmissions, mailings, billboards, newspapers and/or periodicals - reach the \$5,000 threshold, the sponsor shall electronically report to the commission as required by RCW 42.17.565 within twenty-four hours of, or on the first working day after, the date the electioneering communication is first broadcast, transmitted, erected, distributed, or otherwise published.

(4) Once the \$5,000 threshold is reached, all subsequent electioneering communications by the sponsor identifying the same candidate are reportable as provided in RCW 42.17.565 and this rule.

(5) When more than one sponsor pays for the electioneering communication, the entire fair market value of the communication is attributable to all sponsors. All sponsors of the same communication are responsible for reporting once the \$5,000 threshold is met. A failure to report by one joint sponsor is not attributable to all joint sponsors of a specific communication or communications if the remaining sponsors have reported properly.

(6) Consistent with WAC 390-16-060 and the requirements of PDC Form C-6, a prorated portion of independent expenditure and electioneering communications expenditures shall be attributed to each candidate or ballot proposi-

tion identified in the advertisement or communication. That proration shall be based on a reasonable, good faith estimate of the value of the portion of the advertisement or communication relating to each candidate or proposition identified.

(7) **Examples.** The following is a nonexclusive list of examples of reportable activities for electioneering communications:

(a) **Single sponsor, single ad.** Sponsor A pays for an electioneering communication identifying Candidate 1 and the communication has a fair market value of \$5,000 or more. The electioneering communication is reportable by Sponsor A.

(b) **Single sponsor, multiple ads.** Sponsor A pays for three electioneering communications identifying Candidate 1, and the communications have an aggregate fair market value of \$5,000 (\$1,000 for the first, \$2,000 for the second, and \$2,000 for the third). All three communications are reportable within 24 hours of the third communication being first broadcast, transmitted, erected, distributed or otherwise published. All subsequent electioneering communications by Sponsor A identifying Candidate 1 are reportable.

(c) **Multiple sponsors, multiple ads.** Sponsors A and B jointly agree to pay for three electioneering communications identifying Candidate 1, and the communications have a total fair market value of \$5,000 (\$1,000 for the first, \$2,000 for the second, and \$2,000 for the third). All three communications become reportable when the third communication is sponsored. All subsequent electioneering communications by Sponsors A and/or B identifying Candidate 1 are reportable.

(d) **Multiple sponsors, multiple ads.** Sponsors A and B have separately paid for an electioneering communication identifying Candidate 1, and each communication has a fair market value of \$4,000. Those communications are not reportable because they have not yet reached the \$5,000 threshold. However, Sponsors A and B then jointly agree to pay for another electioneering communication identifying Candidate 1, and the communication has a fair market value of \$1,000. Now the \$5,000 reporting threshold has been reached and within 24 hours of the jointly sponsored communication being published, that communication and prior separately sponsored communications identifying Candidate 1 are reportable by Sponsors A and B. All subsequent electioneering communications by Sponsors A and/or B identifying Candidate 1 are reportable.

(e) **Multiple sponsors, multiple ads.** Sponsors A, B and C jointly plan and agree to pay for a series of electioneering communications identifying Candidate 1. They decide that Sponsor A will pay for the first ad, Sponsor B will pay for the second ad, and Sponsor C will pay for the third ad. Each ad has a fair market value of \$4,999. Because A, B and C are acting in concert as one sponsoring entity for the electioneering communications, upon the publishing of the second ad the \$5,000 threshold is met and A, B and C have an obligation to report the electioneering communications within 24 hours. Likewise, A, B and C have an obligation to report the third electioneering communication within 24 hours of its publication. All subsequent electioneering communications by Sponsors A, B and/or C identifying Candidate 1 are reportable.

(f) **Prorating an ad.** If 80% of one or more electioneering communications with a fair market value of \$7,000 relates to a message or messages about Candidate 1, and the remaining 20% relates equally to two ballot propositions, the communication is reportable by the sponsor or sponsors because the \$5,000 threshold has been met. All subsequent electioneering communications identifying Candidate 1 are reportable.

WSR 06-11-156

PERMANENT RULES

HEALTH CARE AUTHORITY

(Public Employees' Benefits Board)

[Order 06-02—Filed May 24, 2006, 7:27 a.m., effective June 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to update PEBB rules to reflect changes in federal and state law; update eligibility for the PEBB medical flexible spending account plan; and make technical corrections.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-197, 182-12-116, 182-12-133, and 182-12-171.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 06-02-041 [06-09-041] on April 14, 2006.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendments filed with the CR-102 (notice of proposed rule making) that would have replacing [replaced] the term "waive" with the term "decline" in WAC 182-12-128 and proposed amendments that would have replaced the term "waive" with the new term "decline" in other rules within Title 182 WAC are withdrawn.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, 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 2, 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 4, Repealed 0.

Date Adopted: May 18 [23], 2006.

Cyndi Presnell
Assistant Rules Coordinator

AMENDATORY SECTION (Amending Order 05-01, filed 7/27/05, effective 8/27/05)

WAC 182-08-197 Newly eligible employees must select insurance coverages within thirty-one days of the

date they become eligible to apply for coverage. Newly eligible employees must select a medical and dental plan (if dental is available based on employer participation in PEBB insurance coverages) no later than thirty-one days after they become eligible to apply for coverage. Employees who do not select a medical and dental plan will be defaulted to Uniform Medical Plan Preferred Provider Organization and Uniform Dental Plan (~~(with existing dependent enrollment)~~).

AMENDATORY SECTION (Amending Order 05-01, filed 7/27/05, effective 8/27/05)

WAC 182-12-116 Who is eligible to participate in the PEBB flexible spending account (~~(program)~~ plan? (~~State agency employees, including those employed by~~) Beginning January 1, 2006, all (state) employees of public four-year institutions of higher education (institutions), of the state community and technical colleges and of the (higher education coordinating board, and the) state board for community and technical colleges(,) who are eligible for PEBB insurance benefits, as defined in WAC 182-12-115, are eligible to participate in the PEBB medical flexible spending account ((program) plan. Beginning July 1, 2006, all employees of state agencies who are eligible for PEBB insurance benefits, are eligible to participate in the PEBB medical flexible spending account plan.

If an employee terminates employment after becoming a plan participant and later on in the same plan year is hired into a new position that is eligible for PEBB insurance benefits, the employee may not resume participation in the PEBB medical flexible spending account until the beginning of the next plan year.

AMENDATORY SECTION (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

WAC 182-12-133 What options for continuing coverage are available to employees when they are no longer eligible for PEBB insurance coverage paid for by their employer? Eligible employees covered by PEBB insurance coverage have options for providing continued coverage for themselves and their dependents during temporary or permanent loss of eligibility. Except in the case of approved family and medical leave, and except as otherwise provided, only employees in pay status eight or more hours per month are eligible to receive the employer contribution.

(1) When an employee is on leave without pay due to an event described in (a) through (f) of this subsection, insurance coverage may be continued at the group rate by self-paying premiums. Employees may self-pay for a maximum of twenty-nine months. The number of months that an employee self-pays premium during a period of leave without pay will count toward the total months of continuation coverage allowed under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Employees may continue any combination of medical, dental and life insurance; however, only employees on approved educational leave may continue long term disability insurance. The following types of leave qualify to continue coverage under this provision:

(a) The employee is on authorized leave without pay;

(b) The employee is laid off because of a reduction in force (RIF);

(c) The employee is receiving time-loss benefits under workers' compensation;

(d) The employee is applying for disability retirement;

(e) The employee is called to active (~~(military)~~) duty in the uniformed services as defined under the Uniformed Services Employment and Reemployment Rights Act (USERRA); however, self-payment of life insurance is limited to twelve months from the date the employee is called to active duty;

(f) The employee is on approved educational leave.

(2) Part-time faculty may self-pay premium at the group rate between periods of eligibility for a maximum of eighteen months. Part-time faculty may continue any combination of medical, dental and life insurance.

(3) The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives enrollees the right to continue group medical and dental coverage for a period of eighteen to thirty-six months when they lose eligibility due to one of the following qualifying events.

(a) Termination of employment.

(b) The employee's hours are reduced to the extent of losing eligibility.

(4) Employees who are approved for leave under the federal Family and Medical Leave Act (FMLA) are eligible to receive the employer contribution toward premium for up to twelve weeks, as provided in WAC 182-12-138.

AMENDATORY SECTION (Amending Order 05-01, filed 7/27/05, effective 8/27/05)

WAC 182-12-171 Eligible retirees. (1) Eligible employees who terminate public employment after becoming vested in a Washington state sponsored retirement system are eligible to continue PEBB sponsored insurance coverage as a retiree provided the following requirements in (a) and (b) of this subsection as well as one of (c) through (g) of this subsection are met:

(a) If the retiree or enrolled dependent(s) is entitled to Medicare and the retiree retired after July 1, 1991, the Medicare-entitled retiree or Medicare-entitled dependent must enroll in both Medicare Parts A and B; and

(b) The retiring employee must submit an election form to enroll or defer health plan coverage within sixty days after their employer paid 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 upon termination 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) Public safety employees' retirement system;

(iv) School employees' retirement system Plan 2;

~~((+))~~ (v) State judges/judicial retirement system;

~~((+))~~ (vi) Teachers' retirement system Plan 1 or 2; or

~~((vi))~~ (vii) Washington state patrol retirement system.

~~((vii))~~ (viii) 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), 41.37.200(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 of state of Washington 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; or
- (iii) Teachers' retirement system Plan 3.

(e) The person is a member of a 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 Plan 1 or Plan 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 the person receives a benefit from a state retirement system.

(2) Eligible employees who participate in PEBB sponsored life insurance as an active employee and meet qualifications for retiree insurance coverage as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they submit an election form no later than sixty days after the date their PEBB employee life insurance terminates, providing their employee life insurance premium is not being waived by the life insurance carrier at the time they elect retiree life insurance.

(3) The following retired and disabled school district and educational service district employees are eligible to participate in health plan coverage only, provided they meet all of the enrollment criteria stated below and, if they are entitled to Medicare, are also enrolled in both 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 health plan coverage 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 health plan coverage not later than the end of the open enrollment period established by the HCA for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(5) The two federal retirement systems, Civil Service Retirement System and Federal Employees Retirement System, shall be considered a Washington state sponsored retirement system for Washington State University Extension employees who are covered under the PEBB insurance coverage at the time of retirement or disability.

(6) Employees who do not elect enrollment in PEBB retiree insurance coverage no later than sixty days immediately after termination of employment for retirement, or immediately after continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends, or who terminate PEBB retiree coverage no later than sixty days after retirement, or who terminate PEBB retiree coverage after retirement, are not eligible to reenroll in PEBB retiree insurance coverage unless they retired and deferred PEBB retiree coverage pursuant to WAC 182-12-205 or retired and deferred PEBB retiree coverage pursuant to WAC 182-12-200.

(7)(a) If a retiree's insurance 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:

- (i) Failure to continue to meet eligibility requirements;
- (ii) 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;
- (iii) Failure to provide information requested by the due date or knowingly providing false information;
- (iv) 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
- (v) Intentional misconduct.

(b) If a retiree fails to pay the premium when due or an underpayment of premium is made, PEBB sponsored insurance coverage will terminate on the last day of the month for which the last full premium was received.

(c) Notwithstanding (a) of this subsection, the PEBB assistant administrator or designee may approve reinstatement of insurance coverage if the retiree or their dependent or beneficiary submits a written appeal and provides proof that extraordinary circumstances made it virtually impossible to make the payment and the retiree agrees to make payment in accordance with the terms of an agreement with the HCA. No insurance coverage will be reinstated more than three times.

(8) Enrollees may not enroll in retiree dental coverage unless they also enroll in retiree medical coverage.

(9) In order to continue retiree term life insurance, an election must be made within sixty days after retirement and premiums must be paid whether or not the retiree is otherwise employed. Election of retiree term life insurance may not be waived or deferred during periods of other coverage or otherwise.

WSR 06-11-158
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Basic Health)

[Order 05-06—Filed May 24, 2006, 7:29 a.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: The rules are revised to ensure that they support the intent of the program. The amendments include revisions to the definition of income, specifically capital gains, the calculation of self-employment income, and the methodology used with one-time payments.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010 and 182-25-040.

Statutory Authority for Adoption: RCW 70.47.050.

Adopted under notice filed as WSR 06-07-168 on March 22, 2006.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule inadvertently excluded periodic workers' compensation payments from the definition of income in WAC 182-25-010. The permanent rule restores these payments to the definition of income.

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 1, 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 2, 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.

Date Adopted: May 24, 2006.

Cyndi Presnell
 Assistant Rules Coordinator

AMENDATORY SECTION (Amending Order 05-03, filed 8/12/05, effective 9/12/05)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or "BHP") means the system of enrollment and payment for basic health care services administered by the administrator through managed health care systems.

(4) "BHP Plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the

department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, coinsurance and deductible.

(7) "Disenrollment" means the termination of coverage for a BHP enrollee.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent," as it applies to the subsidized or non-subsidized programs, means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is incapable of self-support due to disability, and who is the unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, or legal guardianship; or

(d) An unmarried child younger than age nineteen who is residing with the subscriber under an informal guardianship agreement. For a child to be considered a dependent of the subscriber under this provision:

(i) The guardianship agreement must be signed by the child's parent;

(ii) The guardianship agreement must authorize the subscriber to obtain medical care for the child;

(iii) The subscriber must be providing at least fifty percent of the child's support; and

(iv) The child must be on the account for BHP coverage.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all applicable eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and eligible spouse and dependents. For purposes of eligibility determination and enrollment in BHP, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection. An average of documented income received over a period of several months will be used for purposes of eligibility determination, unless documentation submitted confirms a change in circumstances so that an average would not be an accurate reflection of current income. A twelve-month average will be used when calculating gambling income, lump-sum payments, and income from capital gains. A twelve-month history of receipts and expenses will be required for calculating self-employment or rental income unless the applicant or enrollee has not owned the business for at least twelve months.

(a) Income includes:

(i) Wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own business, professional enterprise, or partnership, after deductions for business expenses). A net loss from self-employment will not be used to offset other income sources. In calculating net self-employment income, deductions will not be allowed for noncash-flow items such as depreciation, amortization, or business use of home, ~~(and a net loss from this calculation will not be used to offset other income sources))~~ except that:

(A) A deduction for business use of the home may be allowed in cases where the enrollee has documented that more than fifty percent of their home is used for the business for the majority of the year; or

(B) A deduction for business use of the home may be allowed in cases where the enrollee has documented that they maintain a separate building located on the same property as their home that is used exclusively for the business;

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or share-cropper, after deductions for farm operating expenses). In calculating net self-employment income, deductions will not be allowed for noncash-flow items such as depreciation, amortization, or business use of home, and a net loss from ~~(this calculation)~~ self-employment will not be used to offset other income sources;

(iv) Periodic payments from Social Security, railroad retirement, military pension or retirement pay, military disability pensions, military disability payments, government employee pensions, private pensions, unemployment compensation, workers' compensation, and strike benefits from union funds;

~~(v) ((One-time insurance payments other than reimbursement for a loss, periodic insurance or annuity payments, and compensation for injury other than reimbursement for medical costs, including workers' compensation;))~~ Payments for punitive damages;

(vi) Public assistance, alimony, child support, and military family allotments;

(vii) Work study, assistantships, or training stipends;

(viii) Dividends and interest accessible to the enrollee without a penalty for early withdrawal;

(ix) Net rental income, net royalties, and net gambling or lottery winnings;

(x) Lump sum inheritances and periodic receipts from estates or trusts; and

~~(xi) ((Net income from capital gains;))~~ Short-term capital gains, such as from the sale of stock or real estate.

(b) Income does not include the following types of money received:

(i) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(ii) Tax refunds, gifts, loans, one-time insurance payments, other than for punitive damages, and one-time payments or winnings received more than one month prior to application;

(iii) Noncash receipts, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, goods or services received due to payments a trust makes to a third party, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, state supplementary payment income that is specifically dedicated to reimbursement for services received, and housing assistance;

(iv) Income earned by dependent children with the exception of distributions from a corporation, partnership, or business;

(v) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vi) College or university scholarships, grants, and fellowships;

(vii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(viii) Long-term capital gains;

(ix) Crime victims' compensation;

(x) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction:

(A) The subscriber and the spouse listed as a dependent on the account, if any, must be employed or attending school full-time during the time the child care expenses were paid; and

(B) Payment may not be paid to a parent or stepparent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means:

(a) Any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services; or

(b) A self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under

RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the six months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) Medication was prescribed or recommended for the enrollee; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, determined under RCW 70.47.060(2), which an individual, an employer, a financial sponsor, or other entity makes to BHP for enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, maternity benefits through medical assistance, or other such category of enrollment specified within this chapter.

(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(34) "Rate" means the amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.0201, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(37) "Subscriber" is a person who applies to BHP on his/her own behalf or on behalf of his/her dependents, if any, who is responsible for payment of premiums and to whom BHP sends notices and communications. The subscriber may be a BHP enrollee or the spouse, parent, or guardian of an enrolled dependent and may or may not be enrolled for coverage. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA. Full-time students who have received a temporary visa to study in the United States are not eligible to enroll as subsidized enrollees. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(40) "Washington state resident" or "resident," for purposes of this chapter, means a person who physically resides and maintains a residence in the state of Washington.

(a) To be considered a Washington resident, enrollees who are temporarily out of Washington state for any reason:

(i) May be required to demonstrate their intent to return to Washington state; and

(ii) May not be out of Washington state for more than three consecutive calendar months.

(b) Dependent children who meet the requirements of subsection (9)(b)(ii) of this section and are attending school out-of-state may be considered to be residents if they are out-of-state during the school year, provided their primary residence is in Washington state and they return to Washington state during breaks. Dependent children attending school out-of-state may also be required to provide proof that they pay out-of-state tuition, vote in Washington state and file their federal income taxes using a Washington state address.

(c) "Residence" may include, but is not limited to:

(i) A home the person owns or is purchasing or renting;

(ii) A shelter or other physical location where the person is staying in lieu of a home; or

(iii) Another person's home.

AMENDATORY SECTION (Amending Order 05-03, filed 8/12/05, effective 9/12/05)

WAC 182-25-040 Enrollment in the plan. (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for BHP Plus enrollment on behalf of children under the age of nineteen will be referred to the department of social and health services for Medicaid eligibility determination.

(2) Each applicant for subsidized enrollment or BHP Plus must list all eligible dependents, whether or not the dependents will be enrolled, and must supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Applicants for subsidized enrollment must provide documentation showing the amount and sources of their gross family income. Income documentation must include a copy of the applicant's most recently filed federal income tax form or verification of nonfiling status, and copies of pay stubs or other documents showing income for the most recent thirty days or complete calendar month as of the date of application. Applicants who were not required to file a federal income tax return may be required to provide other documentation showing year-to-date income. As described in WAC 182-25-010(17), BHP may use an average of documented income when determining eligibility.

(b) Applicants for subsidized or nonsubsidized enrollment must provide documentation of Washington state residence, displaying the applicant's name and current address, for example, a copy of a current utility bill or rent receipt. Other documentation may be accepted if the applicant does not have a physical residence, for example, a signed statement from a person or other entity who is providing temporary shelter.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or MHCS selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information will result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a MHCS from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must

receive covered services from the same MHCS (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a MHCS has not been made as part of the application for enrollment. Procedures for the selection of MHCS are set forth in the BHP member handbook. Generally, enrollees may change from one MHCS to another only during open enrollment or if they are able to show good cause for the transfer, for example, when enrollees move to an area served by a different MHCS or where they would be billed a higher premium for their current MHCS.

(4) When a MHCS assists BHP applicants in the enrollment process, it must provide them with the toll-free number for BHP and information on all MHCS available within the applicant's county of residence and the estimated premiums for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all MHCSs available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(7), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7)(a) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that:

(i) At least one MHCS is accepting new enrollment in the program for which the applicant is applying and from the geographic area where the applicant lives; and

(ii) The applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

(b) In the event a waiting list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(6).

(8) An open enrollment period of at least twenty consecutive days will be held annually. During this open enrollment period, enrollees may apply to enroll additional family members or to transfer their enrollment to a different MHCS, provided the MHCS selected is accepting new enrollment for the enrollee's program in the geographic area where the enrollee lives.

(9) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other health care coverage, for a family member who has previously waived coverage, provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status;

(c) Addition of an eligible newborn child or a child newly placed for adoption provided BHP receives the child's application for enrollment within sixty days of the date of birth or placement for adoption. These children may be enrolled effective from the date of birth or placement for adoption; or

(d) Addition of a family member who was not previously eligible for coverage, and who has become eligible.

(10) Subscribers must notify BHP of any changes that could affect their eligibility or subsidy or their dependents' eligibility or subsidy:

(a) Within thirty days of the end of the first month of receiving an increased income; or

(b) Within thirty days of a change other than an income change (for example, a change in family size or address).

(11) BHP will verify the continuing eligibility of subsidized enrollees through the recertification process at least once every twelve months. Upon request of BHP, subsidized enrollees must submit evidence satisfactory to BHP, proving their continued eligibility for enrollment and for the premium subsidy they are receiving.

(a) BHP will verify income of subsidized enrollees through comparison with other state and federal agency records or other third-party sources.

(b) If the enrollee's income on record with other agencies or third-party source differs from the income the enrollee has reported to BHP, or if questions arise concerning the documentation submitted, BHP will require updated documentation from the enrollee to prove continued eligibility for the subsidy they are receiving. At that time, BHP may also require updated documentation of residence to complete the recertification process.

(c) Subsidized enrollees who have been enrolled in BHP six months or more and have not provided updated income documentation for at least six months will be required to submit new income documentation if their wage or salary income cannot be compared to an independent source for verification.

(d) Enrollees who have documented that they are not required to file a federal income tax return for previous years will not be required to provide additional verification of non-filing unless their circumstances appear to have changed or other information received indicates they have filed a federal income tax return.

(12) In addition to verification of income, subsidized and nonsubsidized enrollees must annually submit documentation satisfactory to BHP of the following:

- (a) Washington state residence;
- (b) Full-time student status for dependent students age nineteen through twenty-two; and
- (c) Medicare ineligibility for enrollees age sixty-five or over.

(13) When determining eligibility for subsidized enrollment, noncitizens may be required to provide proof of immigration status, to verify whether they are here on a temporary visa to study in the United States.

(14) For good cause such as, but not limited to, when information received indicates a change in income or a source of income the enrollee has not reported, BHP may require enrollees to provide verification required in subsections (11) and (12) of this section more frequently, regardless of the length of time since their last recertification.

(15) Enrollees who fail to comply with a recertification request will be disenrolled, according to the provisions of WAC 182-25-090 (2)(e).

(16) If, as a result of recertification, BHP determines that an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

WSR 06-11-160

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed May 24, 2006, 8:53 a.m., effective June 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of his proposal is to exempt individuals from the requirement for the WEST-E assessment who are national board certified in the subject for which they seek an endorsement. There must be a direct equivalency between the endorsement sought and the national board certificate, as approved by the professional educator standards board.

Statutory Authority for Adoption: RCW 28A.410.220.

Adopted under notice filed as WSR 06-05-007 on February 1, 2006.

A final cost-benefit analysis is available by contacting Esther Baker, P.O. Box 47236, Olympia, WA 98504-7236,

phone (360) 725-6277, fax (360) 586-4548, e-mail ebaker@ospi.wednet.edu.

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 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 18 [23], 2006.

Nasue Nishida

Policy and Research Analyst

Chapter 181-02 WAC

WEST-E ASSESSMENT PROGRAM

NEW SECTION

WAC 181-02-002 WEST-E exemptions. Individuals who hold a certificate through the National Board for Professional Teaching Standards are exempt from the WEST-E requirement if there is a direct equivalency between the endorsement sought and the national board certificate, as approved by the professional educator standards board and published by the superintendent of public instruction. The equivalent National Board for Professional Teaching Standards and Washington endorsement table approved by the professional educator standards board may not be changed without prior professional educator standards board approval.

WSR 06-11-161

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed May 24, 2006, 8:57 a.m., effective June 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The first people's language/culture certificate pilot program certificates expire at the end of the 2005-06 school year. However, WAC 181-78A-700(9) requires an end-of-program analysis and recommendation for program continuation by October 31, 2006. The proposal extends the expiration date of certificates to the end of the 2006-07 school year, and makes technical changes, specifically changing the "state board of education" to the "professional educator standards board."

Citation of Existing Rules Affected by this Order: Amending WAC 181-78A-700(5).

Statutory Authority for Adoption: RCW 28A.410.210 and 28A.410.010.

Adopted under notice filed as WSR 06-08-068 on April 3, 2006.

Changes Other than Editing from Proposed to Adopted Version: The PESB is also making technical changes to this section in compliance with ESSB 5732. The changes replace the phrase "state board of education" with "professional educator standards board."

A final cost-benefit analysis is available by contacting Jennifer Wallace, P.O. Box 47236, Olympia, WA 98504-7236, phone (360) 725-6275, fax (360) 586-4548, e-mail jwallace@ospi.wednet.edu.

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.

Date Adopted: May 18 [23], 2006.

Nasue Nishida
Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-700 First peoples' language/culture certification pilot program—Findings, purposes and intent—Definitions—Pilot program established—Tribal eligibility to participate—Pilot program requirements—Assignment of teachers—Reports. (1) **FINDINGS.** The ((state board of education)) professional educator standards board endorses the following:

(a) Teaching first peoples' languages can be a critical factor in successful educational experiences and promoting cultural sensitivity for all students. The effect is particularly strong for native American students;

(b) First peoples' languages are falling silent. Despite tribal efforts, first peoples' languages are not fully incorporated into the school systems. This is a loss to the cultural heritage of the affected tribes and to the cultural resources of Washington state;

(c) Recognition of native American languages under RCW 28A.230.090(3) and 28B.80.350(2), as satisfying state or local graduation requirements and minimum college admission requirements, while concentrating on promoting a positive impact on student learning through state policies, is insufficient to meet the educational needs of native American students;

(d) The potential to have a positive impact on student learning is in part dependent on the willingness of the local education agency to collaborate with the sovereign tribal government's language/culture program;

(e) It is within the statutory authority of the ((state board of education)) professional educator standards board to enhance the learning opportunities for all students by helping prevent the loss of first peoples' languages through assisting the state's sovereign neighbors to sustain, maintain or recover their linguistic heritage, history and culture;

(f) From the Multi-Ethnic Think Tank position statement, June 2001:

(i) "... A culturally inclusive pedagogy will ensure the success of all students, who will develop greater appreciation of other cultures and worldviews;"

(ii) "All students have prior experiences that frame their worldview; learn from childbirth and are lifelong learners; can academically achieve at high levels when they are appropriately taught; and are entitled to learn in a multicultural context;"

(g) Research has shown that students who study another language may benefit in the following ways: Greater academic success in other areas of study, including reading, social studies, and mathematics; a clearer understanding of the English language including function, vocabulary and syntax; and an increase on standardized test scores, especially in verbal areas;

(h) From the Native American Languages Act, Public Law 101-477, Section 102, 1990:

(i) "The traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;"

(ii) "Languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people"; and

(i) There are many sovereign tribal nations in the state of Washington and they serve the needs of many groups of first peoples, each possessing unique languages, cultures and worldviews.

(2) **PURPOSES.** The purpose of this section is to establish a pilot program to accomplish the following goals:

(a) To honor the sovereign status of tribal governments in their sole expertise in the transmission of their indigenous languages, heritage, cultural knowledge, customs, traditions and best practices for the training of first peoples' language/culture teachers;

(b) Contribute to a positive impact on student learning by promoting continuous improvement of student achievement of the sovereign tribal government's language/culture learning goals, as established by each sovereign tribal government's language/culture program, and by supporting the goals for multicultural education included in the 2001 position statement developed by the Washington state Multi-Ethnic Think Tank;

(c) Contribute to the preservation, recovery, revitalization, and promotion of first peoples' languages and cultures;

(d) Meaningfully acknowledge that language is inherently integral to native American culture and ways of life;

(e) Implement in a tangible way the spirit of the 1989 Centennial Accord between Washington state and the sovereign tribal governments in the state of Washington.

(f) Provide a mechanism for the (~~state board of education~~) professional educator standards board to recognize tribally qualified language/culture teachers as eligible to receive a Washington state first peoples' language/culture teaching certificate; and

(g) Provide the opportunity for native American students to learn first peoples' languages and cultures while at school and provide another avenue for students to learn core curricula through first peoples' worldviews.

(3) **INTENT.** It is the intent of the (~~state board of education~~) professional educator standards board to work in collaboration with the sovereign tribal governments of Washington state to establish a Washington state first peoples' language/culture teacher certification program on a pilot basis in order to:

(a) Act in a manner consistent with the policy as specified in the Native American Languages Act, P.L. 101-477 Sec. 104(1) "preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages";

(b) Act in a manner consistent with Washington state's government-to-government relationship with Washington state sovereign tribal governments and use the Washington state first peoples' language/culture certification pilot programs to model effective government-to-government relationships;

(c) Act in a manner consistent with the goal of the state Basic Education Act under RCW 28A.150.210;

(d) Act in a manner consistent with the following purposes of Public Law 107-110, "No Child Left Behind Act":

(i) "Holding schools, local education agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education," [Sec. 1002(4)];

(ii) "Providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time," [Sec. 1002(8)];

(iii) "Promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content," [Sec. 1002(9)];

(iv) "...Supporting local education agencies, Indian tribes, organizations, postsecondary institutions and other entities to meet the unique education, culturally related academic needs of American Indian and Alaskan Native Students" [Sec. 7102(a)];

(e) Act on its involvement with and adoption of the 1991 joint policy statement on Indian education:

"K-12 American Indian dropout prevention is a priority of schools. Effective education needs to be implemented throughout the K-12 school system if the American Indian student is to achieve academic and personal success";

(f) Acknowledge that there is a public responsibility to make available to all students in the state of Washington an accurate and balanced study of the American Indian experiences with and contributions to life on this continent;

(g) Act on the following (~~state~~) professional educator standards board beliefs:

(i) In order to meet the needs of all students, highly qualified teachers are required;

(ii) All (~~state board of education~~) professional educator standards board policies and activities should meet the needs of the state's diverse student population;

(iii) In order for all students to achieve at high levels, multiple learning styles and needs must be supported; and

(h) Act on the following goals from the (~~state~~) professional educator standards board's 2002-05 work plan:

(i) Professional education and certification requirements are aligned with education reform and support a positive impact on student learning;

(ii) All students shall be provided equitable educational opportunities.

(4) **DEFINITIONS.**

(a) "Positive impact on student learning" shall mean:

(i) The same as under WAC (~~(480-78A-010(8)) [181-78A-010(8)]~~) 181-78A-010(8) and 180-16-220 (2)(b); and

(ii)(A) Supporting the goal of basic education under RCW 28A.150.210, "... to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives...";

(B) Promoting continuous improvement of student achievement of the state learning goals and the sovereign tribal government's language/culture learning goals as established by each sovereign tribal government's language/culture program;

(C) Recognizing nonacademic student learning and growth related, but not limited, to: Oral traditions, community involvement, leadership, interpersonal relationship skills, teamwork, self-confidence, resiliency, and strengthened unique cultural identities;

(iii) Developing greater appreciation of other cultures and worldviews;

(b) A "culturally sensitive environment" honors the unique history, culture, values, learning styles, and community of the student. For example, to demonstrate the value of the language and culture, the homeroom teacher participates in the language/culture classroom. A "culturally sensitive environment" also includes those provisions as outlined in the Washington state joint policy on equity in education, revised in May 2000.

(c) For the purpose of this section, "highly qualified teachers" shall mean those teachers who meet the standards of the sovereign tribal government's language/culture program.

(5) **PILOT PROGRAM ESTABLISHED.** A Washington state first peoples' language/culture teacher certification program is established in February 2003 (~~and will continue through the 2005-06 school year~~). (~~At the end of the 2005-06 school year~~) Following completion of the reporting requirements in subsection (9) of this section, the program will be extended, modified or made permanent, as deter-

mined by the ~~((state board of education))~~ professional educator standards board in consultation with participating sovereign tribal governments. First peoples' language/culture teacher certificates issued prior and subsequent to June 30, 2006, shall expire June 30, 2007, subject to any extension or modification made by the professional educator standards board.

(6) **TRIBAL ELIGIBILITY TO PARTICIPATE.** Any sovereign tribal government in the state of Washington shall be eligible to participate individually on a government-to-government basis in the pilot program.

(7) **PROJECT REQUIREMENTS.**

(a) Each sovereign tribal government will appoint and certify individuals who meet the tribe's criteria for certification as instructors in the Washington state first peoples' language/culture pilot program.

(b) Each sovereign tribal government's language/culture project shall submit to the ~~((state board of education))~~ professional educator standards board the following information for each eligible language/culture teacher desiring to participate in the pilot project:

(i) Written documentation that each designated teacher has completed the sovereign tribal government's language/culture teacher certification program;

(ii) Written documentation that each designated teacher has completed the background check required under RCW 28A.410.010 and WAC ~~((180-79A-150 [181-79A-150]))~~ 181-79A-150 (1) and (2);

(iii) Written documentation that each designated teacher has completed a course on issues of abuse as required by RCW 28A.410.035 and WAC ~~((180-79A-030(6) [181-79A-030(6)]))~~ 181-79A-030(6);

(iv) Designation of which language(s), or dialects thereof, shall be listed on the Washington state first peoples' language/culture certificate;

(c) After meeting the requirements of subsection (8)(b) of this section and receiving ~~((state board of education))~~ professional educator standards board approval, the office of the superintendent of public instruction shall issue each teacher a Washington state first peoples' language/culture teaching certificate;

(d) To support a positive impact on student learning, the local education agency in consultation with the sovereign tribal government's language/culture program is strongly encouraged to provide:

(i) A minimum of one contact hour per day, five days a week;

(ii) Access to the same students from year to year, to the extent possible, so that students who receive instruction during the first year of the project can continue to receive instruction throughout the three years of the project;

(iii) A culturally sensitive environment as defined in subsection (4)(b) of this section; or

(iv) Some combination of (d)(i), (ii), and (iii) of this subsection which will allow a positive impact on student learning;

(e) To support a positive impact on student learning, the sovereign tribal government's language/culture program will provide written documentation of how teaching the first peoples' language/culture has supported the promotion of contin-

uous improvement of student achievement of the program learning goals as established by each sovereign tribal government's language/culture program;

(f) To support a greater understanding of the government-to-government relationship, the professional development and certification committee of the ~~((state board of education))~~ professional educator standards board and the professional educator standards board are strongly encouraged to make site visits and attend meetings with the local education agency and the sovereign tribal government's language/culture program;

(g) Nothing in this section shall be interpreted as precluding any eligible tribe in consultation with the state or in consultation with any local education agency from entering into an inter-governmental agreement or compact related to the teaching of first peoples' languages and cultures in order to address unique issues related to individual sovereign tribal governments.

(8) **ASSIGNMENT OF TEACHERS.**

(a) The holder of a Washington state first peoples' language/culture teacher certificate shall be deemed qualified to be a teacher of first peoples' language/culture with the ability to meet individual tribal competency criteria for language/culture, history, and English.

(b) A Washington state first peoples' language/culture teacher certificate qualifies the holder to accept a teaching position in a public school district.

(c) The holder of a Washington state first peoples' language/culture teacher certificate who does not also hold an initial or residency certificate shall be assigned to teach only the language(s)/culture(s) designated on the certificate, and no other subject.

(d) The Washington state first peoples' language/culture teacher certificate is recognized by the state of Washington for as long as the teacher holds a valid language/culture certificate from a participating sovereign tribal government.

(e) A Washington state first peoples' language/culture teacher certificate will serve as the endorsement in first peoples' language/culture for anyone holding an initial or residency certificate.

(9) **REPORTS.**

(a) Annually, for the duration of the pilot program, each participating tribe shall submit a report to the ~~((state board of education))~~ professional educator standards board with documentation of how its particular project is having a positive impact on student learning.

(b) Not later than October 31, 2006, ~~((the professional development and certification committee of the state board of education))~~ a committee of the professional educator standards board, in consultation with the participating sovereign tribal governments ~~((and the professional educator standards board))~~, shall create and submit a report to the ~~((state board of education))~~ professional educator standards board with the following information:

(i) An end of program analysis of the positive impact on student learning of each pilot project;

(ii) An appraisal of the government-to-government relationships established under the program, at both the state and local levels; and

(iii) The report shall include a recommendation on whether to extend, modify or make permanent the Washington state first peoples' language/culture teacher certification pilot program.

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 06-11-162
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 24, 2006, 9:00 a.m., effective June 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposal is to clarify language in WAC 181-01-002 that is consistent with language in WAC 180-79A-257.

Citation of Existing Rules Affected by this Order: Amending WAC 181-01-002.

Statutory Authority for Adoption: RCW 28A.410.220.

Adopted under notice filed as WSR 06-05-006 on February 1, 2006.

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.

Date Adopted: May 18 [23], 2006.

Nasue Nishida
Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 04-08-047 [04-24-049], filed 4/1/04 [11/29/04], effective 5/2/04 [12/30/04])

WAC 181-01-002 WEST-B exemptions. ~~Individuals~~ Candidates who are prepared and/or certified from out of state applying for a Washington state residency teaching certificate under WAC 180-79A-257 (1)(b), or out of state ~~((applicants))~~ candidates applying to masters-degree level teacher preparation programs residing outside of the state of Washington at the time of application, in lieu of passing the WEST-B, may provide official documentation of scores on the Praxis I of 177 for the reading subtest, 176 for the mathematics subtest and 174 for the writing subtest, or scores on the Praxis I CBT computer-administered test of 325 for the reading subtest, 321 for the mathematics subtest, and 321 for

the writing subtest, or passing scores from California or Oregon on the CBEST.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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: 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.

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.

WSR 06-11-166
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 24, 2006, 9:13 a.m., effective June 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose is to correct the statutory authority referenced in the WAC from RCW 70.02.010(12) to RCW 70.02.010(14) to alleviate confusion. The subsection number was changed by ESSB 5158, chapter 468, Laws of 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 246-08-400.

Statutory Authority for Adoption: RCW 70.02.010(14) and 43.70.040.

Adopted under notice filed as WSR 06-07-034 on March 8, 2006.

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.

Date Adopted: May 18, 2006.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 05-12-013, filed 5/20/05, effective 7/1/05)

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(~~((+2))~~)(14) allows medical providers to charge fees for searching and duplicating medical records.

The fees a provider may charge cannot exceed the fees listed below:

- (1) Copying charge per page:
 - (a) No more than ninety-one cents per page for the first thirty pages;
 - (b) No more than sixty-nine cents per page for all other pages.
- (2) Additional charges:
 - (a) The provider can charge a twenty-one dollar clerical fee for searching and handling records;
 - (b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.
- (3) This section is effective July 1, 2005, through June 30, 2007.
- (4) HIPAA covered entities: See HIPAA regulation Section 164.524 (c)(4) to determine applicability of this rule.

WSR 06-11-167
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 24, 2006, 9:14 a.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: WAC 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990 Physician assistant fees and renewal cycle. Due to an increase in workload, the Washington physicians health program (WPHP) has requested an increase in the impaired physician program fee paid by the department of health (department) to WPHP. The department conducted an analysis of WPHP's fees, staffing, caseload, program costs, and productivity. The department determined that an increase to the impaired physician program fee is necessary to continue to make payments out of the fund for the duration of the contract, which expires on June 30, 2009. The department is proposing amending the rule to raise the impaired physician program fee to \$35.00 per year. The statutes governing the impaired physician program fee allow licensees to be charged up to \$35.00 per year.

Citation of Existing Rules Affected by this Order: Amending WAC 246-918-990 and 246-919-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 06-07-007 on March 3, 2006.

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.

Date Adopted: May 18, 2006.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

WAC 246-919-990 Physician and surgeon fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses and retired active physician licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program date. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) Retired active physician licenses shall be renewed every year. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(4) The applicants and licensees must pay the following nonrefundable fees:

| Title of Fee | Fee |
|--|------------|
| Physicians and surgeons: Chapter 18.71 RCW | |
| Application* | \$300.00 |
| Retired active physician license renewal* | 100.00 |
| Retired active late renewal penalty | 50.00 |
| Two-year renewal* | 400.00 |
| Late renewal penalty | 100.00 |
| Expired license reissuance | 200.00 |
| Certification of license | 50.00 |
| Duplicate license | 15.00 |

| Title of Fee | Fee |
|---|--|
| Temporary permit | 50.00 |
| Application fee for transitioning from a postgraduate training limited license* | 100.00 |
| Postgraduate limited license fees: RCW 18.71.095 | |
| Limited license application* | 200.00 |
| Limited license renewal* | 200.00 |
| Limited duplicate license | 15.00 |
| Impaired physician program *(assessed at \$((25.00)) <u>35.00</u> on each application and for each year of the renewal period as required in RCW 18.71.310(2)) | ((25.00)) <u>35.00</u> |

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

WAC 246-918-990 Physician assistants fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The applicant or licensee must pay the following nonrefundable fees:

| Title of Fee | Fee |
|---|--|
| Physician assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants: | |
| Application* | \$50.00 |
| Two-year renewal* | 70.00 |
| Expired license reissuance | 35.00 |
| Duplicate license | 15.00 |
| Impaired physician program surcharge *(assessed at \$((25.00)) <u>35.00</u> on each application and for each year of the renewal period as required in RCW 18.71.310(2)) | ((25.00)) <u>35.00</u> |