

**WSR 07-10-029**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed April 23, 2007, 3:21 p.m., effective June 1, 2007]

Effective Date of Rule: June 1, 2007.

Purpose: The purpose of these new rules in chapter 388-828 WAC is to govern and support the administration of the division's newly developed, computer-based assessment tool that is designed to measure the support needs of clients for service determination. The DDD assessment will replace existing paper-based methods resulting in a universal assessment and support planning process. The purpose of the DDD assessment is to provide a comprehensive assessment process that: (1) Collects a common set of assessment information for reporting purposes to the legislature and the department; (2) promotes consistency and accuracy in evaluating client support needs for purposes of planning, budgeting, and resource management; (3) identifies a level of service and/or number of care hours that is used to support the assessed needs of clients who have been authorized to receive Medicaid/waiver personal care, waiver respite care, and/or voluntary placement program services; and (4) records clients' service requests.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 07-03-158 on January 23, 2007.

Changes Other than Editing from Proposed to Adopted Version: There have been no changes other than minor editing to improve clarity in the proposed rule.

(Strikeouts indicate words deleted from proposed rules. Underlines indicate words added to proposed rules.)

**WAC 388-828-1120**

(1) You have not identified a person willing to receive notice or correspondence on your behalf regarding specific DDD decisions as required per RCW 71A.10.060 and DDD does not believe you are capable of understanding department decisions that may affect your care (see WAC 388-828-1140); or

(2) A respondent cannot be identified to participate in your DDD Assessment (see WAC 388-828-1540(c));

**WAC 388-828-1140**

If there is no one available to receive notice or correspondence on your behalf regarding specific DDD decisions, DDD will do all of the following:

**WAC 388-828-1360**

(2) You or your legal guardian has ~~have~~ not identified an ADSA contracted provider.

**WAC 388-828-1380**

If you are unable to identify an ADSA contracted provider, DDD will provide you or your legal guardian with contact information for ADSA contracted agency providers.

**WAC 388-828-1460**

DDD intends to assess all clients per WAC 388-828-1100 by June 30, 2008 based on available resources.

(4) ~~You are not receiving a paid service and~~ You are approved for funding of a DDD paid service and an assessment must be performed prior to the authorization of services;

**WAC 388-828-1620**

(8) Private Duty Nursing services per chapter 388-~~106554~~ WAC; or

A final cost-benefit analysis is available by contacting Mark R. Eliason, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-2517, fax (360) 407-0995, e-mail eliasmr@dshs.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 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 126, 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 126, Amended 0, Repealed 0.

Date Adopted: April 23, 2007.

Blake D. Chard  
for Robin Arnold-Williams  
Secretary

**Chapter 388-828 WAC**

**The Division of Developmental Disabilities  
(DDD) Assessment**

**Purpose and Scope**

NEW SECTION

**WAC 388-828-1000 What is the purpose and scope of this chapter?** This chapter establishes rules governing the administration of the division of developmental disabilities (DDD) assessment to persons determined eligible to be clients of the division per chapter 71A.16 RCW.

**Definitions**

NEW SECTION

**WAC 388-828-1020 What definitions apply to this chapter?** The following definitions apply to this chapter:

"AAIDD" means the American Association on Intellectual and Developmental Disabilities.

"Acuity Scale" refers to an assessment tool that is intended to provide a framework for documenting important assessment elements and for standardizing the key questions that should be asked as part of a professional assessment. The design helps provide consistency from client to client by

minimizing subjective bias and assists in promoting objective assessment of a person's support needs.

"ADSA" means the aging and disability services administration (ADSA), an administration within the department of social and health services, which includes the following divisions: home and community services, residential care services, management services and division of developmental disabilities.

"ADSA contracted provider" means an individual or agency who is licensed, certified, and/or contracted by ADSA to provide services to DDD clients.

"Adult Family Home" or "AFH" means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services (see RCW 70.12.-010).

"Agency provider" means a licensed and/or ADSA certified business who is contracted with ADSA or a county to provide DDD services (e.g., personal care, respite care, residential services, therapy, nursing, employment, etc.).

"Algorithm" means a numerical formula used by the DDD Assessment for one or more of the following:

- (1) Calculation of assessed information to identify a client's relative level of need;
- (2) Determination regarding which assessment modules a client receives as part of his/her DDD assessment; and
- (3) Assignment of a service level to support a client's assessed need.

"Authorization" means DDD approval of funding for a service as identified in the Individual Support Plan or evidence of payment for a service.

"CARE" refers to the Comprehensive Assessment Reporting Evaluation assessment per chapter 388-106 WAC.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(3) who also has been determined eligible to receive services by the division under chapter 71A.16 RCW.

"Collateral contact" means a person or agency that is involved in the client's life (e.g., legal guardian, family member, care provider, friend, etc.).

"Companion home" is a DDD contracted residential service that provides twenty-four hour training, support, and supervision, to one adult living with a paid provider.

"DDD" means the division of developmental disabilities, a division with the aging and disability services administration (ADSA), department of social and health services (DSHS).

"Department" means the department of social and health services (DSHS).

"Group home" or "GH" means a ADSA licensed adult family home or boarding home contracted and certified by ADSA to provide residential services and support to adults with developmental disabilities.

"ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded to provide habilitation services to DDD clients.

"ICF/MR Level of Care" is a standardized assessment of a client's need for ICF/MR Level of Care per 42 CFR 440 and 42 CFR 483. In addition, ICF/MR Level of Care refers to one

of the standards used by DDD to determine whether a client meets minimum eligibility criteria for one of the DDD HCBS waivers.

"Individual Support Plan" or "ISP" is a document that authorizes and identifies the DDD paid services to meet a client's assessed needs.

"Legal Guardian" means a person/agency, appointed by a court, who is authorized to make some or all decisions for a person determined by the court to be incapacitated. In the absence of court intervention, parents remain the legal guardians for their child until the child reaches the age of eighteen.

"LOC score" means a score for answers to questions in the Support Needs Assessment for Children that are used in determining if a client meets eligibility requirements for ICF/MR Level of Care.

"Modules" refers to three sections of the DDD Assessment. They are: the Support Assessment, the Service Level Assessment, and the Individual Support Plan (ISP).

"Panel" refers to the visual user-interface in the DDD Assessment computer application where assessment questions are typically organized by topic and you and your respondents' answers are recorded.

"Plan of Care" or "POC" refers to the paper-based assessment and service plan for clients receiving services on one of the DDD HCBS waivers prior to June 1, 2007.

"Raw Score" means the numerical value when adding a person's "Frequency of Support," "Daily Support Time," and "Type of Support" scores for each activity in the support needs and supplemental protection and advocacy scales of the Supports Intensity Scale (SIS) Assessment.

"Residential Habilitation Center" or "RHC" is a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities per chapter 71A.20 RCW.

"Respondent" means the adult client and/or another person familiar with the client who participates in the client's DDD Assessment by answering questions and providing information. Respondents may include ADSA contracted providers.

"SIS" means the Supports Intensity Scale developed by the American Association of Intellectual and Developmental Disabilities (AAIDD). The SIS is in the Support Assessment module of the DDD Assessment.

"Service Provider" refers to an ADSA contracted agency or person who provides services to DDD clients. Also refers to state operated living alternative programs (SOLA).

"SOLA" means a state operated living alternative program for adults that is operated by DDD.

"State supplementary payment" or "SSP" is the state paid cash assistance program for certain DDD eligible Social Security Income clients per chapter 388-827 WAC.

"Supported living" or "SL" refers to residential services provided by ADSA certified residential agencies to clients living in homes that are owned, rented, or leased by the clients or their legal representatives.

"Waiver personal care" means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL) due to your functional limitations per chapter 388-106 WAC to individuals who are

authorized to receive services available in the Basic, Basic Plus, and Core waivers per chapter 388-845 WAC.

"Waiver respite care" means short-term intermittent relief for persons normally providing care to individuals who are authorized to receive services available in the Basic, Basic Plus, and Core waivers per chapter 388-845 WAC.

"You/Your" means the client.

### Division of Developmental Disabilities Assessment

#### NEW SECTION

##### **WAC 388-828-1040 What is the DDD assessment?**

(1) The DDD Assessment is an assessment tool designed to measure the support needs of persons with developmental disabilities.

(2) The DDD Assessment has three modules:

(a) The Support Assessment (see WAC 388-828-2000 to WAC 388-828-6020);

(b) The Service Level Assessment (see WAC 388-828-7000 to WAC 388-828-7080); and

(c) The Individual Support Plan (ISP) (see WAC 388-828-8000 to 388-828-8060).

(3) The DDD Assessment is part of the Aging and Disability Services Administration's (ADSA) Comprehensive Assessment Reporting Evaluation system (CARE).

#### NEW SECTION

**WAC 388-828-1060 What is the purpose of the DDD assessment?** The purpose of the DDD Assessment is to provide a comprehensive assessment process that:

(1) Collects a common set of assessment information for reporting purposes to the legislature and the department.

(2) Promotes consistency in evaluating client support needs for purposes of planning, budgeting, and resource management.

(3) Identifies a level of service and/or number of hours that is used to support the assessed needs of clients who have been authorized by DDD to receive:

(a) Medicaid personal care services or DDD HCBS Waiver Personal Care per chapter 388-106 WAC;

(b) Waiver respite care services per chapter 388-845 WAC;

(c) Services in the Voluntary Placement Program (VPP) per chapter 388-826 WAC.

(4) Records your service requests.

#### NEW SECTION

**WAC 388-828-1080 Who must administer the DDD assessment?** Only DDD employees can administer the DDD Assessment.

#### NEW SECTION

**WAC 388-828-1100 Who receives the DDD assessment?** DDD must administer a DDD Assessment when you meet any of the following conditions:

(1) You are currently approved by DDD to receive a DDD paid service evidenced by meeting one of the conditions in WAC 388-828-1440;

(2) You request enrollment in one of the DDD HCBS waivers per chapter 388-845 WAC;

(3) You are age three or older and request a DDD Assessment;

(4) You have been determined eligible for categorically needy medical coverage per WAC 388-475-0100 and requested one of the following Medicaid state plan services:

(a) You have requested an assessment for Medicaid personal care services per chapter 388-106 WAC; or

(b) You have been approved to receive Private Duty Nursing services for clients seventeen years of age and younger per WAC 388-551-3000.

(5) You are receiving SSP in lieu of a DDD paid service per chapter 388-827 WAC;

(6) You request admission to a RHC per title 42 CFR 440, title 42 CFR 483, and title 71A RCW;

(7) You reside in a RHC or community ICF/MR and you are involved in discharge planning for community placement;

(8) You do not meet any of the conditions listed in WAC 388-828-1120.

#### NEW SECTION

**WAC 388-828-1120 Who does not receive the DDD assessment?** DDD will not administer the DDD Assessment when you meet any of the following conditions:

(1) You have not identified a person willing to receive notice or correspondence on your behalf regarding specific DDD decisions as required per RCW 71A.10.060 and DDD does not believe you are capable of understanding department decisions that may affect your care (See WAC 388-828-1140); or

(2) A respondent cannot be identified to participate in your DDD Assessment (See WAC 388-828-1540(c));

(3) You reside in a RHC and are not currently involved in discharge planning for community placement;

(4) You reside in a community ICF/MR and are not authorized by DDD to receive employment/community services paid through the counties; or

(5) You are under the age of three and do not meet any of the conditions in WAC 388-828-1100.

#### NEW SECTION

**WAC 388-828-1140 What will DDD do if there is no one willing to receive notice on your behalf regarding specific DDD decisions?** If there is no one available to receive notice or correspondence on your behalf regarding specific DDD decisions, DDD will do all of the following:

(1) Consult with the Assistant Attorney General to determine if:

(a) You are able to represent yourself; or

(b) You require a legal representative/guardian.

(2) Continue current services until the issue is resolved per section (1) above.

NEW SECTION

**WAC 388-828-1160 Does everyone receive all three modules of the DDD assessment?** (1) The Support Assessment module is administered to all clients who receive a DDD Assessment.

(2) Only clients receiving a DDD paid service, SSP in lieu of a DDD paid service, or who are approved for a DDD paid service will receive the Service Level Assessment and Individual Support Plan modules since these modules are required:

(a) Prior to the authorization/reauthorization of a DDD paid service or SSP; and

(b) To determine a service level and/or number of hours for a service; and

(c) To authorize the DDD approved paid service(s) per WAC 388-828-8000.

NEW SECTION

**WAC 388-828-1180 How will your assessed unmet need(s) be met if there is no approved funding to provide a DDD paid service?** If you complete the DDD Assessment and are assessed to have an unmet need and there is no approved funding to support that need, DDD will offer you referral information for ICF/MR services per title 71A RCW, chapter 388-825 WAC, and chapter 388-837 WAC. In addition, DDD may:

(1) Provide information and referral for Non-DDD community-based supports; and

(2) Add your name to the waiver data base, if you have requested enrollment in a DDD HCBS waiver per chapter 388-845 WAC; and

(3) Authorize short-term emergency services as an exception-to-rule (ETR) per WAC 388-440-0001.

NEW SECTION

**WAC 388-828-1200 Will DDD ask your family to disclose financial and dependent information?** DDD will only ask for information regarding your family's annual gross income and the number of household dependents when:

(1) You are age seventeen or younger; and

(2) Your family has not made a request for your admission to a Residential Habilitation Center (RHC).

NEW SECTION

**WAC 388-828-1220 Will DDD require your family to provide supporting documentation of their annual gross income and number of household dependents?** DDD accepts your family's verbal report and does not require your family to provide supporting documentation of their annual gross income and number of household dependents.

NEW SECTION

**WAC 388-828-1240 What does DDD do when family income and household dependent information are not provided?** If you meet the criteria in WAC 388-828-1200 and your family does not report family income and dependent

information, the only consequence will be a denial for any new state-only DDD paid services.

NEW SECTION

**WAC 388-828-1260 What action will DDD take if your family does not report income and dependent information?** If during your DDD Assessment your family does not report family income and dependent information, DDD will:

(1) Ask if you would like referral information for ICF/MR services; and

(2) Continue to administer your DDD Assessment; and

(3) Continue to authorize the DDD paid services or SSP you are receiving at the time of your DDD Assessment if you continue to meet the eligibility requirements for those services.

NEW SECTION

**WAC 388-828-1280 How will your access to, or receipt of, DDD HCBS waiver services be affected if your family does not report family income and dependent information?** Your waiver eligibility or right to request waiver enrollment is not affected if your family does not report family income and dependent information.

NEW SECTION

**WAC 388-828-1300 How will your access to, or receipt of, Medicaid personal care, private duty nursing services, or SSP be affected if your family does not report family income and dependent information?** Your access to, or receipt of, Medicaid personal care services per chapter 388-106 WAC, Private Duty Nursing services for children seventeen years of age and younger per WAC 388-551-3000, or SSP per chapter 388-827 WAC is not affected if your family does not report income and dependent information.

NEW SECTION

**WAC 388-828-1320 What happens if you are approved to receive a DDD paid service and you refuse to have a DDD assessment administered?** If you are approved to receive a DDD paid service and refuse to have a DDD Assessment administered, DDD is unable to authorize new or current DDD paid services and will do all of the following:

(1) Explain what happens if you refuse to allow DDD to administer the DDD Assessment to you, your respondents, and the person you have identified to receive notice on your behalf per RCW 71A.10.060.

(2) Consult with the Assistant Attorney General when you have not identified a person to receive notice on your behalf per RCW 71A.10.060 to determine if:

(a) You are able to represent yourself; or

(b) You require a legal representative/guardian.

(3) Terminate existing DDD paid services when they reach their authorized end date.

(4) Provide you notice and appeal rights for denied and/or terminated service(s) per WAC 388-825-100 and WAC 388-825-120.

(5) Provide you with information on how to contact DDD in case you later decide you want a DDD Assessment administered.

NEW SECTION

**WAC 388-828-1340 After administering the DDD assessment, how long does DDD have to complete your DDD assessment?** (1) DDD will complete your DDD Assessment as soon as possible after it is administered.

(2) DDD will complete your DDD Assessment no later than thirty days from the date it was created in CARE.

NEW SECTION

**WAC 388-828-1360 Are there any exceptions to completing your DDD assessment within thirty days?** DDD will not complete your DDD assessment when:

- (1) You are approved to receive a DDD paid service; and
- (2) You or your legal guardian has not identified an ADSA contracted provider.

NEW SECTION

**WAC 388-828-1380 What will DDD do if you are unable to identify an ADSA contracted provider?** If you are unable to identify an ADSA contracted provider, DDD will provide you or your legal guardian with contact information for ADSA contracted agency providers.

NEW SECTION

**WAC 388-828-1400 What is your responsibility when selecting and/or hiring an ADSA contracted individual provider?** You or your legal representative/guardian has the primary responsibility for identifying, hiring, supervising, and/or terminating an ADSA contracted individual provider.

NEW SECTION

**WAC 388-828-1420 What is your responsibility when selecting an ADSA contracted agency provider?** You or your legal representative/guardian has the responsibility of choosing an agency provider. DDD or the county will provide you information on contracted and qualified agency providers.

NEW SECTION

**WAC 388-828-1440 What is the definition of DDD "paid service" in chapter 388-828 WAC?** For the purpose of this chapter, a DDD paid service is defined as an authorization of a program and/or service as evidenced by one or more of the following:

- (1) An open social service payment system (SSPS) authorization within the past ninety days used for payment of a service or SSP; or
- (2) A current county service authorization for one of the following services:
  - (a) Person to Person; or

- (b) Individual Employment; or
- (c) Group Supported Employment; or
- (d) Pre-vocational/Specialized Industries; or
- (e) Community Access; or
- (f) Individual and Family Assistance.
- (3) A current waiver POC or waiver ISP; or
- (4) Residence in a State Operated Living Alternative (SOLA) program; or
- (5) Authorization of Family Support services within the last twelve months per chapter 388-825 WAC; or
- (6) Documentation of DDD approval of your absence from DDD paid services for more than ninety days with available funding for your planned return to services; or
- (7) Evidence of approval for funding of a DDD service or enrollment in a DDD HCBS waiver; or
- (8) Payment of services using Form A-19 State of Washington Invoice Voucher for receipt of:
  - (a) Dangerous Mentally Ill Offender funds
  - (b) Crisis stabilization services;
  - (c) Specialized psychiatric services; or
  - (d) Diversion bed services.

NEW SECTION

**WAC 388-828-1460 When will you receive an initial DDD assessment?** DDD intends to assess all clients per WAC 388-828-1100 by June 30, 2008. DDD must administer an initial DDD Assessment when:

- (1) You are receiving a DDD paid service and your annual reassessment is due for continuation of the DDD paid service; or
- (2) You are receiving a DDD paid service and a reassessment is needed due to a significant change that may affect your support needs; or
- (3) You are receiving SSP in lieu of a DDD paid service and your eligibility for SSP needs to be re-determined per WAC 388-827-0120;
- (4) You are approved for funding of a DDD paid service and an assessment must be performed prior to the authorization of services; or
- (5) You make a request to have a DDD Assessment administered and meet the criteria in WAC 388-828-1100; or
- (6) You are contacted by DDD and offered an opportunity to have a DDD Assessment.

NEW SECTION

**WAC 388-828-1480 Are there any exceptions allowing authorization of a DDD paid service prior to administering a DDD assessment?** During the year prior to July 2008, due to staff resources, DDD may authorize or reauthorize the following services before a DDD assessment is administered:

- (1) Funding from the legislature that provides resources for services to be available by a certain date;
- (2) The annual reallocation of dollars for Traditional Family Support in June 2007; or
- (3) Emergency services as determined by DDD as critical to the client's health and safety.

NEW SECTION

**WAC 388-828-1500 When does DDD conduct a reassessment?** A reassessment must occur:

- (1) On an annual basis if you are receiving a paid service or SSP; or
- (2) When a significant change is reported that may affect your need for support. (e.g. changes in your medical condition, caregiver status, behavior, living situation, employment status).

NEW SECTION

**WAC 388-828-1520 Where is the DDD assessment and reassessment administered?** The DDD Assessment and reassessment are administered in your place of residence.

NEW SECTION

**WAC 388-828-1540 Who participates in your DDD assessment?** (1) All relevant persons who are involved in your life may participate in your DDD Assessment, including your parent(s), legal representative/guardian, advocate(s), and service provider(s).

(2) DDD requires that at a minimum: you, one of your respondents, and your DDD case resource manager/social worker participate in your DDD Assessment interview. In addition:

- (a) If you are under the age of eighteen, your parent(s) or legal guardian(s) must participate in your DDD Assessment interview.
- (b) If you are age eighteen or older, your court appointed legal representative/guardian must be consulted if he/she does not attend your DDD Assessment interview.
- (c) If you are age eighteen and older and have no legal representative/guardian, DDD will assist you to identify a respondent.
- (d) DDD may require additional respondents to participate in your DDD Assessment interview, if needed, to obtain complete and accurate information.

NEW SECTION

**WAC 388-828-1560 Do all questions in the DDD assessment have to be answered?** All questions in the DDD Assessment that are on a mandatory panel must be answered.

NEW SECTION

**WAC 388-828-1580 Why does DDD require all questions on mandatory panels to be answered in the DDD assessment?** DDD requires that all questions on mandatory panels be answered because:

- (1) The legislature has directed DDD to assess all eligible clients with a common, standardized assessment process that measures the support needs of individuals with developmental disabilities.
- (2) The DDD Assessment algorithms in the Support Assessment module are designed to:
  - (a) Determine acuity scores and acuity levels for a variety client needs; and
  - (b) Provide a valid measure of each client's support needs relative to the support needs of other clients who have received the DDD Assessment.

NEW SECTION

**WAC 388-828-1600 What happens if you refuse to answer a question on a mandatory panel in the DDD assessment?** If you refuse to answer a question on a mandatory panel in the DDD Assessment, DDD is unable to complete your DDD Assessment and will do all of the following:

- (1) Explain what happens if you refuse to answer a question on a mandatory panel to you, your respondents, and the person you have identified to receive notice on your behalf per RCW 71A.10.060.
- (2) Consult with the Assistant Attorney General when you have not identified a person to receive notice on your behalf per RCW 71A.10.060 to determine if:
  - (a) You are able to represent yourself; or
  - (b) You require a legal representative/guardian.
- (3) Terminate existing DDD paid services when they reach their authorized end date;
- (4) Provide you notice and appeal rights for denied and/or terminated service(s) per WAC 388-825-100 and WAC 388-825-120; and
- (5) Provide you with information on how to contact DDD in case you later decide you want a DDD Assessment administered.

NEW SECTION

**WAC 388-828-1620 How does DDD determine which panels are mandatory in your DDD assessment?** DDD determines which panels are mandatory in your DDD Assessment by assigning you to a client group using the following table:

| If you are approved by DDD to receive:  | Your client group is:             |
|---|-----------------------------------|
| (1) DDD DCBS Waiver services per chapter 388-845 WAC; or<br>(2) State-only residential services per chapter 388-825 WAC; or<br>(3) ICF/MR services per 42 CFR 440 and 42 CFR 483.   | Waiver and State-Only Residential |
| (4) Medicaid personal care (MPC) per chapter 388-106 WAC; or<br>(5) DDD HCBS Basic, Basic Plus, or Core Waiver services per chapter 388-845 WAC and Personal Care services per chapter 388-106 WAC; or<br>(6) Medically Intensive Health Care Program services per chapter 388-551 WAC; or<br>(7) Adult Day Health services per chapter 388-106 WAC; or | Other Medicaid Paid Services      |

|  |                          |
|--|--------------------------|
| If you are approved by DDD to receive:   | Your client group is:    |
| (8) Private Duty Nursing services per chapter 388-106 WAC; or<br>(9) Community Options Program Entry System (COPES) services per chapter 388-106 WAC; or<br>(10) Medically Needy Residential waiver services per chapter 388-106 WAC; or<br>(11) Medicaid Nursing Facility Care services per chapter 388-106 WAC.      |                          |
| (12) County Employment services per chapter 388-850 WAC.<br>(13) Other DDD paid services per chapter 388-825 WAC, such as:<br>(a) Family support services; or<br>(b) Professional services.<br>(14) Non-waiver voluntary placement program services per chapter 388-826 WAC;<br>(15) SSP only per chapter 388-827 WAC; | State-Only Paid Services |
| (16) You are not approved to receive any DDD paid services.  | No Paid Services         |

**NEW SECTION**

**WAC 388-828-1640 What are the mandatory panels in your DDD assessment?** After DDD has determined your client group, DDD determines the mandatory panels in your DDD Assessment using the following tables. An "X" indicates that the panel is mandatory; an "O" indicates the panel is optional. If it is blank, the panel is not used.

(1) DDD "Assessment Main" and Client Details Information

| DDD Assessment Panel Name | Client Group     |                                   |                              |                          |
|---------------------------|------------------|-----------------------------------|------------------------------|--------------------------|
|                           | No Paid Services | Waiver and State Only Residential | Other Medicaid Paid Services | State Only Paid Services |
| Assessment Main           | X                | X                                 | X                            | X                        |
| Demographics              | X                | X                                 | X                            | X                        |
| Overview                  | X                | X                                 | X                            | X                        |
| Addresses                 | X                | X                                 | X                            | X                        |
| Collateral Contacts       | X                | X                                 | X                            | X                        |
| Financials                | X                | X                                 | X                            | X                        |

(2) Supports Intensity Scale Assessment

| DDD Assessment Panel Name | Client Group     |                                   |                              |                          |
|---------------------------|------------------|-----------------------------------|------------------------------|--------------------------|
|                           | No Paid Services | Waiver and State Only Residential | Other Medicaid Paid Services | State-Only Paid Services |
| Home Living               | X                | X                                 | X                            | X                        |
| Community Living          | X                | X                                 | X                            | X                        |
| Lifelong Learning         | X                | X                                 | X                            | X                        |
| Employment                | X                | X                                 | X                            | X                        |
| Health & Safety           | X                | X                                 | X                            | X                        |
| Social Activities         | X                | X                                 | X                            | X                        |
| Protection & Advocacy     | X                | X                                 | X                            | X                        |

(3) Support Assessment for Children

| DDD Assessment Panel Name                       | Client Group     |                                   |                              |                          |
|---|------------------|-----------------------------------|------------------------------|--------------------------|
|   | No Paid Services | Waiver and State Only Residential | Other Medicaid Paid Services | State-Only Paid Services |
| Activities of Daily Living                      | X                | X                                 | X                            | X                        |
| IADLs (Instrumental Activities of Daily Living) | X                | X                                 | X                            | X                        |
| Family Supports                                 | X                | X                                 | X                            | X                        |
| Peer Relationships                              | X                | X                                 | X                            | X                        |
| Safety & Interactions                           | X                | X                                 | X                            | X                        |

(4) Common Support Assessment Panels

| DDD Assessment Panel Name | No Paid Services | Waiver and State Only Residential | Other Medicaid Paid Services | State-Only Paid Services |
|---------------------------|------------------|-----------------------------------|------------------------------|--------------------------|
| Medical Supports          | X                | X                                 | X                            | X                        |
| Behavioral Supports       | X                | X                                 | X                            | X                        |
| Protective Supervision    | X                | X                                 | X                            | X                        |
| DDD Caregiver Status*     | X                | X                                 | X                            | X                        |
| Programs and Services     | X                | X                                 | X                            | X                        |

\*Information on the DDD Caregiver Status panel is not mandatory for clients receiving paid services in an AFH, SL, GH, SOLA, or RHC.

(5) Service Level Assessment Panels

| DDD Assessment Panel Name      | No Paid Services | Waiver and State Only Residential | Other Medicaid Paid Services | State-Only Paid Services |
|--------------------------------|------------------|-----------------------------------|------------------------------|--------------------------|
| Environment                    |                  | X                                 | X                            | O                        |
| Medical Main                   |                  | O                                 | X                            | O                        |
| Medications                    |                  | X                                 | X                            | X                        |
| Diagnosis                      |                  | X                                 | X                            | X                        |
| Seizures                       |                  | X                                 | X                            | X                        |
| Medication Management          |                  | X                                 | X                            | X                        |
| Treatments/programs            |                  | X                                 | X                            | X                        |
| ADH (Adult Day Health)         |                  | O                                 | O                            | O                        |
| Pain                           |                  | X                                 | X                            | X                        |
| Indicators-Main                |                  | O                                 | X                            | O                        |
| Allergies                      |                  | X                                 | X                            | X                        |
| Indicators/Hospital            |                  | X                                 | X                            | X                        |
| Foot                           |                  | X                                 | X                            | O                        |
| Skin                           |                  | X                                 | X                            | O                        |
| Skin Observation               |                  | O                                 | O                            | O                        |
| Vitals/Preventative            |                  | X                                 | X                            | O                        |
| Comments                       |                  | O                                 | O                            | O                        |
| Communication-Main             |                  | O                                 | X                            | O                        |
| Speech/Hearing                 |                  | O                                 | X                            | O                        |
| Psych/Social                   |                  | O                                 | X                            | O                        |
| MMSE (Mini-Mental Status Exam) |                  | O                                 | X                            | O                        |
| Memory                         |                  | O                                 | X                            | O                        |
| Behavior                       |                  | O                                 | X                            | O                        |
| Depression                     |                  | O                                 | X                            | O                        |
| Suicide                        |                  | O                                 | O                            | O                        |
| Sleep                          |                  | O                                 | O                            | O                        |
| Relationships & Interests      |                  | O                                 | O                            | O                        |
| Decision Making                |                  | O                                 | X                            | O                        |
| Goals                          |                  | X                                 | O                            | O                        |
| Legal Issues                   |                  | O                                 | O                            | O                        |
| Alcohol                        |                  | O                                 | O                            | O                        |
| Substance Abuse                |                  | O                                 | O                            | O                        |
| Tobacco                        |                  | O                                 | X                            | O                        |
| Mobility Main                  |                  | O                                 | X                            | O                        |
| Locomotion In Room             |                  | O                                 | X                            | O                        |

| DDD Assessment Panel Name | No Paid Services | Waiver and State Only Residential | Other Medicaid Paid Services | State-Only Paid Services |
|---------------------------|------------------|-----------------------------------|------------------------------|--------------------------|
| Locomotion Outside Room   |                  | O                                 | X                            | O                        |
| Walk in Room              |                  | O                                 | X                            | O                        |
| Bed Mobility              |                  | O                                 | X                            | O                        |
| Transfers                 |                  | O                                 | X                            | O                        |
| Falls                     |                  | O                                 | O                            | O                        |
| Toileting-Main            |                  | O                                 | X                            | O                        |
| Bladder/Bowel             |                  | O                                 | X                            | O                        |
| Toilet Use                |                  | O                                 | X                            | O                        |
| Eating-Main               |                  | O                                 | X                            | O                        |
| Nutritional/Oral          |                  | O                                 | X                            | O                        |
| Eating                    |                  | O                                 | X                            | O                        |
| Meal Preparation          |                  | O                                 | X                            | O                        |
| Hygiene-Main              |                  | O                                 | X                            | O                        |
| Bathing                   |                  | O                                 | X                            | O                        |
| Dressing                  |                  | O                                 | X                            | O                        |
| Personal Hygiene          |                  | O                                 | X                            | O                        |
| Household Tasks           |                  | O                                 | X                            | O                        |
| Transportation            |                  | O                                 | X                            | O                        |
| Essential Shopping        |                  | O                                 | X                            | O                        |
| Wood Supply               |                  | O                                 | X                            | O                        |
| Housework                 |                  | O                                 | X                            | O                        |
| Finances                  |                  | O                                 | O                            | O                        |
| Pet Care                  |                  | O                                 | O                            | O                        |
| Functional Status         |                  | O                                 | O                            | O                        |
| Employment Support*       |                  | X*                                | X*                           | X*                       |
| Mental Health             |                  | X                                 | X                            | X                        |
| DDD Sleep*                |                  | X*                                | O                            | O                        |

\*Indicates that:

(a) The "Employment Support" panel is mandatory only for clients age twenty-one and older who are on or being considered for one of the county services listed in WAC 388-828-1440(2).

(b) The "DDD Sleep" panel is mandatory only for clients who are age eighteen or older and who are receiving:

(i) DDD HCBS Core or Community Protection waiver services; or

(ii) State-Only residential services.

**Support Assessment Module**

NEW SECTION

**WAC 388-828-2000 What is the support assessment module?** The Support Assessment module is the first section of the DDD Assessment and is administered to all DDD clients.

NEW SECTION

**WAC 388-828-2020 What is the purpose of the support assessment module?** The purpose of the Support Assessment module is to:

(1) Collect a common set of assessment information that is scored for all persons who are eligible to receive a DDD Assessment per WAC 388-828-1100;

(2) Promote a consistent process to evaluate client support needs;

(3) Determine whether a person meets the ICF/MR level of care standard for potential waiver eligibility; and

(4) Identify the persons receiving, or approved for, DDD paid services or SSP who will need the additional two assessment modules:

(a) The Service Level Assessment module; and

(b) The Individual Support Plan module.

NEW SECTION

**WAC 388-828-2040 What components are contained in the support assessment module?** The Support Assessment module contains the following components:

(1) The Support Assessment for Children;

(2) The Supports Intensity Scale (SIS)Assessment;

- (3) DDD Protective Supervision Acuity Scale;
- (4) DDD Caregiver Status Acuity Scale;
- (5) DDD Activities of Daily Living (ADL) Acuity Scale;
- (6) DDD Behavioral Acuity Scale;
- (7) DDD Medical Acuity Scale;
- (8) DDD Interpersonal Support Acuity Scale;
- (9) DDD Mobility Acuity Scale;
- (10) DDD Respite Assessment; and
- (11) Programs and Services component.

NEW SECTION

**WAC 388-828-2060 How does your assessment age affect the support assessment module?** Age guidelines are incorporated into the support assessment module to exclude age appropriate supports unrelated to a disability. The following table illustrates which components DDD includes in your Support Assessment module based on your assessment age:

| Components contained in the Support Assessment module             | Age (0-15) | Age (16+) |
|---|------------|-----------|
| The Support Assessment for Children                               | Yes        | No        |
| SIS Support Needs and Supplemental Protection and Advocacy Scales | No         | Yes       |
| SIS Exceptional Medical and Behavior Support Needs Scales         | Yes        | Yes       |
| DDD Protective Supervision Acuity Scale                           | Yes        | Yes       |
| DDD Caregiver Status Acuity Scale                                 | Yes        | Yes       |
| DDD Activities of Daily Living Acuity Scale                       | Yes        | Yes       |
| DDD Behavioral Acuity Scale                                       | Yes        | Yes       |
| DDD Medical Acuity Scale  | Yes        | Yes       |
| DDD Interpersonal Support Acuity Scale                            | Yes        | Yes       |
| DDD Mobility Scale  | Yes        | Yes       |
| Current Programs and Services component                           | Yes        | Yes       |

NEW SECTION

**WAC 388-828-2080 How does DDD determine your assessment age?** If you are within thirty calendar days of your next birthday, DDD determines your assessment age to be that of your next birthday.

**The Support Assessment for Children**

NEW SECTION

**WAC 388-828-3000 What is the purpose of the support assessment for children?** The Support Assessment for Children measures the support needs of children from birth to age fifteen.

NEW SECTION

**WAC 388-828-3020 What is the purpose of the support assessment for children?** The purpose of the Support Assessment for Children ages fifteen or younger is to determine:

- (1) Your ICF/MR Level of Care score for DDD HCBS waiver eligibility;
- (2) The health and welfare needs that must be addressed in your individual support plan if you are enrolled in a DDD HCBS waiver; and
- (3) Your support need levels for:
  - (a) The DDD Activities of Daily Living Acuity Scale;
  - (b) The DDD Interpersonal Support Acuity Scale; and
  - (c) The DDD Mobility Acuity Scale.

NEW SECTION

**WAC 388-828-3040 What questions are asked in the support assessment for children and how are they scored?** DDD scores the answers to each of the following questions in the Support Assessment for Children based on the respondent information:

- (1) Dress and groom self: What support does the child need to dress and groom self as expected of others of same age?

| Answers                           | Definitions  | LOC Score | Acuity Score |
|-----------------------------------|--|-----------|--------------|
| <b>Physical Assistance</b>        | Needs major support in the form of total physical assistance, intensive training and/or therapy for dressing and grooming. | 1         | 4            |
| <b>Training</b>                   | Needs moderate support in the form of some physical assistance and/or training and/or therapies to dress and groom self.   | 0         | 3            |
| <b>Reminders/Prompts</b>          | Needs reminders or prompts to dress and groom self appropriately.  | 0         | 2            |
| No support needed or at age level | At age level (may have physical supports) in dressing and grooming.  | 0         | 0            |

(2) Toilet self: What support does the child need to toilet self as expected of others in his/her age group?

| Answers                                      | Definitions   | LOC Score | Acuity Score |
|--|---|-----------|--------------|
| <b>Total physical support</b>                | Needs major support in the form of total physical support. Intensive training intervention and/or daily therapy to toilet self. | 1         | 4            |
| <b>Partial physical assistance, training</b> | Needs moderate support in the form of some physical assistance, standard training and/or regular therapy.                       | 0         | 3            |
| <b>Reminders/prompts</b>                     | Needs reminders or prompts.   | 0         | 2            |
| No support needed or at age level            | Toilets self or has physical support in place to toilet self.   | 0         | 0            |

(3) Eat at age level: What support does the child need to eat at age level?

| Answers                                      | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Total physical support</b>                | Needs major support in the form of total physical assistance, intensive training and/or daily therapy.     | 1         | 4            |
| <b>Partial physical assistance, training</b> | Needs moderate support in the form of some physical assistance, standard training, and/or regular therapy. | 1         | 3            |
| <b>Reminders/prompts</b>                     | Needs help with manners and appearance when eating, in the form of reminders and prompts.                  | 0         | 2            |
| No support needed or at age level            | At age level (may have physical supports) in eating.   | 0         | 0            |

(4) Move Around: What support does the child need to move around in the same ways as other children of same age?

| Answers                                      | Definitions   | LOC Score | Acuity Score |
|--|---|-----------|--------------|
| <b>Total physical support</b>                | Needs major intervention in the form of total physical support to move around, intensive training and/or daily therapy.                   | 1         | 4            |
| <b>Partial physical assistance, training</b> | Needs moderate support such as someone's help to move around or may use or learn to use adaptive device or may require standard training. | 1         | 3            |
| <b>Reminders/prompts</b>                     | Needs mild intervention in the form of training and physical prompting for scooting/crawling/walking behaviors.                           | 0         | 2            |
| No support needed or at age level            | No supports needed - child is scooting/crawling/walking at age level  | 0         | 0            |

(5) Communicate: What support does the child need to communicate as others of same age?

| Answers                            | Definitions   | LOC Score | Acuity Score |
|------------------------------------|---|-----------|--------------|
| <b>Total physical support</b>      | Currently someone else must always determine and communicate child's needs.   | 1         | 4            |
| <b>Training/therapy</b>            | With intensive training or therapy support, child may learn sufficient verbal and/or signing skills to make self easily understandable to others. May include partial physical support. | 1         | 3            |
| <b>Adaptive device/interpreter</b> | With physical support (adaptive device, interpreter), child is always able to communicate.  | 0         | 2            |
| No support needed or at age level  | No supports needed and/or at age level.   | 0         | 0            |

(6) Learn about and use money: What support does the child need to learn about and use money?

| Answers                                      | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Total physical support</b>                | Child is not old enough to know about money.                               | 0         | 4            |
| <b>Partial physical assistance, training</b> | Family must devise special opportunities for child to earn/or spend money. | 0         | 3            |

| Answers  | Definitions   | LOC Score | Acuity Score |
|--|---|-----------|--------------|
| <b>Create opportunities, reminders/prompts</b> | Needs to learn about earning and/or spending money in typical age-level ways.                               | 0         | 2            |
| No support needed or at age level              | Needs no support. Independently uses opportunities typical to his/her age group to earn and/or spend money. | 0         | 0            |

(7) Make choices and take responsibility: What support does the child need to make choices and take responsibility?

| Answers  | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Total physical support</b>                  | Needs major support in the form of special and/or technical help to and from family/teachers to create opportunities for making choices and taking responsibility. | 1         | 4            |
| <b>Partial physical assistance, training</b>   | Needs moderate support in the form of family/teachers creating and explaining a variety of opportunities for making choices and taking responsibility.             | 1         | 3            |
| <b>Create opportunities, reminders/prompts</b> | Needs some support in the form of explanation of available options for making choices and taking responsibility.   | 1         | 2            |
| No support needed or at age level              | Needs no support. Readily uses a variety of opportunities to indicate choices (activity, food, etc.) and take responsibility for tasks, self, etc.                 | 0         | 0            |

(8) Explore environment: What support does the child need to explore environment?

| Answers                                      | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Total physical support</b>                | Needs major support in the form of specialized technical help to and from family/teachers to create ways which support/encourage child to explore and reach out.                   | 1         | 4            |
| <b>Partial physical assistance, training</b> | Needs moderate support in the form of some training/physical help to and from family and teachers to create ways and opportunities for child to explore environment and reach out. | 1         | 3            |
| <b>Reminders/prompts</b>                     | Needs some support in the form of verbal encouragement or presence of someone child trusts to explore environment and reach out.   | 0         | 2            |
| No support needed or at age level            | Needs no support and/or is at age level. Readily explores environment (may have adaptive device) and reaches out in ways typical to child's age group.                             | 0         | 0            |

(9) Meet therapy health needs: What supports are necessary to get child's therapy health needs met?

| Answers                                    | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Daily intervention by professionals</b> | Child requires medical/health intervention or monitoring by professionals at least daily.                  | 1         | 4            |
| <b>Monitoring by health professionals</b>  | Child needs regular (weekly, monthly) monitoring by health professionals.                                  | 1         | 3            |
| <b>Monitoring by trained others</b>        | Child needs daily support and/or monitoring by training others.  | 1         | 2            |
| <b>Community health system</b>             | Needs regular on-going therapy and/or monitoring of health needs through typical community health systems. | 0         | 1            |
| No support needed or at age level          | No specialized supports or ongoing therapies necessary.  | 0         | 0            |

(10) Help family continue to meet child's needs: What support services should the system provide to help family continue to meet child's needs?

| Answers                         | Definitions  | LOC Score | Acuity Score |
|---------------------------------|--|-----------|--------------|
| <b>Urgent extensive support</b> | Substantial significant supports to child and parents needed. Child in, or at risk of, out-of-home placement at this time. | 1         | 4            |

| Answers                                     | Definitions   | LOC Score | Acuity Score |
|---|---|-----------|--------------|
| <b>Substantial support/referrals needed</b> | Substantial support needed/requested; (e.g., requests for more than two days per month respite, referral to homemakers, homebuilders; request for long term behavior management training, need extensive and/or expensive environmental modification or equipment; request frequent contact with case manager.) | 1         | 3            |
| <b>Moderate support</b>                     | Moderate external support needed/requested; (e.g., requests for regular respite, intensive but short-term behavior management, referral for parent training help, referral to day care services; and/or request for regular contact with case manager.)   | 0         | 2            |
| <b>Minimal support</b>                      | Minimal external support needed/requested; (e.g., requests for occasional respite, referrals to parent support group, and/or case manager helps obtain adaptive equipment.)   | 0         | 1            |
| No support needed or at age level           | No external supports are necessary. Family has obtained any necessary adaptive equipment.   | 0         | 0            |

(11) Have relationships with family members: What support does the child need to make the kind of relationships with family members expected of non-disabled children of the same age?

| Answers                                      | Definitions   | LOC Score | Acuity Score |
|--|---|-----------|--------------|
| <b>Total physical support</b>                | Opportunities for contributing to family life totally dependent on others to maintain, interpret child's role to other family members.                            | 0         | 4            |
| <b>Partial physical assistance, training</b> | Requires major support in the form of daily/weekly creation of opportunities to be seen as a contributing member and assume typical family responsibilities.      | 0         | 3            |
| <b>Reminders/prompts</b>                     | Requires moderate support in the form of adaptive device, training and/or reminders to be seen as contributing member and assume typical family responsibilities. | 0         | 2            |
| No support needed or at age level            | Needs no support to form positive family relationship.  | 0         | 0            |

(12) Explore and use typical community resources: What support does the child need to explore and use typical community resources such as stores, parks, and playgrounds?

| Answers                                      | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Total physical support</b>                | Family needs major support (perhaps respite) to continue to provide child total physical support to use typical resources.       | 0         | 4            |
| <b>Partial physical assistance, training</b> | Moderate support is needed - family must create ways for child to use these resources in ways typical to child's age group.      | 0         | 3            |
| <b>Reminders/prompts</b>                     | Minimal support needed - family may wish suggestions or some support on ways to enable child's regular use of typical resources. | 0         | 2            |
| No support needed or at age level            | Needs no support and/or at age level. Uses these resources regularly.  | 0         | 0            |

(13) Play with others: What supports are needed for the child to develop age-level skills in playing with others?

| Answers                       | Definitions  | LOC Score | Acuity Score |
|-------------------------------|--|-----------|--------------|
| <b>Total physical support</b> | Major support needed by others to help child play. Parents may request special adaptive equipment and training to foster child's playing skills. | 0         | 4            |

| Answers                                     | Definitions   | LOC Score | Acuity Score |
|---|---|-----------|--------------|
| <b>Partial physical assistance training</b> | Moderate support needed in the form of a verbal and/or some physical intervention to help child play. Parents may be requesting suggestions instruction in ways to help child develop playing skills. | 0         | 3            |
| <b>Reminders/prompts</b>                    | Minimal support needed.   | 0         | 2            |
| No support needed or at age level           | No supports needed and/or at age level. Child's playing skills developing at age level.   | 0         | 0            |

(14) Have opportunities to play with typically developing children: What supports does the child need to have opportunities to play with typically developing children?

| Answers                                      | Definitions   | LOC Score | Acuity Score |
|--|---|-----------|--------------|
| <b>Total physical support</b>                | Substantial system support (e.g., system must set up "programs" that allow for interaction with typically developing children and the "programs".)  | 0         | 4            |
| <b>Partial physical assistance, training</b> | Moderate supports (e.g., parents have to create opportunities for contacts). Parents may ask for instruction in how to facilitate such contacts. System may need to provide structural supports (e.g., transportation, barrier-free public play environments, etc). | 0         | 3            |
| <b>Reminders/prompts</b>                     | Minimal support (e.g., some monitoring). Parents may request help on how to broaden child's range of contacts or to increase the age appropriateness of contacts.   | 0         | 2            |
| No support needed or at age level            | No support needed.  | 0         | 0            |

(15) Identify and respond safely to emergencies: What support does the child need to identify and respond safely to emergencies?

| Answers   | Definitions  | LOC Score | Acuity Score |
|---|--|-----------|--------------|
| <b>Total physical support</b>                       | Needs total physical support to respond to emergencies.                  | 1         | 4            |
| <b>Always needs help to identify and respond</b>    | Needs help all of the time to identify emergencies and to respond.       | 1         | 3            |
| <b>Sometimes needs help to identify and respond</b> | Needs help some of the time to identify emergencies and to respond.      | 1         | 2            |
| <b>Can identify, needs help to respond</b>          | Independently identifies emergencies; needs help from others to respond. | 1         | 1            |
| No help needed or at age level                      | Needs no help from others in emergencies.                                | 0         | 0            |

(16) Practice age-level safety measures: What support does the child need to practice age-level safety measures?

| Answers                                      | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Total physical support</b>                | Needs total physical support for safety measures in daily activities and routines.         | 1         | 4            |
| <b>Partial physical assistance, training</b> | Does not recognize own safety needs and requires help in most safety areas.                | 1         | 3            |
| <b>Reminders/prompts</b>                     | Knows importance of safety measures. Needs training and/or physical support in many areas. | 1         | 2            |
| No support needed or at age level            | Needs no support in providing for own safety.  | 0         | 0            |

(17) Effectively relate to other students/peers: What support does the child need to most effectively relate to fellow students and/or peers?

| Answers                                      | Definitions   | LOC Score | Acuity Score |
|--|---|-----------|--------------|
| <b>Total physical support</b>                | Needs physical support by others in the form of interpretation of self to others to interact with peers.            | 1         | 4            |
| <b>Partial physical assistance, training</b> | Needs physical intervention in the form of modeling to enable child to reach out to peers to give and take support. | 1         | 3            |
| <b>Reminders/prompts</b>                     | Needs much encouragement, supervision and guidance in how to give and ask for support and interact with peers.      | 0         | 2            |
| No support needed or at age level            | Without support, child relates to others as a valued member of work/learning unit.                                  | 0         | 0            |

(18) Have behaviors which promote being included: What support is needed for this child to have behaviors which promote being included?

| Answers                                    | Definitions  | LOC Score | Acuity Score |
|--|--|-----------|--------------|
| <b>Continuous behavioral interventions</b> | Needs major tolerance and control. Could include being dangerous to self and/or others.  | 1         | 4            |
| <b>Major behavior modifications</b>        | Needs major behavior modifications to be perceived as typical. Child's behaviors are extremely disagreeable to others.   | 1         | 3            |
| <b>Modeling, reminders, prompts</b>        | Needs participation in typical settings with typically developing others to model desirable behaviors. Child's behaviors cause him/her to be easily recognized as different from others. | 0         | 2            |
| <b>Minor support</b>                       | Needs interactions with typically developing others. Child's behaviors are different from others in minor ways and the child may not immediately be perceived as different.              | 0         | 1            |
| No support needed or at age level          | Needs no support. Behaviors are similar to others in general community of same age and culture.  | 0         | 0            |

NEW SECTION

**WAC 388-828-3060 How does DDD determine your total LOC score for ICF/MR level of care if you are age birth through fifteen years old?** DDD determines your total LOC score for ICF/MR Level of Care by adding all of your LOC scores on questions one through eighteen in the Support Assessment for Children.

NEW SECTION

**WAC 388-828-3080 How does DDD determine if you meet the eligibility requirements for ICF/MR level of care (LOC) if you are age birth through fifteen years old?** DDD determines you are eligible for ICF/MR Level of Care when:

- (1) You are age birth through five years old and the total of your LOC scores is five or more; or
- (2) You are age six through fifteen years old and the total of your LOC scores is seven or more.

**The Supports Intensity Scale Assessment**

NEW SECTION

**WAC 388-828-4000 What is the supports intensity scale (SIS) assessment?** The Supports Intensity Scale assessment is a standardized tool developed by the American Association on Intellectual and Developmental Disabilities (AAIDD), to measure the relative intensity of support needs for persons age sixteen and older.

ciation on Intellectual and Developmental Disabilities (AAIDD), to measure the relative intensity of support needs for persons age sixteen and older.

NEW SECTION

**WAC 388-828-4020 What is the purpose of the supports intensity scale (SIS) assessment?** The purpose of the Supports Intensity Scale assessment in the DDD Assessment is to determine all of the following:

- (1) Your ICF/MR Level of Care score for DDD HCBS waiver eligibility;
- (2) The health and welfare needs that must be addressed in your individual support plan if you are enrolled in a DDD HCBS waiver;
- (3) Your DDD behavioral and medical acuity levels regardless of your age; and
- (4) Your support need acuity levels specific to the:
  - (a) DDD Activities of Daily Living Acuity Scale;
  - (b) DDD Interpersonal Support Acuity Scale; and
  - (c) DDD Mobility Acuity Scale.

NEW SECTION

**WAC 388-828-4040 What scales are contained in the supports intensity scale (SIS) assessment?** The Supports Intensity Scale Assessment contains the following:

- (1) The Support Needs scale;

- (2) The Supplemental Protection and Advocacy scale;
- (3) Exceptional Medical Support Needs scale; and
- (4) Exceptional Behavioral Support Needs scale.

**NEW SECTION**

**WAC 388-828-4060 What subscales are contained in the support needs scale?** The Support Needs Scale contains the following subscales:

- (1) Home living activities;
- (2) Community living activities;
- (3) Lifelong learning activities;
- (4) Employment activities;
- (5) Health and safety activities; and
- (6) Social activities.

**NEW SECTION**

**WAC 388-828-4080 How does the SIS measure your support need(s) in the support needs and supplemental protection and advocacy scales?** The SIS measures your support needs in the Support Needs and Supplemental Protection and Advocacy Scales using the following three dimensions of support intensity:

- (1) Type of support;
- (2) Frequency of support; and
- (3) Daily support time.

**NEW SECTION**

**WAC 388-828-4100 How is type of support scored in the SIS assessment?** DDD scores the type of support you need to perform the assessed activity using the following rating scale:

|  |       |
|--|-------|
| Type of Support: What kind of support is needed for the assessed activity? |       |
| Answer   | Score |
| None   | 0     |
| Monitoring   | 1     |
| Verbal/gestural prompting  | 2     |
| Partial physical assistance  | 3     |
| Full physical assistance   | 4     |

**NEW SECTION**

**WAC 388-828-4120 How is frequency of support scored in the SIS assessment?** DDD scores how frequently support is needed for you to perform the assessed activity using the following rating scale:

| #  | Home Living Activities                       | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|----|--|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
|    |  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| A1 | Using the toilet                             | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| A2 | Taking care of clothes (includes laundering) | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| A3 | Preparing food                               | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |

|  |       |
|--|-------|
| Frequency: How frequently is support needed for the assessed activity? |       |
| Answer   | Score |
| None or less than monthly  | 0     |
| At least once a month, but not once a week                             | 1     |
| At least once a week, but not once a day                               | 2     |
| At least once a day, but not once an hour                              | 3     |
| Hourly or more frequently  | 4     |

**NEW SECTION**

**WAC 388-828-4140 How is daily support time scored in the SIS assessment?** DDD scores the amount of daily support time you need to perform the assessed activity using the following rating scale:

|  |       |
|--|-------|
| Daily Support Time: On a typical day when support in this area is needed, how much time should be devoted? |       |
| Answer   | Score |
| None   | 0     |
| Less than 30 minutes   | 1     |
| 30 minutes to less than 2 hours  | 2     |
| 2 hours to less than 4 hours   | 3     |
| 4 hours or more  | 4     |

**NEW SECTION**

**WAC 388-828-4160 How does DDD determine your raw score for each of the activities that are assessed in the support needs and supplemental protection and advocacy scales?** DDD adds the three dimensions of support intensity scores for each activity to determine your raw score for the activity.

**NEW SECTION**

**WAC 388-828-4180 Are all questions in the support needs and supplemental protection and advocacy scales scored the same way?** Some questions in the Support Needs and Supplemental Protection and Advocacy Scales have scoring limitations and some scores are not available for selection related to the standardization process per AAIDD.

**NEW SECTION**

**WAC 388-828-4200 What activities are assessed in the home living activities subscale of the support needs scale?** The Home Living Activities subscale measures your personal support needs for the following home living activities:

| #  | Home Living Activities   | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|----|--|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| A4 | Eating food  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| A5 | Housekeeping and cleaning                                      | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | * | * |           |
| A6 | Dressing   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| A7 | Bathing and taking care of personal hygiene and grooming needs | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| A8 | Operating home appliances                                      | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| A9 | Using currently prescribed equipment or treatment              | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |

Total Raw Score for Home Living Activities:

\* = Score is not an option per AAIDD.

Note: Question A9 is a question added by DDD. It is for information purposes only and is not used to calculate scores or levels for service determination.

NEW SECTION

**WAC 388-828-4220** What activities are assessed in the community living activities subscale of the support needs scale? The Community Living Activities subscale measures your personal support needs for the following community living activities:

| #  | Community Living Activities   | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|----|---|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| B1 | Getting from place to place throughout the community (transportation)     | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| B2 | Participating in recreation/leisure activities in community settings      | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| B3 | Using public services in the community                                    | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| B4 | Going to visit friends and family   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| B5 | Participating in preferred community activities (church, volunteer, etc.) | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| B6 | Shopping and purchasing goods and services                                | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| B7 | Interacting with community members  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| B8 | Accessing public buildings and settings                                   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |

Total Raw Score for Community Living Activities:

\* = Score is not an option per AAIDD.

NEW SECTION

**WAC 388-828-4240** What activities are assessed in the lifelong learning activities subscale of the support needs scale? The Lifelong Learning Activities subscale measures your personal support needs for the following lifelong learning activities:

| #  | Lifelong Learning Activities                   | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|----|--|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| C1 | Interacting with others in learning activities | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |

| #   | Lifelong Learning Activities   | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|---|--|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| C2  | Participating in training/educational decisions                      | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | * |           |
| C3  | Learning and using problem-solving strategies                        | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| C4  | Using technology for learning  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| C5  | Accessing training/educational settings                              | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| C6  | Learning functional academics (reading signs, counting change, etc.) | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| C7  | Learning health and physical education skills                        | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| C8  | Learning self-determination skills                                   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| C9  | Learning self-management strategies                                  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| Total Raw Score for Lifelong Learning Activities: |  |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |
| * = Score is not an option per AAIDD.             |  |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |

**NEW SECTION**

**WAC 388-828-4260 What activities are assessed in the employment activities subscale of the support needs scale?**

The Employment Activities subscale measures your personal support needs for the following employment activities:

| #  | Employment Activities                                 | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|--|---|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| D1   | Accessing/receiving/job/tasks accommodations          | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| D2   | Learning and using specific job skills                | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| D3   | Interacting with co-workers                           | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| D4   | Interacting with supervisors and/or coaches           | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| D5   | Completing work-related tasks with acceptable speed   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| D6   | Completing work-related tasks with acceptable quality | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| D7   | Changing job assignments                              | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | * | * | 0                  | 1 | 2 | 3 | 4 |           |
| D8   | Seeking information and assistance from an employer   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| Total Raw Score for Employment Activities: |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |
| * = Score is not an option per AAIDD.      |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |

**NEW SECTION**

**WAC 388-828-4280 What activities are assessed in the health and safety activities subscale of the support needs scale?** The Health and Safety Activities subscale measures your personal support needs for the following health and safety activities:

| #  | Health and Safety Activities       | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|----|------------------------------------|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| E1 | Taking medications                 | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| E2 | Avoiding health and safety hazards | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |

| #   | Health and Safety Activities              | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|---|---|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| E3  | Obtaining health care services            | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | * | * |           |
| E4  | Ambulating and moving about               | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| E5  | Learning how to access emergency services | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| E6  | Maintaining a nutritious diet             | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| E7  | Maintaining physical health and fitness   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| E8  | Maintaining emotional well-being          | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| Total Raw Score for Health and Safety Activities: |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |
| * = Score is not an option per AAIDD.             |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |

**NEW SECTION**

**WAC 388-828-4300** What activities are assessed in the social activities subscale of the support needs scale? The Social Activities subscale measures your personal support needs for the following social activities:

| #                                      | Social Activities   | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|--|---|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| F1                                     | Socializing within the household                                  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| F2                                     | Participating in recreation and/or leisure activities with others | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| F3                                     | Socializing outside the household                                 | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| F4                                     | Making and keeping friends  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| F5                                     | Communicating with others about personal needs                    | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| F6                                     | Using appropriate social skills                                   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| F7                                     | Engaging in loving and intimate relationships                     | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| F8                                     | Engaging in volunteer work  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| Total Raw Score for Social Activities: |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |
| * = Score is not an option per AAIDD.  |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |

**NEW SECTION**

**WAC 388-828-4320** What activities are assessed in the supplemental protection and advocacy activities subscale? The Supplemental Protection and Advocacy Activities subscale measures your personal support needs for the following protection and advocacy activities:

| #   | Protection and Advocacy Activities                                    | Type of Support |   |   |   |   | Frequency of Support |   |   |   |   | Daily Support Time |   |   |   |   | Raw Score |
|---|---|-----------------|---|---|---|---|----------------------|---|---|---|---|--------------------|---|---|---|---|-----------|
| G1  | Advocating for self   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| G2  | Managing money and personal finances                                  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| G3  | Protecting self from exploitation                                     | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| G4  | Exercising legal responsibilities                                     | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| G5  | Belonging to and participating in self-advocacy/support organizations | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| G6  | Obtaining legal services  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| G7  | Making choices and decisions  | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | 4 | 0                  | 1 | 2 | 3 | 4 |           |
| G8  | Advocating for others   | 0               | 1 | 2 | 3 | 4 | 0                    | 1 | 2 | 3 | * | 0                  | 1 | 2 | 3 | 4 |           |
| Total Raw Score for Protection and Advocacy Activities: |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |
| * = Score is not an option for AAIDD.                   |   |                 |   |   |   |   |                      |   |   |   |   |                    |   |   |   |   |           |

NEW SECTION

**WAC 388-828-4340 How does DDD determine your support score for each of the items identified in the SIS exceptional medical and behavioral support needs scales?**

DDD examines the amount of support you need for medical treatments and behavioral support using the following rating scale:

| Answer              | Score |
|---------------------|-------|
| No support needed   | 0     |
| Some support needed | 1     |

| Answer                   | Score |
|--------------------------|-------|
| Extensive support needed | 2     |

NEW SECTION

**WAC 388-828-4360 What exceptional medical support activities are evaluated to assess your medical support needs?** The SIS Exceptional Medical Support Needs Scale measures your personal support needs for the following medical support need(s) activities:

| #  | Medical Supports Needed   | No Support Needed | Some Support Needed | Extensive Support Needed |
|--|---|-------------------|---------------------|--------------------------|
| 1.   | Inhalation or oxygen therapy  | 0                 | 1                   | 2                        |
| 2.   | Postural drainage   | 0                 | 1                   | 2                        |
| 3.   | Chest PT  | 0                 | 1                   | 2                        |
| 4.   | Suctioning  | 0                 | 1                   | 2                        |
| 5.   | Oral stimulation or jaw positioning                                 | 0                 | 1                   | 2                        |
| 6.   | Tube feeding (e.g., nasogastric)                                    | 0                 | 1                   | 2                        |
| 7.   | Parenteral feeding (e.g., IV)                                       | 0                 | 1                   | 2                        |
| 8.   | Turning or positioning  | 0                 | 1                   | 2                        |
| 9.   | Dressing of open wound(s)   | 0                 | 1                   | 2                        |
| 10.  | Protection from infectious diseases due to immune system impairment | 0                 | 1                   | 2                        |
| 11.  | Seizure management  | 0                 | 1                   | 2                        |
| 12.  | Dialysis  | 0                 | 1                   | 2                        |
| 13.  | Ostomy care   | 0                 | 1                   | 2                        |
| 14.  | Lifting and/or transferring   | 0                 | 1                   | 2                        |
| 15.  | Therapy services  | 0                 | 1                   | 2                        |
| 16.  | Diabetes Management*  | 0                 | 1                   | 2                        |
| 17.  | Other(s) - Specify:   | 0                 | 1                   | 2                        |
| Sub-total Scores of 1s and 2s:   |   |                   |                     |                          |
| Add Sub-totals scores for 1's and 2's for total exceptional Medical Support Needs Score:   |   |                   |                     |                          |
| * #16 is a question added by DDD. It is used as part of the DDD Medical Acuity Scale and is not used to calculate SIS percentiles. |   |                   |                     |                          |

NEW SECTION

**WAC 388-828-4380 What exceptional behavioral support activities are evaluated to assess your behavioral support needs?** The SIS Exceptional Behavioral Support Needs Scale measures your personal support needs for the following behaviors:

| #  | Behavioral Supports Needed  | No Support Needed | Some Support Needed | Extensive Support Needed |
|----|---|-------------------|---------------------|--------------------------|
| 1. | Prevention of assaults or injuries to others                                | 0                 | 1                   | 2                        |
| 2. | Prevention of property destruction (e.g., fire setting, breaking furniture) | 0                 | 1                   | 2                        |
| 3. | Prevention of stealing  | 0                 | 1                   | 2                        |
| 4. | Prevention of self-injury   | 0                 | 1                   | 2                        |
| 5. | Prevention of PICA (ingestion of inedible substances)                       | 0                 | 1                   | 2                        |
| 6. | Prevention of suicide attempts  | 0                 | 1                   | 2                        |

| #   | Behavioral Supports Needed   | No Support Needed | Some Support Needed | Extensive Support Needed |
|---|--|-------------------|---------------------|--------------------------|
| 7.  | Prevention of sexual aggression  | 0                 | 1                   | 2                        |
| 8.  | Prevention of non-aggressive but inappropriate behavior (e.g., exposes self in public, exhibitionism, inappropriate touching or gesturing) | 0                 | 1                   | 2                        |
| 9.  | Prevention of tantrums or emotional outbursts  | 0                 | 1                   | 2                        |
| 10.   | Prevention of wandering  | 0                 | 1                   | 2                        |
| 11.   | Prevention of substance abuse  | 0                 | 1                   | 2                        |
| 12.   | Maintenance of mental health treatments  | 0                 | 1                   | 2                        |
| 13.   | Managing attention-seeking behavior*   | 0                 | 1                   | 2                        |
| 14.   | Managing uncooperative behavior*   | 0                 | 1                   | 2                        |
| 15.   | Managing agitated/over reactive behavior*  | 0                 | 1                   | 2                        |
| 16.   | Managing obsessive/repetitive behavior*  | 0                 | 1                   | 2                        |
| 17.   | Prevention of other serious behavior problem(s) - Specify:   | 0                 | 1                   | 2                        |
| Sub-total Scores of 1s and 2s:  |  |                   |                     |                          |
| Add sub-totals scores for 1s and 2s for total exceptional Behavioral Support Needs Scores:  |  |                   |                     |                          |
| *#13-16 are questions added by DDD. They are used as part of the DDD Behavior Acuity Scale and are not used to calculate SIS percentiles. |  |                   |                     |                          |

**NEW SECTION**

**WAC 388-828-4400 How does DDD determine if you meet the eligibility requirements for ICF/MR level of care if you are age sixteen or older?** If you are age sixteen or older, DDD determines you to be eligible for ICF/MR Level of Care from your SIS scores. Eligibility for ICF/MR Level of Care requires that your scores meet at least one of the following:

- (1) You have a percentile rank that is over nine percent for three or more of the six subscales in the SIS Support Needs Scale;
- (2) You have a percentile rank that is over twenty-five percent for two or more of the six subscales in the SIS Support Needs Scale;
- (3) You have a percentile rank that is over fifty percent in at least one of the six subscales in the SIS Support Needs Scale;

(4) You have a support score of one or two for any of the questions listed in the SIS Exceptional Medical Support Needs Scale;

(5) You have a support score of one or two for at least one of the following items in the SIS Exceptional Behavior Support Needs Scale:

- (a) Prevention of assaults or injuries to others;
- (b) Prevention of property destruction (e.g., fire setting, breaking furniture);
- (c) Prevention of self-injury;
- (d) Prevention of PICA (ingestion of inedible substances);
- (e) Prevention of suicide attempts;
- (f) Prevention of sexual aggression; or
- (g) Prevention of wandering.

(6) You have a support score of two for any of the questions listed in the SIS Exceptional Behavior Support Needs Scale; or

(7) You meet or exceed any of the qualifying scores for one or more of the following SIS questions:

| Question # of SIS Support Needs Scale | Text of Question       | Your score for "Type of Support" is: | And your score for "Frequency of Support" is: |
|---------------------------------------|------------------------|--------------------------------------|---|
| A1                                    | Using the toilet       | 2 or more                            | 4   |
|                                       |                        | 3 or more                            | 2   |
| A2                                    | Taking care of clothes | 2 or more                            | 2 or more                                     |
|                                       |                        | 3 or more                            | 1   |
| A3                                    | Preparing food         | 2 or more                            | 4   |
|                                       |                        | 3 or more                            | 2   |
| A4                                    | Eating food            | 2 or more                            | 4   |
|                                       |                        | 3 or more                            | 2   |

| Question # of SIS Support Needs Scale | Text of Question   | Your score for "Type of Support" is: | And your score for "Frequency of Support" is: |
|---------------------------------------|--|--------------------------------------|---|
| A5                                    | Housekeeping and cleaning                                      | 2 or more                            | 2 or more                                     |
|                                       |  | 3 or more                            | 1   |
| A6                                    | Dressing   | 2 or more                            | 4   |
|                                       |  | 3 or more                            | 2   |
| A7                                    | Bathing and taking care of personal hygiene and grooming needs | 2 or more                            | 4   |
|                                       |  | 3 or more                            | 2   |
| C3                                    | Learning and using problem-solving strategies                  | 2 or more                            | 3 or more                                     |
|                                       |  | 3 or more                            | 2   |
| C9                                    | Learning self-management strategies                            | 2 or more                            | 3 or more                                     |
|                                       |  | 3 or more                            | 2   |
| B6                                    | Shopping and purchasing goods and services                     | 2 or more                            | 2 or more                                     |
|                                       |  | 3 or more                            | 1   |
| E1                                    | Taking medication  | 2 or more                            | 4   |
|                                       |  | 3 or more                            | 2   |
| E2                                    | Avoiding health and safety hazards                             | 2 or more                            | 3 or more                                     |
|                                       |  | 3 or more                            | 2   |
| E4                                    | Ambulating and moving about                                    | 2 or more                            | 4   |
|                                       |  | 3 or more                            | 2   |
| E6                                    | Maintaining a nutritious diet                                  | 2 or more                            | 2 or more                                     |
|                                       |  | 3 or more                            | 1   |
| E8                                    | Maintaining emotional well-being                               | 2 or more                            | 3 or more                                     |
|                                       |  | 3 or more                            | 2   |
| F6                                    | Using appropriate social skills                                | 2 or more                            | 3 or more                                     |
|                                       |  | 3 or more                            | 2   |
| G2                                    | Managing money and personal finances                           | 2 or more                            | 2 or more                                     |
|                                       |  | 3 or more                            | 1   |

**NEW SECTION**

**WAC 388-828-4420** How does DDD determine your percentile rank for each subscale in the SIS support needs scale? DDD uses the following table to convert your total raw score for each subscale into a percentile ranking:

| If your raw score for the following SIS subscale is: |                  |                   |                    |                   |                   | Then your percentile rank for the SIS subscale is: |
|--|------------------|-------------------|--------------------|-------------------|-------------------|--|
| Home Living  | Community Living | Lifelong Learning | Employment Support | Health and Safety | Social Activities |  |
|  |                  |                   |                    |                   |                   | >99  |
| >88  | >94              |                   |                    |                   |                   | >99  |
| 87-88  | 93-94            |                   |                    |                   |                   | >99  |
| 85-86  | 91-92            |                   |                    | >97               |                   | 99   |
| 81-84  | 88-90            | >96               | >95                | 92-97             | >97               | 98   |
| 77-80  | 84-87            | 92-96             | 91-95              | 86-91             | 91-97             | 95   |
| 73-76  | 79-83            | 86-91             | 85-90              | 79-85             | 84-90             | 91   |
| 68-72  | 74-78            | 79-85             | 78-84              | 72-78             | 76-83             | 84   |
| 62-67  | 69-73            | 72-78             | 70-77              | 65-71             | 68-75             | 75   |
| 55-61  | 63-68            | 64-71             | 61-69              | 57-64             | 58-67             | 63   |
| 48-54  | 56-62            | 55-63             | 52-60              | 49-56             | 48-57             | 50   |
| 40-47  | 49-55            | 46-54             | 42-51              | 42-48             | 38-47             | 37   |

| If your raw score for the following SIS subscale is: |                  |                   |                    |                   |                   |  |
|--|------------------|-------------------|--------------------|-------------------|-------------------|--|
| Home Living  | Community Living | Lifelong Learning | Employment Support | Health and Safety | Social Activities | Then your percentile rank for the SIS subscale is: |
| 32-39  | 41-48            | 36-45             | 32-41              | 34-41             | 28-37             | 25   |
| 25-31  | 33-40            | 27-35             | 23-31              | 27-33             | 19-27             | 16   |
| 18-24  | 25-32            | 18-26             | 15-22              | 20-26             | 10-18             | 9  |
| 11-17  | 16-24            | 9-17              | 7-14               | 13-19             | 3-9               | 5  |
| 3-10   | 6-15             | <9                | <7                 | 7-12              | <3                | 2  |
| <3   | <6               |                   |                    | 1-6               |                   | 1  |
|  |                  |                   |                    | <1                |                   | <1   |
|  |                  |                   |                    |                   |                   | <1   |

**DDD Protective Supervision Acuity Scale**

(3) The information is used for reporting purposes to the legislature and the department.

NEW SECTION

**WAC 388-828-5000 What is the DDD protective supervision acuity scale?** The DDD Protective Supervision Acuity Scale is an assessment of your protective supervision support need(s).

NEW SECTION

**WAC 388-828-5040 What questions are asked in the DDD protective supervision acuity scale?** The three questions that are asked for the DDD Protective Supervision Acuity Scale are in WAC 388-828-5060.

NEW SECTION

**WAC 388-828-5020 How is information in the protective supervision acuity scale used by DDD?** (1) Information obtained in the Protective Supervision Acuity Scale is one of the factors used by DDD to determine the amount of waiver respite, if any, that you are authorized to receive.

NEW SECTION

**WAC 388-828-5060 How does DDD score each question?** DDD selects one answer per each question that best describes your reported need.

(2) The Protective Supervision Acuity Scale is not used when determining your Medicaid personal care or waiver personal care; and

(1) What level of monitoring does the client typically require during awake hours?

| Answers   | Definitions   | Score |
|---|---|-------|
| Independent                                     | Can be left unattended. Might occasionally show poor judgement, but does not require routine access to a support person.  | 0     |
| Remote (e.g., a week or more)                   | Can be left unattended for extended periods of time, but requires access to a support person either via phone or someone who visits the person weekly or so.                                | 1     |
| Periodic (e.g., every couple of days)           | Can be left unattended for a couple of days, but requires access to a support person who checks in every few days via telephone or in person.   | 2     |
| Monitoring (e.g., half day, unstructured)       | Can be left unattended for several hours at a time (2-4 hours) to engage in independent activities, but needs access to a support person daily for guidance or assistance.                  | 3     |
| Close Proximity (e.g., 1-2 hours, structured)   | Can be left unattended for short periods of time (1-2 hours), provided that the environment is strictly structured and that a support person can respond quickly in an emergency situation. | 4     |
| Onsite (e.g., on property)                      | Cannot be left unattended. Requires a support person on the property at all times, at least during awake hours.   | 5     |
| Line of Sight/Earshot (e.g., close observation) | Cannot be left unattended. Requires a support person within the room or within earshot of the client's location at all times during awake hours.  | 6     |

(2) What assistance does the client need to handle unfamiliar or unexpected situations?

| Answers                   | Definitions   |
|---------------------------|---|
| Can resolve independently | The client can generally handle unfamiliar or unexpected situations. The client shows generally good judgment and awareness of personal safety. |

| Answers                                    | Definitions  |
|--|--|
| Can resolve with remote assistance         | The client can handle unfamiliar or unexpected situations by calling or contacting someone remotely for assistance (e.g., by telephone or email). The support person does not need to be physically present. |
| Needs someone physically present to assist | When unfamiliar or unexpected situations occur, generally someone must be present or come to the client to help the client resolve the issue.  |
| Needs full physical assistance             | The client cannot generally participate in resolving such situations; someone else must resolve them.  |

(3) Is client able to summon help?

| Answers                                 | Definitions  |
|---|--|
| Can call someone on telephone           | Client can discern when help is needed and contact someone via telephone or other electronic means. This includes dialing 911, using speed dial to contact someone, email, radio, or dialing a phone number. |
| Can seek help outside the house, nearby | Client can discern when help is needed and can summon a remote caregiver, neighbor, or other person outside the house or nearby to assist when necessary.  |
| Can seek help inside house              | Client can discern when help is needed and can summon a caregiver or roommate within the house to assist when necessary.   |
| Cannot summon help                      | Client is unable to summon help or discern a dangerous situation that would require help.  |

NEW SECTION

**WAC 388-828-5080 How does DDD determine your adjusted protective supervision acuity score?** DDD determines your adjusted protective supervision acuity score by applying the following age-based score adjustments to your level of monitoring score for question number one in WAC 388-828-5060:

| If you are:   | Then your age-based score adjustment is:         |
|---|--|
| 18 years or older   | Score is equal to your level of monitoring score |
| 16-17 years of age  | Subtract 1 from your level of monitoring score   |
| 12-15 years of age  | Subtract 2 from your level of monitoring score   |
| 8-11 years of age   | Subtract 3 from your level of monitoring score   |
| 5-7 years of age  | Subtract 4 from your level of monitoring score   |
| 0-4 years of age  | Subtract 5 from your level of monitoring score   |
| If your adjusted level of monitoring score is a negative number, your adjusted protective supervision acuity score is zero. |  |

Example: If you are fifteen years old and "close proximity, (e.g., 1-2 hours, structured)" is identified as your level of monitoring score, your adjusted protective supervision acuity score is: Your close proximity score of four minus age-based score adjustment of two. For age twelve through fifteen, this equals an adjusted protective supervision score of two.

NEW SECTION

**WAC 388-828-5100 How does DDD determine your protective supervision support level?** DDD uses the following table in determining your protective supervision support level:

| If your Adjusted Protective Supervision score is: | Then your Protective Supervision Support Level is: |
|---|--|
| 5-6   | High   |
| 3-4   | Medium   |
| 1-2   | Low  |
| 0   | None   |

**DDD Caregiver Status Acuity Scale**

NEW SECTION

**WAC 388-828-5120 What is the DDD caregiver status acuity scale?** The DDD Caregiver Status Acuity Scale is an assessment of risks associated with your caregiver's ability to provide care.

NEW SECTION

**WAC 388-828-5140 How is information in the DDD caregiver status acuity scale used by DDD?** (1) Information obtained in the DDD Caregiver Status Acuity Scale is one of the factors used by DDD to determine the amount of waiver respite, if any, that you are authorized to receive.

(2) The DDD Caregiver Status Acuity Scale does not affect service determination for the Medicaid personal care or waiver personal care assessment; and

(3) The information is used for reporting purposes to the legislature and the department.

NEW SECTION

**WAC 388-828-5160 When is a collateral contact an informal caregiver?** A collateral contact is an informal caregiver when the person provides you supports without payment from DDD for a service.

NEW SECTION

**WAC 388-828-5180 When is a collateral contact a formal caregiver?** A collateral contact is a formal caregiver when the person receives payment from DDD to provide you a service.

NEW SECTION

**WAC 388-828-5200 When is a collateral contact a backup caregiver?** A collateral contact is only a backup caregiver when:

- (1) He or she has been identified as an informal caregiver; and
- (2) He or she is available to provide assistance as an informal caregiver when other caregivers are unavailable.

NEW SECTION

**WAC 388-828-5220 Are you allowed to identify more than one person as a backup caregiver?** There are no limitations regarding the number of persons you are allowed to identify as backup caregivers.

NEW SECTION

**WAC 388-828-5240 Who is your primary caregiver?** Your primary caregiver is the formal or informal caregiver who provides you with the most support.

NEW SECTION

**WAC 388-828-5260 What questions are asked in the DDD caregiver status acuity scale and how are your caregiver's answers scored?** The DDD Caregiver Status Acuity Scale consists of six questions that must be answered by your primary caregiver. Scores for each question are determined based on your primary caregiver's response for each question.

(1) Overall, how stressed do you feel in caring for the client?

| Answers           | Score |
|-------------------|-------|
| Not stressed      | 0     |
| Somewhat stressed | 4     |
| Very stressed     | 9     |

NEW SECTION

**WAC 388-828-5280 Which caregiver risk factors determine the caregiver risk level?** The following criteria are used to determine a caregiver's risk level:

|  |  |
|--|--|
| If the following criteria are met:   | Then your caregiver risk factor (s) are: |
| (1) You have a score of "less than 1 month" for question 6 ("How long do you expect to continue providing care?") in WAC 388-828-5260. | Immediate risk of loss of caregiver      |

(2) Other care giving for persons who are disabled, seriously ill, or under age 5?

| Answers   | Score |
|---|-------|
| Client is the only person who requires direct care          | 0     |
| Part-time responsibility for one or more additional persons | 1     |
| Full-time responsibility for one additional person          | 2     |
| Full-time responsibility for two or more additional persons | 4     |

(3) Factors that make it hard to be a caregiver for client?

| Answers   | Score |
|---|-------|
| Decline in physical health  | 1     |
| Decline in emotional health   | 1     |
| Negative impact on employment   | 1     |
| Getting less than 5 hours of uninterrupted sleep because of care giving | 1     |
| Health or safety impact   | 1     |
| Other issues than impact care giving                                    | 1     |

(4) How much do these things impact your ability to care for the client?

| Answers                               | Score |
|---------------------------------------|-------|
| Little or no impact                   | 0     |
| Possible impact, no concrete evidence | 1     |
| Concrete evidence of reduced care     | 4     |
| Unable                                | 9     |

(5) Is the client creating significant stress on other household members?

| Answers                              | Score |
|--------------------------------------|-------|
| Stable and healthy                   | 0     |
| Clearly identifiable signs of stress | 4     |
| Serious risk of failure              | 9     |

(6) How long do you expect to continue providing care?

| Answers             | Score |
|---------------------|-------|
| 2 or more years     | 0     |
| 6 months to 2 years | 0     |
| 1 to 6 months       | 4     |
| Less than 1 month   | 9     |

|  |   |
|--|---|
| If the following criteria are met:<br>(2) You have not identified any collateral contacts in the CARE system as having a contact role of "informal caregiver;" and<br>(3) You have not identified any collateral contacts in the CARE system as having a contact role of "formal caregiver;" and<br>(4) You have not identified any collateral contacts in the CARE system as having a contact role of "backup caregiver;" and<br>(5) You do not have a paid provider, authorized by DDD, to provide supports for a DDD paid service; and<br>(6) You have an adjusted protective supervision score of 3 or more in WAC 388-828-5080. | Then your caregiver risk factor (s) are:<br><br>No caregiver, and needs one |
| (7) You have identified one of your collateral contacts in the CARE system as having a contact role of primary caregiver; and<br>(8) Your primary caregiver is 70 years of age or older; and<br>(9) Your primary caregiver lives with you in the same residence.   | Aging caregiver   |

**NEW SECTION**

**WAC 388-828-5300 How does DDD determine a caregiver risk level?** (1) The following table reflects the criteria that are used to calculate the caregiver risk level score:

| Your scores for the following questions in WAC 388-828-5240 |                           |                           | Your Caregiver Risk Level |
|---|---------------------------|---------------------------|---------------------------|
| Your score for question 4                                   | Your score for question 5 | Your score for question 6 |                           |
| 0   | 0                         | 0                         | None                      |
| 0   | 0                         | 4                         | Medium                    |
| 0   | 0                         | 9                         | Immediate                 |
| 0   | 4                         | 0                         | Medium                    |
| 0   | 4                         | 4                         | Medium                    |
| 0   | 4                         | 9                         | Immediate                 |
| 0   | 9                         | 0                         | High                      |
| 0   | 9                         | 4                         | High                      |
| 0   | 9                         | 9                         | Immediate                 |
| 1   | 0                         | 0                         | Low                       |
| 1   | 0                         | 4                         | Medium                    |
| 1   | 0                         | 9                         | Immediate                 |
| 1   | 4                         | 0                         | Medium                    |
| 1   | 4                         | 4                         | Medium                    |
| 1   | 4                         | 9                         | Immediate                 |
| 1   | 9                         | 0                         | High                      |
| 1   | 9                         | 4                         | High                      |
| 1   | 9                         | 9                         | Immediate                 |
| 4   | 0                         | 0                         | Medium                    |
| 4   | 0                         | 4                         | Medium                    |
| 4   | 0                         | 9                         | Immediate                 |
| 4   | 4                         | 0                         | Medium                    |
| 4   | 4                         | 4                         | Medium                    |

| Your scores for the following questions in WAC 388-828-5240 |                           |                           | Your Caregiver Risk Level |
|---|---------------------------|---------------------------|---------------------------|
| Your score for question 4                                   | Your score for question 5 | Your score for question 6 |                           |
| 4   | 4                         | 9                         | Immediate                 |
| 4   | 9                         | 0                         | High                      |
| 4   | 9                         | 4                         | High                      |
| 4   | 9                         | 9                         | Immediate                 |
| 9   | 0                         | 0                         | High                      |
| 9   | 0                         | 4                         | High                      |
| 9   | 0                         | 9                         | Immediate                 |
| 9   | 4                         | 0                         | High                      |
| 9   | 4                         | 4                         | High                      |
| 9   | 4                         | 9                         | Immediate                 |
| 9   | 9                         | 0                         | High                      |
| 9   | 9                         | 4                         | High                      |
| 9   | 9                         | 9                         | Immediate                 |

(2) If your maximum scores for questions four, five, and six are four or less and you have an "Aging Caregiver" risk factor in WAC 388-828-5280, your caregiver risk level is medium.

(3) If your caregiver risk factor is "No caregiver, and needs one" in WAC 388-828-5280, your caregiver risk level is immediate regardless of your scores for questions four, five, and six.

**NEW SECTION**

**WAC 388-828-5320 How does DDD determine the availability of a backup caregiver?** DDD's determination of availability of a back up caregiver is based on the responses of you and your respondent(s) to the following question:

(1) Under what conditions are other caregivers available?

|                                 |       |
|---------------------------------|-------|
| Answers available for selection | Score |
| Routinely provides care         | 0     |
| Upon request                    | 2     |
| Emergency only                  | 4     |
| No other caregiver available    | 9     |

respondent identifies that your backup caregiver(s) lives with you.

NEW SECTION

**WAC 388-828-5360 How does DDD determine the risk level score of your backup caregiver not being able to provide the supports you need when you need them?** The following table identifies the criteria that are used to calculate the risk level score of your backup caregiver not being able to provide the supports you need when you need them:

NEW SECTION

**WAC 388-828-5340 How does DDD determine whether a backup caregiver lives with you?** You or your

|   |                                |
|---|--------------------------------|
| If the availability of your back caregiver is:  | Then your risk level score is: |
| (1) Your backup caregivers are available routinely or upon request as evidenced by a score of 0 to 2 for question 1 of the backup caregiver subscale; and<br>(2) You have a person identified as a backup caregiver that does not live with you evidenced by the "Lives with client" checkbox not being selected as contact details information for him or her. | 1<br>(Not at risk)             |
| (3) Your backup caregivers are available upon an emergency only basis evidenced by a score of 4 for question 1 of the backup caregiver subscale; and<br>(4) "Lives with client" has been selected for <b>all</b> of the persons you have identified as your backup caregivers.  | 2<br>(Some risk)               |
| (5) You have no other caregiver available evidenced by a score of 9 for question 1 of the backup caregiver subscale.  | 3<br>(High risk)               |

**DDD Activities of Daily Living (ADL) Acuity Scale**

NEW SECTION

**WAC 388-828-5380 What is the DDD activities of daily living (ADL) acuity scale?** The DDD Activities of Daily Living Acuity Scale is an algorithm that determines your ADL support needs level.

- (1) The DDD Activities of Daily Living Acuity Scale does not affect service determination for the Medicaid personal care or waiver personal care assessments; and
- (2) The information is used for reporting purposes to the legislature and the department.

NEW SECTION

**WAC 388-828-5400 What does the activities of daily living (ADL) acuity scale measure?** The DDD ADL acuity scale measures:

- (1) Your ADL support needs level from the Support Assessment for Children if you are age birth through fifteen years old; or
- (2) Your ADL support needs level from the SIS Assessment if you are age sixteen or older.

NEW SECTION

**WAC 388-828-5420 How does DDD determine your ADL support needs score if you are age birth through fifteen?** If you are a child age birth through fifteen, your ADL support needs score is the total of your acuity scores for each of the following ADL questions in the Support Assessment for Children:

| ADL questions from the Support Assessment for Children in WAC 388-828-3040 |                        |
|--|------------------------|
| Question #   | Text of ADL Questions: |
| 1  | Dress and Groom self   |
| 2  | Toilet self            |
| 3  | Eat at age level       |
| 4  | Move around            |

NEW SECTION

**WAC 388-828-5440 How does DDD use your ADL support needs score for the support assessment for children?** (1) DDD uses your ADL support needs score and the following table to determine your ADL support needs level for the Support Assessment for Children:

| If your ADL support needs score is: | Then your ADL support need level is: | Value |
|-------------------------------------|--------------------------------------|-------|
| 11 to 16                            | High                                 | 3     |
| 7 to 10                             | Medium                               | 2     |
| 2 to 6                              | Low                                  | 1     |
| 0 or 1                              | None                                 | 0     |

(2) If your acuity score is four for any of the ADL questions in WAC 388-828-3040, your ADL support needs level is determined to be high.

NEW SECTION

**WAC 388-828-5460 How does DDD determine your ADL support needs score if you are age sixteen or older?** (1) If you are age sixteen or older, your ADL support needs

score is the total adjusted "Type of Support" scores from the following SIS questions:

| ADL questions from the SIS assessment in WAC 388-828-4200 and WAC 388-828-4280 |  |
|--|--|
| Question #   | Text of ADL questions:   |
| A1   | Using the toilet   |
| A4   | Eating food  |
| A6   | Dressing   |
| A7   | Bathing and taking care of personal hygiene and grooming needs |

| ADL questions from the SIS assessment in WAC 388-828-4200 and WAC 388-828-4280 |                             |
|--|-----------------------------|
| E1   | Taking medications          |
| E4   | Ambulating and moving about |

(2) If your "Frequency of Support" score for a SIS ADL question is zero or one, adjust your "Type of Support" score for that question to zero.

(3) If your "Frequency of Support" score for a SIS ADL support question is two, three, or four, no adjustment is needed to your "Type of Support" score.

Example:

| SIS ADL Questions                 | Text of SIS ADL Questions                                      | If your "Frequency of Support" score is: | And your "Type of Support" score is: | Then your adjusted "Type of Support" score is: |
|-----------------------------------|--|--|--------------------------------------|--|
| A1                                | Using the toilet   | 3  | 3                                    | 3  |
| A4                                | Eating food  | 1  | 2                                    | 0  |
| A6                                | Dressing   | 3  | 3                                    | 3  |
| A7                                | Bathing and taking care of personal hygiene and grooming needs | 1  | 2                                    | 0  |
| E1                                | Taking medications   | 3  | 2                                    | 2  |
| E4                                | Ambulating and moving about                                    | 0  | 0                                    | 0  |
| Your SIS ADL support needs score: |  |  |                                      | 8  |

**NEW SECTION**

**WAC 388-828-5480 How does DDD determine your ADL support needs level for the SIS assessment?** (1) DDD uses your ADL support needs score and the following table to determine your ADL support needs level for the SIS Assessment if you are age sixteen or older:

| If the sum of your adjusted ADL support needs score for the SIS is: | Then your ADL support needs level for the SIS is: | Value |
|---|---|-------|
| 16 to 24  | High  | 3     |
| 10 to 15  | Medium  | 2     |
| 2 to 9  | Low   | 1     |
| 0 or 1  | None  | 0     |

(2) If you have a "Type of Support" score of four for any of the questions listed in WAC 388-828-5460, your ADL support needs level for the SIS Assessment is determined to be high.

**DDD Behavioral Acuity Scale**

**NEW SECTION**

**WAC 388-828-5500 What is the DDD behavioral acuity scale?** The DDD Behavioral Acuity scale is an assessment of your behavioral support needs based on your scores from the SIS Exceptional Behavior scale.

**NEW SECTION**

**WAC 388-828-5520 How is information in the DDD behavioral acuity scale used by DDD?** (1) Information obtained in the DDD Behavioral Acuity Scale is one of the factors used by DDD to determine the amount of waiver respite, if any, that you are authorized to receive.

(2) The DDD Behavioral Acuity Scale does not affect service determination for the Medicaid personal care or waiver personal care assessment.

(3) The information is used for reporting purposes to the legislature and the department.

**NEW SECTION**

**WAC 388-828-5540 How does DDD determine if you have a prominent behavior?** You are determined to have a prominent behavior when a question in WAC 388-828-4380 has a support score of one or two.

**NEW SECTION**

**WAC 388-828-5560 Do all prominent behaviors get scored?** If you have two or more prominent behaviors, DDD will ask you and your respondent(s) for input and must select only one behavior to be scored as your most prominent behavior.

NEW SECTION

**WAC 388-828-5580 How does DDD determine the frequency of your most prominent behavior?** If you have a prominent behavior, DDD asks you and your respondent(s) to identify the frequency of occurrence of your most prominent behavior using the following table:

|  |                                   |
|--|-----------------------------------|
| If the frequency of occurrence of your most prominent behavior is: | Then your score for frequency is: |
| Less than once per month   | Rare                              |
| 1 to 3 times per month   | Occasional                        |
| 1 to 4 times per week  | Occasional                        |
| 1 to 3 times daily   | Frequent                          |
| 4 or more times daily  | Frequent                          |

NEW SECTION

**WAC 388-828-5600 How does DDD determine the severity of your most prominent behavior?** If you have a prominent behavior, DDD asks you and your respondent(s) to identify the severity of your most prominent behavior using the following table:

|   |                                  |
|---|----------------------------------|
| If the characteristics of your most prominent behavior are:   | Then your score for severity is: |
| Your behavior may be uncooperative, inconvenient, repetitive, and/or require time intensive support. However, your behavior is not considered aggressive or self-injurious. | Minor incidents                  |
| Your behavior, if allowed to continue over time, may result in life-threatening harm for yourself and/or others.  | Potentially dangerous            |
| Your behavior without immediate intervention will result in life-threatening harm for yourself and/or others.   | Life threatening                 |

NEW SECTION

**WAC 388-828-5620 How does DDD determine the type of caregiver assistance you receive to help you keep your most prominent behavior under control?** DDD asks you and your respondent(s) to identify the type of caregiver assistance you receive to help you keep your most prominent behavior under control using the following table:

|  |  |
|--|--|
| If the caregiver assistance provided to support your most prominent behavior is:   | Then your score for caregiver assistance is: |
| Your respondent reports that you do not require any assistance to keep your most prominent behavior under control.   | No supervision, Oversight                    |
| Your respondent reports that you may at times require supervision and verbal redirection to keep your most prominent behavior under control.   | Verbal redirection                           |
| Your respondent reports that you require occasional physical guidance of limbs and/or caregiver intervention to keep your most prominent behavior under control.   | Occasional physical guiding or intervention  |
| Your respondent reports that you require in-sight supervision at all times and may require 1 to 2 person physical restraint or removal from the area to keep your most prominent behavior under control. | In-Sight Supervision -Physical restraint     |

NEW SECTION

**WAC 388-828-5640 How does DDD determine your behavioral acuity level?** DDD uses your frequency, severity, and caregiver assistance scores to determine your behavioral acuity level using the following table:

| If your score for frequency is: | And your score for severity is: | And your score for caregiver assistance is: | Then your behavioral acuity level is: |
|---------------------------------|---------------------------------|---|---------------------------------------|
| Rare                            | Minor                           | None  | Low                                   |
|                                 |                                 | Verbal redirection                          | Low                                   |
|                                 |                                 | Physical guiding or selection               | Low                                   |
|                                 |                                 | Physical restraint                          | Low                                   |
|                                 | Potentially Dangerous           | None  | Low                                   |
|                                 |                                 | Verbal redirection                          | Low                                   |
|                                 |                                 | Physical guiding or selection               | Medium                                |
|                                 |                                 | Physical restraint                          | High                                  |
|                                 | Life-Threatening                | None  | Medium                                |
|                                 |                                 | Verbal redirection                          | Medium                                |
|                                 |                                 | Physical guiding or selection               | High                                  |
|                                 |                                 | Physical restraint                          | High                                  |

| If your score for frequency is: | And your score for severity is: | And your score for caregiver assistance is: | Then your behavioral acuity level is: |
|---------------------------------|---------------------------------|---|---------------------------------------|
| Occasional                      | Minor                           | None  | Low                                   |
|                                 |                                 | Verbal redirection                          | Low                                   |
|                                 |                                 | Physical guiding or selection               | Low                                   |
|                                 |                                 | Physical restraint                          | Medium                                |
|                                 | Potentially Dangerous           | None  | Medium                                |
|                                 |                                 | Verbal redirection                          | Medium                                |
|                                 |                                 | Physical guiding or selection               | Medium                                |
|                                 |                                 | Physical restraint                          | High                                  |
|                                 | Life Threatening                | None  | Medium                                |
|                                 |                                 | Verbal redirection                          | Medium                                |
|                                 |                                 | Physical guiding or selection               | High                                  |
|                                 |                                 | Physical restraint                          | High                                  |
| Frequent                        | Minor                           | None  | Low                                   |
|                                 |                                 | Verbal redirection                          | Low                                   |
|                                 |                                 | Physical guiding or selection               | Medium                                |
|                                 |                                 | Physical restraint                          | Medium                                |
|                                 | Potentially Dangerous           | None  | Medium                                |
|                                 |                                 | Verbal redirection                          | Medium                                |
|                                 |                                 | Physical guiding or selection               | High                                  |
|                                 |                                 | Physical restraint                          | High                                  |
|                                 | Life-Threatening                | None  | High                                  |
|                                 |                                 | Verbal redirection                          | High                                  |
|                                 |                                 | Physical guiding or selection               | High                                  |
|                                 |                                 | Physical restraint                          | High                                  |

**DDD Medical Acuity Scale**

NEW SECTION

**WAC 388-828-5660 What is the DDD medical acuity scale?** The DDD Medical Acuity Scale is an algorithm that determines your medical support needs level.

(1) The DDD Medical Acuity Scale does not affect service determination for the Medicaid personal care or waiver personal care assessments; and

(2) The information is used for reporting purposes to the legislature and the department.

NEW SECTION

**WAC 388-828-5680 What is the purpose of the DDD medical acuity scale?** The purpose of the DDD Medical Acuity scale is to determine your medical acuity level.

NEW SECTION

**WAC 388-828-5700 How does DDD determine your medical acuity level?** DDD uses your SIS support scores to questions in the Exceptional Medical Support Needs Scale per WAC 388-828-4360 and the following table to determine your medical acuity level:

| If you meet the following criteria:   | Then your medical acuity level is: | Value |
|---|------------------------------------|-------|
| (1) If you have a score of 2 on questions 1, 4, and 7;  | High                               | 3     |
| (2) If you have a score of 2 on any two of the following questions: 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, or 17;  | High                               | 3     |
| (3) If your total exceptional medical support needs score is 8 or higher;   | High                               | 3     |
| (4) If you have a score of 2 on any of the following questions: 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, or 17 and do not meet the criteria for a high medical acuity level; | Medium                             | 2     |
| (5) If your total exceptional medical support needs score is 6 or 7 and you do not meet the criteria for a high medical acuity level;   | Medium                             | 2     |

| If you meet the following criteria:   | Then your medical acuity level is: | Value |
|---|------------------------------------|-------|
| (6) If your total exceptional medical support needs score is 5 or less, but greater than zero, and you do not have a score of 2 on any questions excluding number 15; | Low                                | 1     |
| (7) If your total exceptional medical support needs score equals zero.  | None                               | 0     |

**DDD Interpersonal Support Acuity Scale**

NEW SECTION

**WAC 388-828-5720 What is the DDD interpersonal support acuity scale?** The DDD Interpersonal Support Acuity Scale is an algorithm that measures your ability to interact with others in a variety of settings and determines your interpersonal support needs level.

(1) The DDD Interpersonal Support Acuity Scale does not affect service determination for the Medicaid personal care or waiver Personal Care assessments; and

(2) The information is used for reporting purposes to the legislature and the department.

NEW SECTION

**WAC 388-828-5740 What does the DDD interpersonal support acuity scale determine?** The DDD Interpersonal Support Acuity Scale determines:

(1) Your interpersonal support acuity level from the Support Assessment for Children if you are age birth through fifteen; or

(2) Your interpersonal support acuity level from the SIS Assessment if you are age sixteen or older.

NEW SECTION

**WAC 388-828-5760 How does DDD determine your interpersonal support needs score if you are age birth through fifteen?** If you are a child age birth through fifteen, your interpersonal support needs score is the total of your acuity scores for each of the following questions in the Support Assessment for Children:

| Interpersonal support needs questions from the Support Assessment for Children in WAC 388-828-3040 |   |
|--|---|
| Question #   | Text of Questions:  |
| 5  | Communicate: What support does the child need to communicate with others of same age?   |
| 11   | Have relationships with family members: What support does the child need to make the kind of relationships with family members expected of non disabled children of the same age? |
| 13   | Play with others: What supports are needed for the child to develop age-level skills in playing with others?  |

| Interpersonal support needs questions from the Support Assessment for Children in WAC 388-828-3040 |   |
|--|---|
| 17   | Effectively relate to other students/peers: What support does the person need to most effectively relate to fellow students and/or peers? |
| 18   | Have behaviors which promote being included: What support is needed for this person to have behaviors which promote being included?       |

NEW SECTION

**WAC 388-828-5780 What does the DDD interpersonal support needs score determine if you are age birth through fifteen?** If you are age birth through fifteen, DDD uses your interpersonal support needs score and the following table to determine your interpersonal support needs level:

| If your interpersonal support needs score is:  | Then your interpersonal support needs level is: | Value |
|--|---|-------|
| (1) Your interpersonal support needs score is 10 or more.  | High  | 3     |
| (2) Your interpersonal support needs score is a 4, 5, 6, 7, 8, or 9; or<br>(3) You have an acuity score of 3 or 4 for one of the interpersonal support needs questions listed in WAC 388-828-3040. | Medium  | 2     |
| (4) Your interpersonal support needs score is 1, 2, or 3; and<br>(5) You do not have an acuity score of 3 or 4 for one of the interpersonal support needs questions listed in WAC 388-828-3040.    | Low   | 1     |
| (6) Your interpersonal support needs score is zero.  | None  | 0     |

NEW SECTION

**WAC 388-828-5800 How does DDD determine your interpersonal support needs score if you are age sixteen or older?** If you are age sixteen or older, your interpersonal support needs score is determined by adding your raw scores to the following SIS questions:

| Interpersonal support needs questions from the SIS assessment |   |
|---|---|
| Question #  | Text of interpersonal support needs questions:      |
| B7  | Interacting with community members                  |
| C1  | Interacting with others in learning activities      |
| D3  | Interacting with co-workers                         |
| D4  | Interacting with supervisors/coaches                |
| D8  | Seeking information and assistance from an employer |
| F1  | Socializing within the household                    |
| F3  | Socializing outside the household                   |
| F5  | Communicating with others about personal needs      |
| F6  | Using appropriate social skills                     |

**NEW SECTION**

**WAC 388-828-5820 How does DDD use your interpersonal support needs score if you are age sixteen or older?** If you are age sixteen or older, DDD uses your interpersonal support needs score and the following table to determine your interpersonal support needs level:

| If your interpersonal support needs score is:  | Then your interpersonal support needs level is: | Value |
|--|---|-------|
| (1) 56 or more   | High  | 3     |
| (2) At least 20; and<br>(3) Less than 56   | Medium  | 2     |
| (4) 3 or 4 for both "Type of Support" and "Frequency of Support" for one of the interpersonal support needs questions  | Medium  | 2     |
| (5) At least 1; and<br>(6) Less than 20; and<br>(7) You do not have a score of 3 or 4 for both "Type of Support" and "Frequency of Support" for one of the interpersonal support needs questions | Low   | 1     |
| (8) Zero   | None  | 0     |

**DDD Mobility Acuity Scale**

**NEW SECTION**

**WAC 388-828-5840 What is the DDD mobility acuity scale?** The DDD Mobility Acuity Scale is an algorithm that measures your ability to ambulate and move around.

- (1) The DDD Mobility Acuity Scale does not affect service determination for the Medicaid personal care or waiver personal care assessments; and
- (2) The information is used for reporting purposes to the legislature and the department.

**NEW SECTION**

**WAC 388-828-5860 What does the DDD mobility acuity scale determine?** The DDD Mobility Acuity Scale determines:

- (1) Your mobility acuity level from the Support Assessment for Children if you are age birth through fifteen; or
- (2) Your mobility acuity level from the SIS Assessment if you are age sixteen or older.

**NEW SECTION**

**WAC 388-828-5880 How does DDD determine your mobility acuity level if you are age birth through fifteen?** If you are age birth through fifteen, your mobility acuity level is determined by your acuity score to question four of the ICF/MR Level of Care Assessment in WAC 388-828-3040 using the following table:

| If your acuity score for question 4 is: | Then your mobility acuity level is: |
|---|-------------------------------------|
| 4                                       | High                                |
| 3                                       | Medium                              |
| 1 or 2                                  | Low                                 |
| 0                                       | None                                |

**NEW SECTION**

**WAC 388-828-5900 How does DDD determine your mobility acuity level if you are age sixteen or older?** If you are age sixteen or older, your mobility acuity level is determined by your scores to question E4 "Ambulating and moving about" in WAC 388-828-4280 using the following table:

| If you score for "Frequency of Support" is:  | And your score for "Type of Support" is: | Then your Mobility Acuity Level is: | Value |
|--|--|-------------------------------------|-------|
| 3 or 4   | 4  | High                                | 3     |
| 3 or 4   | 3  | Medium                              | 2     |
| If your raw score for question E4 or 5 or more and you do not meet the criteria for a high or medium mobility acuity level |  | Low                                 | 1     |
| If your raw score for question E4 is 4 or less   |  | None                                | 0     |

**Respite Assessment**

**NEW SECTION**

**WAC 388-828-5920 What is the respite assessment?** The respite assessment is an algorithm in the DDD Assess-

ment that determines the number of hours of respite care, if any, that your provider may receive per year if DDD has authorized you to receive Basic, Basic Plus, or Core waiver services per chapter 388-845 WAC.

**NEW SECTION**

**WAC 388-828-5940 Are there any exceptions when the respite assessment is not used to determine the number of hours for waiver respite services?** The respite assessment is not used to determine waiver respite when you are receiving any of the following:

- (1) Voluntary Placement Program services per chapter 388-826 WAC; or
- (2) Companion home services per chapter 388-821 WAC.

**NEW SECTION**

**WAC 388-828-5960 What is the purpose of the respite assessment?** The purpose of the respite assessment is to determine your respite assessment level using your scores from:

- (1) The Protective Supervision Acuity Scale;
- (2) The DDD Caregiver Status Acuity Scale; and
- (3) The DDD Behavioral Acuity Scale.

**NEW SECTION**

**WAC 388-828-5980 How does DDD determine your respite assessment level?** (1) DDD determines your respite assessment level using the following table:

| If your Protective Supervision Support Level is: | And your primary caregiver risk level is: | And your backup caregiver risk score is: | And your behavioral acuity level is: | Then your respite assessment level is: |
|--|---|--|--------------------------------------|--|
| 0  | None                                      | 1  | None                                 | 1                                      |
| 0  | None                                      | 1  | Low                                  | 1                                      |
| 0  | None                                      | 1  | Medium                               | 1                                      |
| 0  | None                                      | 1  | High                                 | 2                                      |
| 0  | None                                      | 2 or 3                                   | None                                 | 1                                      |
| 0  | None                                      | 2 or 3                                   | Low                                  | 1                                      |
| 0  | None                                      | 2 or 3                                   | Medium                               | 2                                      |
| 0  | None                                      | 2 or 3                                   | High                                 | 2                                      |
| 0  | Low                                       | 1  | None                                 | 1                                      |
| 0  | Low                                       | 1  | Low                                  | 1                                      |
| 0  | Low                                       | 1  | Medium                               | 1                                      |
| 0  | Low                                       | 1  | High                                 | 2                                      |
| 0  | Low                                       | 2 or 3                                   | None                                 | 1                                      |
| 0  | Low                                       | 2 or 3                                   | Low                                  | 1                                      |
| 0  | Low                                       | 2 or 3                                   | Medium                               | 2                                      |
| 0  | Low                                       | 2 or 3                                   | High                                 | 2                                      |
| 0  | Medium                                    | 1  | None                                 | 1                                      |
| 0  | Medium                                    | 1  | Low                                  | 1                                      |
| 0  | Medium                                    | 1  | Medium                               | 1                                      |
| 0  | Medium                                    | 1  | High                                 | 2                                      |
| 0  | Medium                                    | 2 or 3                                   | None                                 | 1                                      |
| 0  | Medium                                    | 2 or 3                                   | Low                                  | 1                                      |
| 0  | Medium                                    | 2 or 3                                   | Medium                               | 2                                      |
| 0  | Medium                                    | 2 or 3                                   | High                                 | 2                                      |
| 0  | High                                      | 1  | None                                 | 1                                      |
| 0  | High                                      | 1  | Low                                  | 1                                      |
| 0  | High                                      | 1  | Medium                               | 2                                      |
| 0  | High                                      | 1  | High                                 | 2                                      |
| 0  | High                                      | 2 or 3                                   | None                                 | 2                                      |
| 0  | High                                      | 2 or 3                                   | Low                                  | 2                                      |
| 0  | High                                      | 2 or 3                                   | Medium                               | 2                                      |
| 0  | High                                      | 2 or 3                                   | High                                 | 3                                      |

| If your Protective Supervision Support Level is: | And your primary caregiver risk level is: | And your backup caregiver risk score is: | And your behavioral acuity level is: | Then your respite assessment level is: |
|--|---|--|--------------------------------------|--|
| 0  | Immediate                                 | 1  | None                                 | 1                                      |
| 0  | Immediate                                 | 1  | Low                                  | 1                                      |
| 0  | Immediate                                 | 1  | Medium                               | 2                                      |
| 0  | Immediate                                 | 1  | High                                 | 2                                      |
| 0  | Immediate                                 | 2 or 3                                   | None                                 | 2                                      |
| 0  | Immediate                                 | 2 or 3                                   | Low                                  | 2                                      |
| 0  | Immediate                                 | 2 or 3                                   | Medium                               | 2                                      |
| 0  | Immediate                                 | 2 or 3                                   | High                                 | 3                                      |
| 1  | None                                      | 1  | None                                 | 1                                      |
| 1  | None                                      | 1  | Low                                  | 1                                      |
| 1  | None                                      | 1  | Medium                               | 1                                      |
| 1  | None                                      | 1  | High                                 | 2                                      |
| 1  | None                                      | 2 or 3                                   | None                                 | 1                                      |
| 1  | None                                      | 2 or 3                                   | Low                                  | 1                                      |
| 1  | None                                      | 2 or 3                                   | Medium                               | 2                                      |
| 1  | None                                      | 2 or 3                                   | High                                 | 3                                      |
| 1  | Low                                       | 1  | None                                 | 1                                      |
| 1  | Low                                       | 1  | Low                                  | 1                                      |
| 1  | Low                                       | 1  | Medium                               | 1                                      |
| 1  | Low                                       | 1  | High                                 | 2                                      |
| 1  | Low                                       | 2 or 3                                   | None                                 | 1                                      |
| 1  | Low                                       | 2 or 3                                   | Low                                  | 1                                      |
| 1  | Low                                       | 2 or 3                                   | Medium                               | 2                                      |
| 1  | Low                                       | 2 or 3                                   | High                                 | 3                                      |
| 1  | Medium                                    | 1  | None                                 | 1                                      |
| 1  | Medium                                    | 1  | Low                                  | 1                                      |
| 1  | Medium                                    | 1  | Medium                               | 2                                      |
| 1  | Medium                                    | 1  | High                                 | 3                                      |
| 1  | Medium                                    | 2 or 3                                   | None                                 | 1                                      |
| 1  | Medium                                    | 2 or 3                                   | Low                                  | 2                                      |
| 1  | Medium                                    | 2 or 3                                   | Medium                               | 2                                      |
| 1  | Medium                                    | 2 or 3                                   | High                                 | 3                                      |
| 1  | High                                      | 1  | None                                 | 2                                      |
| 1  | High                                      | 1  | Low                                  | 2                                      |
| 1  | High                                      | 1  | Medium                               | 2                                      |
| 1  | High                                      | 1  | High                                 | 3                                      |
| 1  | High                                      | 2 or 3                                   | None                                 | 2                                      |
| 1  | High                                      | 2 or 3                                   | Low                                  | 2                                      |
| 1  | High                                      | 2 or 3                                   | Medium                               | 3                                      |
| 1  | High                                      | 2 or 3                                   | High                                 | 4                                      |
| 1  | Immediate                                 | 1  | None                                 | 2                                      |
| 1  | Immediate                                 | 1  | Low                                  | 2                                      |
| 1  | Immediate                                 | 1  | Medium                               | 2                                      |
| 1  | Immediate                                 | 1  | High                                 | 3                                      |
| 1  | Immediate                                 | 2 or 3                                   | None                                 | 2                                      |

| If your Protective Supervision Support Level is: | And your primary caregiver risk level is: | And your backup caregiver risk score is: | And your behavioral acuity level is: | Then your respite assessment level is: |
|--|---|--|--------------------------------------|--|
| 1  | Immediate                                 | 2 or 3                                   | Low                                  | 2                                      |
| 1  | Immediate                                 | 2 or 3                                   | Medium                               | 3                                      |
| 1  | Immediate                                 | 2 or 3                                   | High                                 | 4                                      |
| 2 or 3   | None                                      | 1  | None                                 | 1                                      |
| 2 or 3   | None                                      | 1  | Low                                  | 1                                      |
| 2 or 3   | None                                      | 1  | Medium                               | 2                                      |
| 2 or 3   | None                                      | 1  | High                                 | 3                                      |
| 2 or 3   | None                                      | 2 or 3                                   | None                                 | 2                                      |
| 2 or 3   | None                                      | 2 or 3                                   | Low                                  | 2                                      |
| 2 or 3   | None                                      | 2 or 3                                   | Medium                               | 2                                      |
| 2 or 3   | None                                      | 2 or 3                                   | High                                 | 4                                      |
| 2 or 3   | Low                                       | 1  | None                                 | 1                                      |
| 2 or 3   | Low                                       | 1  | Low                                  | 1                                      |
| 2 or 3   | Low                                       | 1  | Medium                               | 2                                      |
| 2 or 3   | Low                                       | 1  | High                                 | 3                                      |
| 2 or 3   | Low                                       | 2 or 3                                   | None                                 | 2                                      |
| 2 or 3   | Low                                       | 2 or 3                                   | Low                                  | 2                                      |
| 2 or 3   | Low                                       | 2 or 3                                   | Medium                               | 2                                      |
| 2 or 3   | Low                                       | 2 or 3                                   | High                                 | 4                                      |
| 2 or 3   | Medium                                    | 1  | None                                 | 2                                      |
| 2 or 3   | Medium                                    | 1  | Low                                  | 2                                      |
| 2 or 3   | Medium                                    | 1  | Medium                               | 2                                      |
| 2 or 3   | Medium                                    | 1  | High                                 | 3                                      |
| 2 or 3   | Medium                                    | 2 or 3                                   | None                                 | 2                                      |
| 2 or 3   | Medium                                    | 2 or 3                                   | Low                                  | 2                                      |
| 2 or 3   | Medium                                    | 2 or 3                                   | Medium                               | 3                                      |
| 2 or 3   | Medium                                    | 2 or 3                                   | High                                 | 4                                      |
| 2 or 3   | High                                      | 1  | None                                 | 2                                      |
| 2 or 3   | High                                      | 1  | Low                                  | 2                                      |
| 2 or 3   | High                                      | 1  | Medium                               | 2                                      |
| 2 or 3   | High                                      | 1  | High                                 | 3                                      |
| 2 or 3   | High                                      | 2 or 3                                   | None                                 | 2                                      |
| 2 or 3   | High                                      | 2 or 3                                   | Low                                  | 2                                      |
| 2 or 3   | High                                      | 2 or 3                                   | Medium                               | 3                                      |
| 2 or 3   | High                                      | 2 or 3                                   | High                                 | 4                                      |
| 2 or 3   | Immediate                                 | 1  | None                                 | 2                                      |
| 2 or 3   | Immediate                                 | 1  | Low                                  | 2                                      |
| 2 or 3   | Immediate                                 | 1  | Medium                               | 2                                      |
| 2 or 3   | Immediate                                 | 1  | High                                 | 3                                      |
| 2 or 3   | Immediate                                 | 2 or 3                                   | None                                 | 2                                      |
| 2 or 3   | Immediate                                 | 2 or 3                                   | Low                                  | 2                                      |
| 2 or 3   | Immediate                                 | 2 or 3                                   | Medium                               | 3                                      |
| 2 or 3   | Immediate                                 | 2 or 3                                   | High                                 | 4                                      |
| 4  | None                                      | 1  | None                                 | 2                                      |
| 4  | None                                      | 1  | Low                                  | 2                                      |

| If your Protective Supervision Support Level is: | And your primary caregiver risk level is: | And your backup caregiver risk score is: | And your behavioral acuity level is: | Then your respite assessment level is: |
|--|---|--|--------------------------------------|--|
| 4  | None                                      | 1  | Medium                               | 2                                      |
| 4  | None                                      | 1  | High                                 | 3                                      |
| 4  | None                                      | 2 or 3                                   | None                                 | 2                                      |
| 4  | None                                      | 2 or 3                                   | Low                                  | 2                                      |
| 4  | None                                      | 2 or 3                                   | Medium                               | 3                                      |
| 4  | None                                      | 2 or 3                                   | High                                 | 4                                      |
| 4  | Low                                       | 1  | None                                 | 2                                      |
| 4  | Low                                       | 1  | Low                                  | 2                                      |
| 4  | Low                                       | 1  | Medium                               | 2                                      |
| 4  | Low                                       | 1  | High                                 | 3                                      |
| 4  | Low                                       | 2 or 3                                   | None                                 | 2                                      |
| 4  | Low                                       | 2 or 3                                   | Low                                  | 2                                      |
| 4  | Low                                       | 2 or 3                                   | Medium                               | 3                                      |
| 4  | Low                                       | 2 or 3                                   | High                                 | 4                                      |
| 4  | Medium                                    | 1  | None                                 | 2                                      |
| 4  | Medium                                    | 1  | Low                                  | 2                                      |
| 4  | Medium                                    | 1  | Medium                               | 3                                      |
| 4  | Medium                                    | 1  | High                                 | 3                                      |
| 4  | Medium                                    | 2 or 3                                   | None                                 | 2                                      |
| 4  | Medium                                    | 2 or 3                                   | Low                                  | 3                                      |
| 4  | Medium                                    | 2 or 3                                   | Medium                               | 3                                      |
| 4  | Medium                                    | 2 or 3                                   | High                                 | 4                                      |
| 4  | High                                      | 1  | None                                 | 2                                      |
| 4  | High                                      | 1  | Low                                  | 2                                      |
| 4  | High                                      | 1  | Medium                               | 3                                      |
| 4  | High                                      | 1  | High                                 | 3                                      |
| 4  | High                                      | 2 or 3                                   | None                                 | 2                                      |
| 4  | High                                      | 2 or 3                                   | Low                                  | 3                                      |
| 4  | High                                      | 2 or 3                                   | Medium                               | 4                                      |
| 4  | High                                      | 2 or 3                                   | High                                 | 4                                      |
| 4  | Immediate                                 | 1  | None                                 | 2                                      |
| 4  | Immediate                                 | 1  | Low                                  | 2                                      |
| 4  | Immediate                                 | 1  | Medium                               | 3                                      |
| 4  | Immediate                                 | 1  | High                                 | 3                                      |
| 4  | Immediate                                 | 2 or 3                                   | None                                 | 2                                      |
| 4  | Immediate                                 | 2 or 3                                   | Low                                  | 3                                      |
| 4  | Immediate                                 | 2 or 3                                   | Medium                               | 4                                      |
| 4  | Immediate                                 | 2 or 3                                   | High                                 | 4                                      |
| 5  | None                                      | 1  | None                                 | 2                                      |
| 5  | None                                      | 1  | Low                                  | 2                                      |
| 5  | None                                      | 1  | Medium                               | 3                                      |
| 5  | None                                      | 1  | High                                 | 4                                      |
| 5  | None                                      | 2 or 3                                   | None                                 | 3                                      |
| 5  | None                                      | 2 or 3                                   | Low                                  | 3                                      |
| 5  | None                                      | 2 or 3                                   | Medium                               | 4                                      |

| If your Protective Supervision Support Level is: | And your primary caregiver risk level is: | And your backup caregiver risk score is: | And your behavioral acuity level is: | Then your respite assessment level is: |
|--|---|--|--------------------------------------|--|
| 5  | None                                      | 2 or 3                                   | High                                 | 5                                      |
| 5  | Low                                       | 1  | None                                 | 2                                      |
| 5  | Low                                       | 1  | Low                                  | 2                                      |
| 5  | Low                                       | 1  | Medium                               | 3                                      |
| 5  | Low                                       | 1  | High                                 | 4                                      |
| 5  | Low                                       | 2 or 3                                   | None                                 | 3                                      |
| 5  | Low                                       | 2 or 3                                   | Low                                  | 3                                      |
| 5  | Low                                       | 2 or 3                                   | Medium                               | 4                                      |
| 5  | Low                                       | 2 or 3                                   | High                                 | 5                                      |
| 5  | Medium                                    | 1  | None                                 | 2                                      |
| 5  | Medium                                    | 1  | Low                                  | 2                                      |
| 5  | Medium                                    | 1  | Medium                               | 3                                      |
| 5  | Medium                                    | 1  | High                                 | 4                                      |
| 5  | Medium                                    | 2 or 3                                   | None                                 | 3                                      |
| 5  | Medium                                    | 2 or 3                                   | Low                                  | 3                                      |
| 5  | Medium                                    | 2 or 3                                   | Medium                               | 4                                      |
| 5  | Medium                                    | 2 or 3                                   | High                                 | 5                                      |
| 5  | High                                      | 1  | None                                 | 2                                      |
| 5  | High                                      | 1  | Low                                  | 2                                      |
| 5  | High                                      | 1  | Medium                               | 3                                      |
| 5  | High                                      | 1  | High                                 | 4                                      |
| 5  | High                                      | 2 or 3                                   | None                                 | 3                                      |
| 5  | High                                      | 2 or 3                                   | Low                                  | 3                                      |
| 5  | High                                      | 2 or 3                                   | Medium                               | 4                                      |
| 5  | High                                      | 2 or 3                                   | High                                 | 5                                      |
| 5  | Immediate                                 | 1  | None                                 | 2                                      |
| 5  | Immediate                                 | 1  | Low                                  | 2                                      |
| 5  | Immediate                                 | 1  | Medium                               | 3                                      |
| 5  | Immediate                                 | 1  | High                                 | 4                                      |
| 5  | Immediate                                 | 2 or 3                                   | None                                 | 3                                      |
| 5  | Immediate                                 | 2 or 3                                   | Low                                  | 3                                      |
| 5  | Immediate                                 | 2 or 3                                   | Medium                               | 4                                      |
| 5  | Immediate                                 | 2 or 3                                   | High                                 | 5                                      |
| 6  | None                                      | 1  | None                                 | 2                                      |
| 6  | None                                      | 1  | Low                                  | 3                                      |
| 6  | None                                      | 1  | Medium                               | 3                                      |
| 6  | None                                      | 1  | High                                 | 4                                      |
| 6  | None                                      | 2 or 3                                   | None                                 | 3                                      |
| 6  | None                                      | 2 or 3                                   | Low                                  | 3                                      |
| 6  | None                                      | 2 or 3                                   | Medium                               | 4                                      |
| 6  | None                                      | 2 or 3                                   | High                                 | 5                                      |
| 6  | Low                                       | 1  | None                                 | 2                                      |
| 6  | Low                                       | 1  | Low                                  | 3                                      |
| 6  | Low                                       | 1  | Medium                               | 3                                      |
| 6  | Low                                       | 1  | High                                 | 4                                      |

| If your Protective Supervision Support Level is: | And your primary caregiver risk level is: | And your backup caregiver risk score is: | And your behavioral acuity level is: | Then your respite assessment level is: |
|--|---|--|--------------------------------------|--|
| 6  | Low                                       | 2 or 3                                   | None                                 | 3                                      |
| 6  | Low                                       | 2 or 3                                   | Low                                  | 3                                      |
| 6  | Low                                       | 2 or 3                                   | Medium                               | 4                                      |
| 6  | Low                                       | 2 or 3                                   | High                                 | 5                                      |
| 6  | Medium                                    | 1  | None                                 | 3                                      |
| 6  | Medium                                    | 1  | Low                                  | 3                                      |
| 6  | Medium                                    | 1  | Medium                               | 3                                      |
| 6  | Medium                                    | 1  | High                                 | 4                                      |
| 6  | Medium                                    | 2 or 3                                   | None                                 | 3                                      |
| 6  | Medium                                    | 2 or 3                                   | Low                                  | 4                                      |
| 6  | Medium                                    | 2 or 3                                   | Medium                               | 4                                      |
| 6  | Medium                                    | 2 or 3                                   | High                                 | 5                                      |
| 6  | High                                      | 1  | None                                 | 3                                      |
| 6  | High                                      | 1  | Low                                  | 3                                      |
| 6  | High                                      | 1  | Medium                               | 4                                      |
| 6  | High                                      | 1  | High                                 | 4                                      |
| 6  | High                                      | 2 or 3                                   | None                                 | 4                                      |
| 6  | High                                      | 2 or 3                                   | Low                                  | 4                                      |
| 6  | High                                      | 2 or 3                                   | Medium                               | 5                                      |
| 6  | High                                      | 2 or 3                                   | High                                 | 5                                      |
| 6  | Immediate                                 | 1  | None                                 | 3                                      |
| 6  | Immediate                                 | 1  | Low                                  | 3                                      |
| 6  | Immediate                                 | 1  | Medium                               | 4                                      |
| 6  | Immediate                                 | 1  | High                                 | 4                                      |
| 6  | Immediate                                 | 2 or 3                                   | None                                 | 4                                      |
| 6  | Immediate                                 | 2 or 3                                   | Low                                  | 4                                      |
| 6  | Immediate                                 | 2 or 3                                   | Medium                               | 5                                      |
| 6  | Immediate                                 | 2 or 3                                   | High                                 | 5                                      |

(2) DDD adds one level to your respite assessment level when your respite assessment level is determined to be a one, two, three, or four and you have a score of four for question two "Other caregiving for persons who are disabled, seriously ill, or under five" in the DDD Caregiver Status Acuity Scale. See WAC 388-828-5260.

| If your respite assessment level is: | Then the maximum number of hours you may receive for respite care each year is: |
|--------------------------------------|---|
| 4                                    | 432   |
| 5                                    | 528   |

**Programs and Services Component**

NEW SECTION

**WAC 388-828-6000 How does DDD determine the maximum number of hours you may receive for respite care?** The maximum number of hours you may receive per year is determined by using the following table:

| If your respite assessment level is: | Then the maximum number of hours you may receive for respite care each year is: |
|--------------------------------------|---|
| 1                                    | 240   |
| 2                                    | 240   |
| 3                                    | 336   |

NEW SECTION

**WAC 388-828-6020 What is the purpose of the programs and services component?** The purpose of the Programs and Services component is to document:

- (1) DDD services you are currently receiving;
- (2) DDD services you have been approved to receive; and
- (3) If you currently meet the ICF/MR Level of Care requirements for continued DDD HCBS waiver eligibility or for potential DDD HCBS waiver services if resources become available.

**Service Level Assessment Module**

NEW SECTION

**WAC 388-828-7000 What is the purpose of the service level assessment module?** The purpose of the Service Level Assessment module is to determine a service level and the number of hours you are eligible to receive for Medicaid or Waiver Personal Care services per chapter 388-106 WAC.

NEW SECTION

**WAC 388-828-7020 What components contained in the service level assessment module determine a service level and/or number of hours?** The Service Level Assessment module contains two components that are used to determine a service level and/or number of hours for the following:

- (1) The CARE Assessment for Medicaid or waiver personal care services, as defined in chapter 388-106 WAC; and
- (2) The DDD Seizure Acuity Scale as defined in WAC 388-828-7040 through WAC 388-828-7080.

**DDD Seizure Acuity Scale**

NEW SECTION

**WAC 388-828-7040 What is the DDD seizure acuity scale?** (1) The DDD Seizure Acuity Scale is an assessment of your seizure support needs.

(2) The DDD Seizure Acuity Scale does not affect service determination for the Medicaid personal care or waiver personal care assessments.

(3) The information is used for reporting purposes to the legislature and the department.

NEW SECTION

**WAC 388-828-7060 What does the DDD seizure acuity scale measure?** The DDD Seizure Acuity Scale is used to measure your seizure acuity level.

NEW SECTION

**WAC 388-828-7080 How does DDD determine your seizure acuity level?** DDD uses criteria in the following table to determine your seizure acuity level:

|   |                                    |
|---|------------------------------------|
| If you meet the following criteria:   | Then your seizure acuity level is: |
| (1) You received medical attention for your seizures, on two or more occasions.<br>(2) Medical attention includes:<br>(a) Visits to a primary care physician;<br>(b) Visits to an emergency room;<br>(c) Calls to 911 that result in paramedics having to provide care, treatment, or stabilization services. | High                               |

|  |                                    |
|--|------------------------------------|
| If you meet the following criteria:  | Then your seizure acuity level is: |
| (3) You have convulsive seizures (Tonic-clonic or atonic) and meet the following conditions:<br>(a) You have a seizure at least once every three months; and<br>(b) Your seizures last at least five minutes.  | High                               |
| (4) You have convulsive seizures (Tonic-clonic or atonic) and meet the following conditions:<br>(a) You have a seizure at least once every three months; and<br>(b) Your seizures last less than five minutes. | Medium                             |
| (5) You report a history of having seizures and you do not meet the requirements for a high or medium seizure acuity level.  | Low                                |
| (6) You report that you do not have a history of seizures.   | None                               |

**Individual Support Plan Module**

NEW SECTION

**WAC 388-828-8000 What is the purpose of the individual support plan (ISP) module?** The purpose of the individual support plan module is to create a written plan that includes:

- (1) Your acuity scores generated from the Support Assessment;
- (2) Referral information;
- (3) The SSP, if any, you are approved to receive in lieu of a DDD paid service; and
- (4) DDD paid services you are authorized to receive:
  - (a) If you are enrolled in a DDD waiver, the ISP must address all the health and welfare needs identified in your ICF/MR Level of Care assessment and the supports used to meet your assessed needs; or
  - (b) If you are not enrolled in a DDD waiver, DDD is only required to address the DDD paid services you are approved to receive.

NEW SECTION

**WAC 388-828-8020 What components contained in the individual support plan module determines a service level and/or number of hours?** The foster care rate assessment, as defined in chapter 388-826 WAC, is the only component in the Individual Support Plan module that determines a service level and/or number of hours.

NEW SECTION

**WAC 388-828-8040 How does DDD determine which health and welfare needs must be addressed in your indi-**

**vidual support plan if you are age birth through fifteen?**  
 If you are age birth through fifteen and are receiving DDD HCBS waiver services or reside in a state-only residential setting, DDD uses the following tables to determine the

health and welfare needs that must be addressed in your Individual Support Plan:

(1) Activities from the Support Needs Assessment for Children:

| #  | Questions in the Support Needs Assessment for Children: | DDD must address in your ISP if you have an acuity score of: | Health and Welfare Category |
|----|---|--|-----------------------------|
| 1  | Dress and groom self                                    | 2 or more  | Home Living                 |
| 2  | Toilet self   | 2 or more  | Home Living                 |
| 3  | Eat at age level  | 3 or more  | Home Living                 |
| 4  | Move around   | 3 or more  | Home Living                 |
| 5  | Communicate   | 2 or more  | Home Living                 |
| 7  | Make choices and take responsibility                    | 2 or more  | Protection and Advocacy     |
| 8  | Explore environment                                     | 3 or more  | Community Living            |
| 9  | Meet therapy health needs                               | 1 or more  | Medical Supports            |
| 10 | Help family continue to meet child's needs              | 1 or more  | Protection and Advocacy     |
| 15 | Identify and respond safely to emergencies              | 1 or more  | Health and Safety           |
| 16 | Practice age-level safety measures                      | 2 or more  | Protection and Advocacy     |
| 17 | Effectively relate to other students/peers              | 3 or more  | Employment                  |
| 18 | Have behaviors which promote being included             | 3 or more  | Behavior Supports           |

(2) Medical Supports from the SIS Exceptional Medical Support Needs Scale

| #  | Questions in the Exceptional Medical Support Needs Scale            | DDD must address in your ISP if you have an acuity score of: | Health and Welfare Category |
|----|---|--|-----------------------------|
| 1  | Inhalation or oxygen therapy  | 1 or more  | Medical Supports            |
| 2  | Postural drainage   | 1 or more  | Medical Supports            |
| 3  | Chest PT  | 1 or more  | Medical Supports            |
| 4  | Suctioning  | 1 or more  | Medical Supports            |
| 5  | Oral Stimulation or Jaw Repositioning                               | 1 or more  | Medical Supports            |
| 6  | Tube feeding (e.g., nasogastric)                                    | 1 or more  | Medical Supports            |
| 7  | Parenteral feeding (e.g., IV)                                       | 1 or more  | Medical Supports            |
| 8  | Turning or positioning  | 1 or more  | Medical Supports            |
| 9  | Dressing of open wound(s)   | 1 or more  | Medical Supports            |
| 10 | Protection from infectious diseases due to immune system impairment | 1 or more  | Medical Supports            |
| 11 | Seizure management  | 1 or more  | Medical Supports            |
| 12 | Dialysis  | 1 or more  | Medical Supports            |
| 13 | Ostomy care   | 1 or more  | Medical Supports            |
| 14 | Lifting and/or transferring   | 1 or more  | Medical Supports            |
| 15 | Therapy services  | 1 or more  | Medical Supports            |
| 16 | Diabetes management   | 1 or more  | Medical Supports            |
| 17 | Other(s)  | 1 or more  | Medical Supports            |

(3) Behavioral Supports from the SIS Exceptional Behavior Support Needs Scale

| # | Questions in the Exceptional Behavior Support Needs Scale: | DDD must address in your ISP if you have an acuity score of: | Health and Welfare Category |
|---|--|--|-----------------------------|
| 1 | Prevention of assaults or injuries to others               | 1 or more  | Behavioral Supports         |

| #  | Questions in the Exceptional Behavior Support Needs Scale:   | DDD must address in your ISP if you have an acuity score of: | Health and Welfare Category |
|----|--|--|-----------------------------|
| 2  | Prevention of property destruction (e.g., fire setting, breaking furniture)  | 1 or more  | Behavioral Supports         |
| 3  | Prevention of stealing   | 1 or more  | Behavioral Supports         |
| 4  | Prevention of self-injury  | 1 or more  | Behavioral Supports         |
| 5  | Prevention of pica (ingestion of inedible substances)  | 1 or more  | Behavioral Supports         |
| 6  | Prevention of suicide attempts   | 1 or more  | Behavioral Supports         |
| 7  | Prevention of sexual aggression  | 1 or more  | Behavioral Supports         |
| 8  | Prevention of non-aggressive but inappropriate behavior (e.g., exposes self in public, exhibitionism, inappropriate touching or gesturing) | 1 or more  | Behavioral Supports         |
| 9  | Prevention of tantrums or emotional outbursts  | 1 or more  | Behavioral Supports         |
| 10 | Prevention of wandering  | 1 or more  | Behavioral Supports         |
| 11 | Prevention of substance abuse  | 1 or more  | Behavioral Supports         |
| 12 | Maintenance of mental health treatments  | 1 or more  | Behavioral Supports         |
| 13 | Managing attention-seeking behavior  | 1 or more  | Behavioral Supports         |
| 14 | Managing uncooperative behavior  | 1 or more  | Behavioral Supports         |
| 15 | Managing agitated/over-reactive behavior   | 1 or more  | Behavioral Supports         |
| 16 | Managing obsessive/repetitive behavior   | 1 or more  | Behavioral Supports         |
| 17 | Prevention of other serious behavior problem(s)  | 1 or more  | Behavioral Supports         |

(4) Caregiver from the SIS Exceptional Behavior Support Needs Scale

| # | Question in the DDD Caregiver Status Acuity Scale:           | DDD must address in your ISP if you have a score: | Health and Welfare Category |
|---|--|---|-----------------------------|
| 6 | How long do you think you expect to continue providing care? | 1 to 6 months or less than 1 month                | DDD Caregiver Status        |

NEW SECTION

**WAC 388-828-8060 How does DDD determine which health and welfare needs must be addressed in your individual support plan if you are age sixteen or older?** (1) If you are age sixteen or older and receiving DDD HCBS waiver services or reside in a state-only residential setting, DDD uses the following table to determine the health and welfare needs that must be addressed in your Individual Support Plan:

| #  | SIS Activity   | DDD must address in the ISP if your Type of Support score is: | Health and Welfare Category |
|----|--|---|-----------------------------|
| A1 | Using the toilet   | 3 or more   | Home Living                 |
| A2 | Taking care of clothes (includes laundering)                   | 3 or more   |                             |
| A3 | Preparing food   | 3 or more   |                             |
| A4 | Eating food  | 3 or more   |                             |
| A5 | Housekeeping and cleaning                                      | 3 or more   |                             |
| A6 | Dressing   | 3 or more   |                             |
| A7 | Bathing and taking care of personal hygiene and grooming needs | 3 or more   |                             |
| A8 | Operating home appliances                                      | 3 or more   |                             |

| #  | SIS Activity   | DDD must address in the ISP if your Type of Support score is: | Health and Welfare Category |
|----|--|---|-----------------------------|
| A9 | Using currently prescribed equipment or treatment                        | 3 or more   |                             |
| B1 | Getting from place to place throughout the community (transportation)    | 2 or more   | Community Living            |
| B2 | Participating in recreation/leisure activities in the community settings | 2 or more   |                             |
| B3 | Using public services in the community                                   | 2 or more   |                             |
| B4 | Going to visit friends and family  | 4   |                             |
| B6 | Shopping and purchasing goods and services                               | 2 or more   |                             |
| B7 | Interacting with community members                                       | 4   |                             |
| B8 | Accessing public buildings and settings                                  | 2 or more   |                             |
| D3 | Interacting with co-workers  | 3 or more   |                             |
| D4 | Interacting with supervisors and or coaches                              | 3 or more   |                             |
| E1 | Taking medications   | 2 or more   | Health and Safety           |
| E2 | Avoiding health and safety hazards                                       | 3 or more   |                             |
| E3 | Obtaining health care services   | 3 or more   |                             |
| E4 | Ambulating and moving about  | 3 or more   |                             |
| E6 | Maintaining a nutritious diet  | 3 or more   |                             |
| E7 | Maintaining physical health and fitness                                  | 3 or more   |                             |
| F2 | Participating in recreation/leisure activities with others               | 2 or more   | Social Activities           |
| F4 | Making and keeping friends   | 4   |                             |
| F6 | Using appropriate social skills  | 4   |                             |
| G2 | Managing money and personal finances                                     | 2 or more   | Protection and Advocacy     |
| G3 | Protecting self from exploitation  | 2 or more   |                             |
| G7 | Making choices and decisions   | 2 or more   |                             |

(2) If you have a support score of one or more for any of the questions in the SIS Exceptional Medical Support Needs Scale, DDD must address your support need using the medical supports category.

(3) If you have a support score of one or more for any of the questions in the SIS Exceptional Behavior Support Needs Scale, DDD must address your support need using the behavior supports category.

ing compliance with the state national harmonization program for seed potatoes (SNHP). Specifically, this includes:

- (1) Requiring generation 1 lots to be sampled and tested under the department's supervision for PVY;
- (2) Requiring a post-harvest test for seed lots that will be recertified;
- (3) Adding potato mop top virus (PMTV) to the list of diseases that certified seed potatoes must be found free of; and
- (4) Modifying rule language to increase its clarity and readability.

Citation of Existing Rules Affected by this Order: Amending WAC 16-324-361, 16-324-385, 16-324-391, 16-324-392, 16-324-396, 16-324-401, and 16-324-409.

Statutory Authority for Adoption: Chapters 15.14 and 34.05 RCW.

Adopted under notice filed as WSR 07-07-104 on March 19, 2007.

**WSR 07-11-010**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 3, 2007, 11:12 a.m., effective June 3, 2007]

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

Purpose: This rule-making order amends chapter 16-324 WAC, rules for the certification of seed potatoes, by requir-

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 7, 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 7, Repealed 0.

Date Adopted: May 3, 2007.

Valoria H. Loveland  
Director

**AMENDATORY SECTION** (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

**WAC 16-324-361 Definitions.** ~~((+))~~ "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

~~((2))~~ "Cull" means any lot of potatoes rejected for certification for any reason.

~~((3))~~ "Department" means the department of agriculture of the state of Washington.

~~((4))~~ "Director" means the director of the department of agriculture or his/her duly appointed representative.

~~((5))~~ "Disease tested" means tested for and found free of all of the following diseases: Potato virus A (PVA), potato virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato mop top virus (PMTV), potato spindle tuber viroid (spindle tuber), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

~~((6))~~ "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

~~((7))~~ "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

~~((8))~~ "Minitubers" means tubers produced under controlled greenhouse conditions.

~~((9))~~ "Nematode" means plant parasitic nematodes capable of infesting potatoes, including but not limited to the genus *Meloidogyne*.

~~((10))~~ "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock, and grown in the field for the first time.

~~((11))~~ "Plot" means a seed potato planting that is 0.25 acre or less in size.

~~((12))~~ "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

~~((13))~~ "Pre-nuclear" means micropropagated plants or tubers and plants or minitubers produced in a greenhouse.

~~((14))~~ "Quarantine pest" means a pest of potential economic importance and not yet present in the state, or present but not widely distributed and being officially controlled.

~~((15))~~ "Recertification" means the process of certifying a seed lot that was certified the previous year.

~~((16))~~ "Rogue" means removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

~~((17))~~ "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

~~((18))~~ "Seed potatoes" means vegetatively propagated tubers used for potato production.

~~((19))~~ "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

~~((20))~~ "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

~~((21))~~ "Tolerance" means the maximum acceptable percentage of potato plants or tubers that is diseased, infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

~~((22))~~ "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

**AMENDATORY SECTION** (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-385 Production requirements.** (1) A grower is not eligible to produce nuclear, generation 1, or generation 2 seed potatoes, if ring rot has been detected on his or her farm during the previous two years.

(2) Pre-nuclear class.

(a) Pre-nuclear seed lots must be derived from disease tested micropropagated plants. All testing methods and laboratories must be approved by the department.

(b) A minimum of one percent (and not less than twenty samples) of pre-nuclear seed produced in a greenhouse must be tested and found free of potato virus X (PVX), potato virus Y (PVY), potato virus S (PVS), potato leafroll virus (PLRV), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg), and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

(c) The department will inspect all facilities used in the production of pre-nuclear class seed potatoes on a periodic basis. Department approval is necessary in order to utilize these facilities.

(3) Nuclear class.

(a) Nuclear class seed potatoes must be propagated entirely from pre-nuclear plants.

(b) Each nuclear class seed lot must be distinctly separated in storage and in the field.

(c) If a ground rig is used for spraying, wide enough spacing between rows must be left, so that tires will not touch plants during the growing season.

(d) Growers must plant cut seed and single drop seed separately, with single drop seed identified.

(4) Generations 1, 2, 3, 4 and 5.

(a) Growers must leave a distinct separation of at least six feet unplanted or planted to some other crop between lots of seed potatoes from different classes. A similar separation must be left between different varieties, unless the varieties are readily distinguishable by visual observation.

(b) When more than one lot of seed potatoes is planted in the same field, growers must stake or mark the identity of each lot.

(c) All generation 1 lots must be sampled and tested under the department's supervision for PVY at a rate of four hundred plants for every ten lots. For farms with fewer than ten generation 1 lots, a minimum of four hundred plants must be sampled and tested.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-391 Eligibility requirements.** (1) Only seed potatoes derived from plants that have been disease tested and certified by an official certification agency are eligible for certification.

(2) Only seed lots that meet or exceed the minimum requirements as established in this chapter are eligible for certification. A seed lot that has more than a trace amount of virus disease noted during any field inspection is not eligible for recertification, unless it has been post-harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) A post-harvest test is required for seed lots that will be recertified, except when planted back on the same farm.

(4) In order to be eligible for certification in Washington state, seed lots from other states or countries must be eligible for recertification in the state or country of origin and must meet the requirements of this chapter.

~~((4))~~ (5) A seed lot blended from two or more different sources of seed is not eligible for recertification.

~~((5))~~ (6) A seed lot infected with powdery scab is not eligible for recertification.

~~((6))~~ (7) Generation 5 (G5) seed lots are not eligible for recertification.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-392 Isolation requirements.** (1) The department must approve all nuclear and generation 1 field locations.

(2) Generation 2 through generation 5 must be isolated by at least three hundred fifty feet from all noncertified potatoes.

(3) When ring rot is found in a field planted with more than one lot of seed potatoes, the department will reject the entire field unless at least six feet between lots has been left unplanted or planted to some other crop.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-396 Sanitation requirements.** (1) Chemicals used in the sanitation of equipment should be

those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control must be maintained throughout the growing season as recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification must be planted and harvested prior to handling any other seed stock. The earliest generation must be handled prior to ~~((lower classes))~~ later generations within the program.

(3) Only department-approved containers shall be used during the digging, storage, and packing process.

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

**WAC 16-324-401 Latent virus testing requirements.**

(1) PVX testing is required for nuclear and generation 1 class seed potatoes. PVX testing is optional for all other classes.

(2) Growers must submit petiole samples for latent virus testing to a laboratory approved by the department. The applicant is responsible for laboratory testing fees.

(3) The minimum number of plants per seed lot to be sampled for PVX testing is one hundred. For nuclear class, a minimum of one percent of the total number of plants per lot must be sampled. For generation 1, a minimum of two hundred ~~((leaves))~~ plants per acre must be sampled. For generation 2, a minimum of fifty ~~((leaves))~~ plants per acre must be sampled. Generation 3, 4 and 5 seed lots should be sampled at a rate of twenty ~~((leaves))~~ plants per acre. The department may require additional testing.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-409 Post-harvest test requirements.** (1)

Post-harvest testing of all seed classes is optional, except as required in WAC 16-324-391 and 16-324-399. Seed lots which fail the minimum requirements of the field inspection standards are not eligible for post-harvest testing.

(2) A minimum of four hundred tubers must be submitted for each seed lot entered for post-harvest testing. Seed lots less than one acre in size must submit a minimum of four tubers per total hundred weight with a minimum of fifty tubers.

(3) The applicant is responsible for the cost of post-harvest testing.

(4) Seed lots in the post-harvest test which fail to comply with the disease tolerance requirements set forth in WAC 16-324-420 are not eligible for recertification.

(a) The applicant must notify in writing all receivers of any seed lot that failed to comply with post-harvest tolerances set forth in WAC 16-324-420.

(b) Acceptance of a seed lot that fails to comply with the tolerances set forth in WAC 16-324-420 must be based on a written buyer/seller agreement. The grower must provide the department with a copy of the written agreement within thirty days of receiving the post-harvest results.

**WSR 07-11-011**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 3, 2007, 11:13 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: This rule-making order amends chapter 16-401 WAC, Nursery inspection fees, by increasing the nursery inspection fees and the permit fee for businesses exempted from a nursery dealer's license by no more than the office of financial management fiscal growth factor for fiscal year 2008 (5.53%).

Citation of Existing Rules Affected by this Order: Amending WAC 16-401-027 and 16-401-041.

Statutory Authority for Adoption: Chapter 15.13, 15.14, and 34.05 RCW.

Adopted under notice filed as WSR 07-07-105 on March 19, 2007.

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

Date Adopted: May 3, 2007.

Valoria H. Loveland  
 Director

AMENDATORY SECTION (Amending WSR 06-15-043, filed 7/11/06, effective 8/11/06)

**WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges.** The following rates apply for requested inspection services:

|   |                                      |
|---|--------------------------------------|
| <b>(1) Fee or Charge:</b>   |                                      |
| Hourly rate—business hours  | <del>\$(33.00)</del><br><u>34.80</u> |
| Hourly rate—nonbusiness hours                                       | <del>\$(42.15)</del><br><u>44.45</u> |
| Certificate issued at time of inspection                            | No charge                            |
| Certificate issued more than twenty-four hours after the inspection | <del>\$(15.70)</del><br><u>16.55</u> |
| Additional certificates   | <del>\$(4.95)</del><br><u>5.20</u>   |
| Fumigation lot or container fee                                     | <del>\$(13.10)</del><br><u>13.80</u> |
| Certificate of plant health for noncommercial movement              | <del>\$(6.45)</del><br><u>6.80</u>   |

|   |  |
|---|--|
| <b>(1) Fee or Charge:</b>                 |  |
| Compliance agreement                      | <del>\$(33.00)</del><br><u>34.80</u>       |
| Inspection tags or stickers (lots of 250) | <del>\$(6.45)</del><br><u>6.80</u> per lot |
| Inspection tags or stickers (minimum 10)  | <del>\$(0.28)</del><br><u>0.29</u> each    |

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.

(6) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection.

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge.

AMENDATORY SECTION (Amending WSR 06-15-043, filed 7/11/06, effective 8/11/06)

**WAC 16-401-041 Nursery dealer license fees.** Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars . . . . . \$38.73

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is . . . . . \$82.99

- (c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more . . . . . \$166.00
- (2) Wholesale nursery dealer license fee:
  - (a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars . . . . . \$82.99
  - (b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more . . . . . \$166.00
- (3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.
- (4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270 . . . . . ~~\$(6.35)~~ 6.70

**WSR 07-11-012**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 3, 2007, 11:17 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: This rule-making order amends chapter 16-470 WAC, Quarantine—Agricultural pests, by increasing the laboratory diagnostic hourly fees, nematode laboratory diagnostic fees, and postentry inspection services fee by no more than the office of financial management fiscal growth factor for fiscal year 2008 (5.53%).

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-912 and 16-470-917.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 07-07-106 on March 19, 2007.

|                        |                      |                      |                      |                      |                      |
|------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Identity Determination | 1 sample             | 5 samples            | 10 samples           | 50 samples           | 100+ samples         |
| nematode               | <del>((34.30))</del> | <del>((31.60))</del> | <del>((28.95))</del> | <del>((28.25))</del> | <del>((26.30))</del> |
|                        | <u>36.15</u> ea      | <u>33.30</u> ea      | <u>30.55</u> ea      | <u>29.80</u> ea      | <u>27.75</u> ea      |

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific nematode, unless more than one nematode can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

AMENDATORY SECTION (Amending WSR 06-15-044, filed 7/11/06, effective 8/11/06)

**WAC 16-470-917 Schedule of fees and charges— Fees for post entry inspection services.** (1) Post entry site

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

Date Adopted: May 3, 2007.

Valoria H. Loveland  
Director

AMENDATORY SECTION (Amending WSR 06-15-044, filed 7/11/06, effective 8/11/06)

**WAC 16-470-912 Schedule of fees and charges— Applicable fees and charges.** (1) Hourly rate.

|                                 |                                   |
|---------------------------------|-----------------------------------|
| Hourly rate - business hours    | <del>\$(33.00)</del> <u>34.80</u> |
| Hourly rate - nonbusiness hours | <del>\$(42.15)</del> <u>44.45</u> |

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Nematology laboratory diagnostic fees are as follows:

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| 10 samples           | 50 samples           | 100+ samples         |
| <del>((28.95))</del> | <del>((28.25))</del> | <del>((26.30))</del> |
| <u>30.55</u> ea      | <u>29.80</u> ea      | <u>27.75</u> ea      |

inspection and/or permit review and approval ~~\$(66.20)~~ 69.85

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

**WSR 07-11-013**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 3, 2007, 11:22 a.m., effective June 3, 2007]

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

Purpose: This rule-making order amends chapter 16-482 WAC, Seed potato quarantine, by requiring all seed potatoes planted in Washington comply with the state national harmonization program for seed potatoes (SNHP). Specifically, this includes:

- (1) Changing the regulated area to the entire state;
- (2) Increasing the certification document retention period to a minimum of three years;
- (3) Requiring growers to furnish certification documentation to the department within thirty days of a written request; and
- (4) Modifying rule language to increase its clarity and readability.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-482-007; and amending WAC 16-482-003, [(new section)] WAC 16-482-005, 16-482-010, 16-482-015, 16-482-017, and 16-482-020.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 07-07-107 on March 19, 2007.

Changes Other than Editing from Proposed to Adopted Version: Added the words "are regulated articles" to complete a sentence in WAC 16-482-005. The sentence now reads, "All seed potatoes used throughout the state for commercial plantings in excess of one acre or for any acreage of seed potato production are regulated articles." The change does not alter the meaning.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 6, Repealed 1; 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 6, Repealed 1.

Date Adopted: May 3, 2007.

Valoria H. Loveland  
Director

#### NEW SECTION

**WAC 16-482-003 Definitions.** "Department" means the Washington state department of agriculture.

"State National Harmonization Program for seed potatoes" means the United States Department of Agriculture program regarding phytosanitary certification standards for seed potatoes and pest management.

AMENDATORY SECTION (Amending Order 2075, filed 3/13/91, effective 4/13/91)

**WAC 16-482-005 Regulated articles.** All seed potatoes used throughout the state for commercial plantings in excess of one acre or for any acreage of seed potato production are regulated articles.

AMENDATORY SECTION (Amending Order 2075, filed 3/13/91, effective 4/13/91)

**WAC 16-482-010 Regulations—Certified seed requirement.** (1) Except as provided in WAC 16-482-015, all seed potatoes (~~(propagated)~~) planted within the state for commercial or for seed production (~~(within the regulated area)~~) shall be (~~(from)~~) certified seed, produced as a part of a certified seed potato program in the state or country of origin (~~(and accepted and certified by that program)~~) that meets the requirements of Article 4 of the State National Harmonization Program for seed potatoes.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.

AMENDATORY SECTION (Amending Order 2075, filed 3/13/91, effective 4/13/91)

**WAC 16-482-015 Regulations—Certified seed—Exceptions.** The certified seed requirement shall not be applicable to:

- (1) Potatoes planted for personal use or other noncommercial purposes;
- (2) Commercial production, other than for production of seed potatoes, of not more than one acre; or
- (3) Experimental or seed trial plots as provided in WAC 16-482-016.

AMENDATORY SECTION (Amending Order 2075, filed 3/13/91, effective 4/13/91)

**WAC 16-482-017 Recordkeeping requirement.** All commercial potato growers (~~(within the regulated area shall be responsible for obtaining)~~) are required to obtain certification documents or tags to verify that all seed potatoes (~~(used for propagation purposes)~~) planted in this state comply with the terms of this chapter. (~~(Such documents shall be retained by the grower for a period of one calendar year and a copy provided to the department of agriculture, plant services division, upon written request to the grower-))~~) Growers must retain certification documents for at least three years and provide them to the department within thirty days of a written request. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

AMENDATORY SECTION (Amending Order 2075, filed 3/13/91, effective 4/13/91)

**WAC 16-482-020 Disposition of material shipped in violation of this quarantine.** (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the

grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided ~~((by))~~ in law~~((s))~~.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-482-007 Regulated area.

#### **WSR 07-11-014**

##### **PERMANENT RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed May 3, 2007, 11:23 a.m., effective June 3, 2007]

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

Purpose: This rule-making order repeals chapter 16-484 WAC, Seed potato Y-N quarantine.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-484 WAC.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 07-07-108 on March 19, 2007.

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 8.

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 8.

Date Adopted: May 3, 2007.

Valoria H. Loveland  
Director

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-484-200 Definitions.

WAC 16-484-205 Penalties.

WAC 16-484-210

Quarantine—PVY<sup>n</sup>.

WAC 16-484-220

Area under quarantine.

WAC 16-484-230

Regulated articles.

WAC 16-484-240

Conditions governing the movement of regulated articles into Washington state.

WAC 16-484-250

Special permits and compliance agreements.

WAC 16-484-260

Disposition of regulated articles entering in violation or found infected with PVY<sup>n</sup>.

#### **WSR 07-11-015**

##### **PERMANENT RULES**

#### **OFFICE OF**

#### **FINANCIAL MANAGEMENT**

[Filed May 3, 2007, 11:55 a.m., effective June 3, 2007]

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 07-05-077 on February 20, 2007.

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 3, 2007.

Roselyn Marcus  
Director of Legal Affairs  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-11-053, filed 5/11/06, effective 6/11/06)

**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, semi-monthly pay dates for calendar years 2006 and 2007:

((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

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))

CALENDAR YEAR 2008  
Thursday, January 10, 2008  
Friday, January 25, 2008  
Monday, February 11, 2008  
Monday, February 25, 2008  
Monday, March 10, 2008  
Tuesday, March 25, 2008  
Thursday, April 10, 2008  
Friday, April 25, 2008  
Friday, May 9, 2008  
Friday, May 23, 2008  
Tuesday, June 10, 2008  
Wednesday, June 25, 2008  
Thursday, July 10, 2008  
Friday, July 25, 2008  
Monday, August 11, 2008  
Monday, August 25, 2008  
Wednesday, September 10, 2008  
Thursday, September 25, 2008  
Friday, October 10, 2008  
Friday, October 24, 2008  
Monday, November 10, 2008  
Tuesday, November 25, 2008  
Wednesday, December 10, 2008  
Wednesday, December 24, 2008

**WSR 07-11-016**  
**PERMANENT RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed May 3, 2007, 12:11 p.m., effective June 3, 2007]

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

Purpose: Name change to Spokane Regional Clean Air Agency (SRCAA).

1. The amendments to Regulation I are for the most part to change the agency's name.

2. An administrative change was made to delete the lettering system for the definitions.

3. Article II, §2.13 is being revised to include the federal regulation reference dates in the state of Washington's WAC 173-400-115, 173-400-075(1) and 173-400-075 (6)(a), which are being adopted by reference into SCAPCA's regulation.

Citation of Existing Rules Affected by this Order: Amending:

1. **Name Change:** SCAPCA Regulation I; Article I, §§1.01, 1.02, 1.03, and 1.04; Article II, §§2.13, and 2.14; Article V, §5.04; and Article VI, §§6.01, 6.11, 6.14, and 6.15.

2. **Administrative Change:** SCAPCA Regulation I; Article I, §1.04.

3. **Federal Regulation Reference Dates:** SCAPCA Regulation I, Article II, §2.13.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Adopted under notice filed as WSR 07-07-084 on March 16, 2007.

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 11, 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 0, Repealed 0.

Date Adopted: May 3, 2007.

Charles E. Studer  
 Environmental Engineer

**ARTICLE I**

**POLICY, SHORT TITLE, AND DEFINITIONS...**

**AMENDATORY SECTION** (Amending Order Res. 04-01, Filed 03/04/2004)

**SECTION 1.01 POLICY**

The Authority ((~~Spokane County Air Pollution Control Authority~~)), co-extensive with the boundaries of Spokane

County, having been activated pursuant to ~~((by))~~ the Washington Clean Air Act, Chapter 70.94 RCW as amended shall be known and cited as the "Spokane Regional Clean Air Agency," and hereinafter may be cited as the "SRCAA," the "Agency," or the "Authority." ~~((;))~~ The Authority adopts the following Regulation to control the emissions of air contaminants from all stationary sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of the Authority's Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act (WCAA).

It is hereby declared to be the public policy of the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency to secure and maintain such levels of air quality that protect human health and safety, including the health and safety of the most sensitive members of the population, to comply with the requirements of the Federal Clean Air Act (FCAA), to prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and social development of the County and to facilitate the enjoyment of the natural attractions of the County....

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order Res. 04-01, Filed 03/04/2004)

### SECTION 1.02 NAME OF AUTHORITY

The name of the County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, shall be known as the "~~((SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY))~~ SPOKANE REGIONAL CLEAN AIR AGENCY" ~~((SCAPCA))~~(SRCAA).

Any reference to the Spokane County Air Pollution Control Authority, SCAPCA, or the Authority in any document previously issued by the Authority, including without limitation regulations, orders, permits, judgments, letters and the like shall be deemed reference to the Spokane Regional Clean Air Agency or SRCAA.

**AMENDATORY SECTION** (Amending Order Initial Adoption, Filed 6/9/1969)

### SECTION 1.03 SHORT TITLE

This regulation shall be known and cited as "Regulation I of the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency."

**AMENDATORY SECTION** (Amending Order Res. 04-01, Filed 03/04/2004)

### SECTION 1.04 GENERAL DEFINITIONS...

Unless otherwise defined differently in an Article of this Regulation, the following definitions apply to all of this Regulation:...

Agency means the same as "Authority"....

~~((L-))~~ Authority means ~~((Spokane County Air Pollution Control Authority (SCAPCA)))~~ Spokane Regional Clean Air Agency (SRCAA), or with regard to new source review, any other designated permitting agency....

~~((P-))~~ Board means Board of Directors of the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency....

~~((Z-))~~ Control Officer means the Air Pollution Control Officer for the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency or his/her duly authorized representative....

## ARTICLE II

### GENERAL PROVISIONS...

**AMENDATORY SECTION** (Amending Order Res. 06-08, Filed 07/13/2006)

### SECTION 2.13 FEDERAL REGULATION REFERENCE DATE

A. Whenever federal laws or regulations are referenced in this Regulation, the effective date shall be the most recent date of either July 1, 2006, unless otherwise noted or the applicable adoption date listed in:

1. WAC 173-400-115 for standards presented in 40 CFR Part 60 and Appendices, which is hereby adopted by reference.

2. WAC 173-400-075(1) for standards presented in 40 CFR Part 61 and Appendices, which is hereby adopted by reference, or

3. WAC 173-400-075 (6)(a) for standards presented in 40 CFR Part 63 and Appendices, which is hereby adopted by reference.

**AMENDATORY SECTION** (Amending Order Res. 06-10, Filed 08/03/2006)

### SECTION 2.14 WASHINGTON ADMINISTRATIVE CODES (WACS)

A. The Authority implements and enforces the following Washington State WACs:

1. Chapter 173-400 WAC - General regulations for air pollution sources

a. Except for the following sections;

(1) Source Registration....

(a) WAC 173-400-100 - ~~((Registerable s))~~ Source classifications

(b) WAC 173-400-102 - Scope of registration and reporting requirements

(i) ~~((SCAPCA))~~ SRCAA Regulation I, Article IV, replaces the registration requirements in WACs 173-400-100 & 102 for all air pollution sources in Spokane County.

(2) Stationary, portable and temporary source permitting

(a) WAC 173-400-035 - Portable and temporary sources,

(i) ~~((SCAPCA))~~ SRCAA Regulation I, Article V, Sections 5.02.A.9, 5.02.I, and 5.08 replace the permitting

requirements in WAC 173-400-035 for all portable and temporary sources in Spokane County.

(b) WAC 173-400-110 - New source review,

(i) ~~((SCAPCA))~~ SRCAA Regulation I, Article V replaces the permitting requirements in WAC 173-400-110 for all new stationary sources installed or operated in Spokane County.

(3) Fees (~~((SCAPCA))~~ SRCAA has its own fee structure).

(a) WAC 173-400-045 - Control technology fees,

(i) ~~((SCAPCA))~~ SRCAA Regulation I, Article X, Sections 10.08.C replaces the review fees in WAC 173-400-045 for performing a Reasonably Available Control Technology (RACT) determination pursuant to Chapter 173-400-040 WAC and/or RCW 70.94.~~((161))~~154 in Spokane County.

(b) WAC 173-400-104 - Registration fees,

(i) ~~((SCAPCA))~~ SRCAA Regulation I, Article X, Sections 10.06 replaces registration fees assessed in WAC 173-400-104 for each air pollution source registered with ~~((SCAPCA))~~ SRCAA.

(c) WAC 173-400-116 - New source review fees,

(i) ~~((SCAPCA))~~ SRCAA Regulation I, Article X, Sections 10.07 replaces the fees assessed in WAC 173-400-116 to each facility that installs or operates a new air pollution source in Spokane County.

(4) Prevention of significant deterioration (PSD) program....

(c) WAC 173-400-750 Revisions to PSD permits.

(i) **Ecology administers the Prevention of significant deterioration program (PSD); however, ~~((SCAPCA))~~ SRCAA enforces it in Spokane County....**

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

**ARTICLE V**

**NEW, MODIFIED, AND TEMPORARY STATIONARY SOURCES AND REPLACEMENT OR ALTERATION OF EMISSIONS CONTROL EQUIPMENT...**

**AMENDATORY SECTION** (Amending Order Res. 04-01, Filed 03/04/2004)

**SECTION 5.04 INFORMATION REQUIRED**

A. Each *Notice of Construction and Application for Approval* or *Notice of Intent to Install and Operate a Temporary Stationary Source* shall be accompanied by appropriate documentation that provides a detailed description of the stationary source. Such information shall include, but is not limited to:...

8. a. The owner or operator shall provide documentation that the requirements of Article XI of this Regulation (Spokane Environmental Ordinance) have been met.

b. If ~~((SCAPCA))~~ the Authority is the lead agency for review of an Environmental Checklist (SEPA) or Environ-

mental Impact Statement (EIS) related to the Notice of Construction or *Notice of Intent to Install and Operate a Temporary Stationary Source* application being submitted, then the person filing the SEPA shall pay a SEPA review fee according to Article X, Section 10.07.E. of this Regulation. This fee shall be paid without regard to whether a Determination of Nonsignificance, Mitigated Determination of Nonsignificance or Determination of Significance is issued.

**ARTICLE VI**

**EMISSIONS PROHIBITED**

**AMENDATORY SECTION** (Amending Order Res. 04-01, Filed 03/04/2004)

**SECTION 6.01 OUTDOOR BURNING...**

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:...

2. Authority means the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency....

16. Permitting Authority means the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency (Authority), or one or more of the following entities, whenever the Authority and an entity have signed an agreement regarding a permitting program or the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, any fire protection agency within Spokane County, Department of Natural Resources, or the Spokane County Conservation District....

E. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum size or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre-burn and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Unless exempt per Section 6.01.G, any person who practices or permits the practice of outdoor burning shall, in addition to any specific permit conditions established imposed, comply with the following general conditions:...

15. Structural fire training, provided for in Sections 6.01.G.1.g and 6.01.G.2.e, may be performed by a fire protection agency provided the following requirements are met:

a. The owner and fire protection agency must have met the requirements in ~~((SCAPCA))~~ SRCAA Regulation I, Article IX and Section 10.09 prior to training;...

H. Permit Requirements. Written permits, as required in Section 6.01.G.2, are subject to the following requirements:...

5. All applicants for outdoor burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution or other official action of the permitting authority. When the permitting authority is the (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency, the fee shall be according to the schedule in Regulation I, Article X, Section 10.13....

**AMENDATORY SECTION** (Amending Order Res. 04-01, Filed 03/04/2004)

### SECTION 6.11 AGRICULTURAL BURNING

In addition to this Section of the Regulation, the Authority, implements and enforces Chapter 173-430 WAC. The more stringent requirement in Chapter 173-430 or Section 6.11 supersedes the lesser....

C. Statement of Authority. The (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency is empowered, pursuant to Chapter 70.94 RCW, to administer the agricultural burning program in Spokane County. Included is the authority to:...

D. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:...

2. Authority means the (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency.

7. Permitting Authority means the (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency (Authority)...

H. Administrative requirements....

4. All applicants for agricultural burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution of the permitting authority. When the permitting authority is the (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency, the fee shall be according to the schedule in Regulation I, Article X....

**AMENDATORY SECTION** (Amending Order Res. 04-21, Filed 10/07/2004)

### SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES...

B. Definitions....

3. The Authority is the (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency....

**AMENDATORY SECTION** (Amending Order Res. 99-01, Filed 01/07/1999)

### SECTION 6.15 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON UNPAVED ROADS...

B. Definitions.

1. Authority means the (~~Spokane County Air Pollution Control Authority~~) Spokane Regional Clean Air Agency....

**WSR 07-11-017**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 07-62—Filed May 3, 2007, 3:02 p.m., effective June 3, 2007]

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

Purpose: Amend WAC 232-12-021 Importation and retention of dead nonresident wildlife, 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas, 232-12-289 Official hunting hours for game birds and game animals, 232-28-295 Landowner hunting permits, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-351 2006-2008 Deer general seasons and definitions, 232-28-352 2006-2008 Elk general seasons and definitions, 232-28-353 2006 Deer special permits, 232-28-354 2006 Elk special permits, and 232-12-181 Livestock grazing on department on fish and wildlife lands.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-021, 232-28-273, 232-12-289, 232-28-295, 232-28-335, 232-28-351, 232-28-352, 232-28-353, 232-28-354, and 232-12-181.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210.

Adopted under notice filed as WSR 07-03-180 and 07-03-181 on January 24, 2007.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas:**

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

Under Moose Permit Hunts:

- Under bag limit, delete language "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." This is because antlerless restrictions are stated in the permit table.
- Increase Kettle Range permits from 1 to 2; this is due to a stable to increasing moose population.
- Add "A" to Selkirk Mtns. and increase permits in Selkirk Mtns. from 20 to 25; this is due to a stable to increasing moose population.
- Add a hunter education instructor permit hunt called Selkirk Mtns. B<sup>d</sup> with 2 antlerless only permits, Oct. 1-Nov. 30 in GMU 113; this is due to a stable to increasing moose population.
- Increase 49 Degrees North A permits from 22 to 26; this is due to a stable to increasing moose population.
- Add a hunters-65 and older permit hunt called 49 Degrees North C<sup>e</sup> with 2 antlerless only permits, Oct. 1-Nov. 30 in GMU 117; this is due to a stable to increasing moose population.
- Add a youth-only permit hunt called 49 Degrees North<sup>a</sup> with 2 antlerless only permits, Oct. 1-Nov. 30 in GMU 117; this is due to a stable to increasing moose population.
- Add table footnotes c and d for hunters-65 and older and hunter education instructor permit hunts,

respectively with the following language: "cApplicants must be 65 years of age or older by November 30 during the license year they are applying for." and "dApplicants must be a certified hunter education instructor who meet program-defined eligibility criteria."

#### Under Bighorn Sheep Permit Hunts:

- For Selah Butte, change the opening date from Nov. 6 to Nov. 4, so the hunt starts on the first Sunday of the month.
- For Umtanum, change the closing date from Oct. 6 to Oct. 10, for consistency in October closing dates.
- For Cleman Mountain A change the closing date from Oct. 6 to Oct. 10 and decrease permits from 5 to 4; this is due to a reduced number of mature rams in the herd.
- For Cleman Mountain B change the opening date from Nov. 6 to Nov. 4 and decrease permits from 5 to 4; this is due to a reduced number of mature rams in the herd.
- For Quilomene A change the closing date from Oct. 6 to Oct. 10 and increase permits from 3 to 4, for consistency in October closing dates.
- Delete Quilomene B hunt; this is due to a reduced number of mature rams in the herd.
- For Manson, change the opening date from Nov. 6 to Nov. 4, so the hunt starts on the first Sunday of the month.

#### Under Mountain Goat Permit Hunts:

- Delete Kachess Ridge and Jack Mountain hunts; this is because those hunt areas no longer have permits.
- Delete Mt. Baker permit hunt because it is replaced by Chowder Ridge and Avalanche Gorge hunts.
- Add Chowder Ridge hunt with 1 permit from Sept. 15-Oct. 31, in Goat Unit 4-3, with any legal weapon, because [no further information supplied by agency].
- Create Avalanche Gorge hunt with 1 permit from Sept. 15-Oct. 31, in Goat Unit 4-7, with any legal weapon, because [no further information supplied by agency].
- Delete hunt area boundary description for Goat Unit 3-11 because this hunt has been deleted.

#### Under Mountain Goat Units:

- Delete hunt area boundary description for Goat Unit 4-9 because this hunt has been deleted.

### WAC 232-28-295 Landowner hunting permits.

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

All of these recommended adjustments are for clarification purposes and because additional agreements were made with the cooperators.

#### Under 2007 Buckrun Special Hunting Permits, Deer:

- Changed the first hunt from "Antlerless" to "Antlerless Mule Deer or Any Whitetail Deer."

#### Under (2) 4-O Cattle Company:

- Added a location explanation for the 4-O Cattle Company.

#### Under 4-O Cattle Company Landowner Hunting Permits, Elk:

- Changed season date for "Any Bull" hunt from Sept. 14-24 to Sept. 15-24.
- Added a "Spike Only" hunt with 6 permits.
- Added four new "Antlerless Only" hunts (A-D), with 23 permits.

#### Under 4-O Cattle Company Landowner Hunting Permits, Whitetail Deer:

- Changed the season date from Nov. 14-24 to Nov. 15-19.

#### Under 4-O Cattle Company Landowner Hunting Permits, Mule Deer:

- Added "Mule Deer Hunt," with 6 permits.

#### Under 4-O Cattle Company Special Hunting Permits, Elk:

- Changed the permit season for the "Any Bull" hunt from Oct. 22-Nov. 4 to Sept. 26-Oct. 6.
- Added a "Spike Bull Only" hunt for Oct. 27-Nov. 4, with 2 permits.
- Antlerless Elk A hunt - reduced permits from 33 to 15 and changed the season date from Aug. 17-23 to Oct. 1-7.
- Antlerless Elk B hunt - increased permits from 8 to 10 and changed the season date from Aug. 17-23 to Oct. 31-Nov. 6.
- Antlerless Elk C hunt - reduced permits from 33 to 7 and changed the season date from Aug. 24-31 to Nov. 23-30.
- Antlerless Elk D hunt - reduced the permits from 8 to 5 and changed the season date from Aug. 24-31 to Dec. 1-7.
- Added 6 4-O "Antlerless Only" hunts (hunts E-J), with a total of 28 permits.

#### Under 4-O Cattle Company Special Hunting Permits, Whitetail Deer:

- Changed the permit season from Nov. 14-24 to Nov. 20-25.

#### Under 4-O Cattle Company Special Hunting Permits, Mule Deer:

- Added "4-O Mule Deer Buck" hunt with 2 permits.

#### Under subsection (3) Silver Dollar Association:

- Added "Association" to the title.
- Added a location explanation for the Silver Dollar Association.

#### Under 2007 Silver Dollar Association Landowner Hunting Permits, Elk:

- 2nd hunt - reduced antlerless permits from 20 to 15.

#### Under 2007 Silver Dollar Association Special Hunting Permits, Elk:

- 1st hunt - reduced permits from 8 to 6 and changed the Special Restriction from "Any Bull" to "Youth Only, Any Elk."
- 2nd hunt - reduced permits from 20 to 12 and changed the Special Restrictions from "Antlerless Only" to "Youth Only, Antlerless Elk Only."

- 3rd & 4th hunts - added two new hunts for "Persons of Disability Only," with a total of 5 permits.

Under (4) Blackrock Ranches:

- Replaced "Orchards" with "Ranches" per cooperator request.
- Added a location explanation for the Blackrock Ranches.

Under 2007 Blackrock Ranches Landowner Hunting Permits, Elk:

- 1st hunt – changed from "Any Bull" to "Any Elk."

Under 2007 Silver Dollar Special Hunting Permit, Elk:

- 1st hunt - reduced permits from 2 to 1 and changed from "Any Bull" to "Any Elk."
- 2nd hunt - reduced permits from 8 to 4.
- Added two new "Youth Only" permit hunts, with a total of 5 permits.

Under (5) Teanaway Ranch:

- Added a location explanation for the Teanaway Ranch.

#### **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 Early Archery Mule Deer:

- Delete GMU 382 from Sept. 1-30, 3 pt. min.; and Sept. 1-30, 3 pt. min. and antlerless. Return GMU 382 to its original position in Sept. 1-15, 3 pt. min.; and Sept. 16-30 3 pt. min. and antlerless. This adjustment corrects an error in the CR-102 filing. Region 3 GMUs were moved from antlerless opportunity to buck only opportunity in response to declining mule deer numbers and increased losses due to winter kill and possibly hair loss syndrome in the last couple of years. GMU 382 should not have been part of that move and is being returned to its original date and legal deer.

Under Muzzleloader High Buck Hunts:

- Change language to include all of the Henry Jackson Wilderness Area. This adjustment corrects an error in the CR-102 filing. The entire Henry Jackson Wilderness Area should have been included in the High Buck Hunt for both modern firearm and muzzleloader. Muzzleloader was inadvertently left out. This adjustment corrects that mistake.

Under Late Muzzleloader Deer, Western Washington Blacktail Deer:

- Delete GMUs 651 and 673 from any deer. Add GMUs 651 and 673 to Nov. 21-Dec. 6, 2007, any buck; add GMUs 651 and 673 to Nov. 19-Dec. 6, 2008, any buck; add GMUs 651 and 673 to Dec. 7-15, 2007, any deer; add GMUs 651 and 673 to Dec. 7-15, 2008, any deer. This adjustment accounts for new information made available after the filing of the CR-102. Preliminary harvest information was not available when the CR-102 was filed because the time period for reporting hunting activity runs until January 31. Upon receiving preliminary harvest information after the reporting deadline, analy-

sis by Region 6 staff discovered a higher than desired harvest of antlerless deer in GMUs 651 and 673. This adjustment reduces the "any deer" harvest time period to the last week of the late season.

#### **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 Late Archery Western Washington:

- Move GMU 648 from 3 pt. min. to 3 pt. min. or antlerless. This is an attempt to provide some antlerless harvest opportunity and provide harassment to move elk off of private farmland and onto adjacent timberland and Elk Areas.

#### **WAC 232-28-353 Deer special permits.**

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

Under Modern Firearm:

- Change the year in the title from 2006 to 2007.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Remove the Couse hunt because of low fawn production the past couple of years.
- The following permit decreases are the result of low fawn production in the past couple of years.
  - Blue Creek from 150 to 100 permits.
  - Dayton A from 250 to 150 permits.
- The following permit increases are the result of improved buck/doe ratios.
  - Chiwawa from 30 to 38 permits.
  - Entiat A from 50 to 65 permits.
  - Big Bend from 100 to 150 permits.
- Remove the following hunts because of higher winter mortality over the past two years.
  - Nanteum [Naneum] A, Teanaway A, Taneum A, Nile A, Cowiche A.
- The following hunt names are adjusted to maintain proper hunt order:
  - Naneum B to Nanteum [Naneum] A, Teanaway B to Teanaway A, and Cowiche B to Cowiche A.
- The following permit decreases are the result of higher winter mortality over the past two years.
  - Badger from 50 to 15 permits.
  - Naneum A from 24 to 17 permits.
  - Quilomene A from 24 to 15 permits.
  - Teanaway A from 24 to 19 permits.
  - L.T. Murray from 24 to 18 permits.
  - Bethel A from 10 to 5 permits.
  - Cowiche A from 15 to 10 permits.
- The following permit increases are to address damage complaints and high deer numbers.
  - Mission B from 150 to 210 permits.
  - St. Andrews from 75 to 115 permits.
  - Alkali A from 73 to 75 permits.
  - Kahlotus from 50 to 75 permits.

- Add the following hunts because of increased deer numbers.
  - Washougal A, Oct. 13-31, Any deer, GMU 568, and 10 permits.
  - Skokomish A, Oct. 13-31, Any deer, GMU 636, and 20 permits.
  - Mashel A, Oct. 13-31, Any deer, GMU 654, and 40 permits.
- Decreases the number of permits for Capitol Peak A from 30 to 15 because lower deer numbers.
- Under modern firearm, change Quilomene A from Any buck to 3 pt. min. The Fish and Wildlife Commission made this change in response to public testimony.

#### Under Muzzleloader:

- Add the following hunts because of healthy deer population levels.
  - Whitcomb B, Sept. 16-21, Antlerless, Deer Area 3071, and 7 permits.
  - Whitcomb C, Sept. 24-Oct. 5, Any deer, Deer Area 3071, and 7 permits.
  - Paterson B, Sept. 16-21, Antlerless, Deer Area 3072, and 10 permits.
  - Paterson C, Sept. 24-Oct. 5, Any deer, Deer Area 3072, and 10 permits.
  - Washougal B, Oct. 6-12, Any deer, GMU 568, and 10 permits.
- Remove the following hunts because of higher winter mortality over the past two years.
  - Couse B, Teanaway C, Manastash A, and Cowiche C.
- The following hunt names are adjusted to maintain proper hunt order:
  - Naneum C to Naneum B, Teanaway D to Teanaway C.
- Delete Entiat G. The Fish and Wildlife Commission made this change in response to public testimony.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Reduce the number of permits in Moses Coulee B from 150 to 100 permits due to lower deer numbers.
- Reduce the number of permits in Naneum B, Quilomene B, Teanaway D, and L.T. Murray B from 3 to 2 permits due to allocation formula adjustments.
- Reduce the number of permits in Desert C from 3 to 2 permits. The Fish and Wildlife Commission made this change in response to public testimony.
- The following permit increases are the result of healthy deer population levels.
  - Chiwawa C from 50 to 70 permits.
  - Entiat B from 10 to 13 permits.
  - Swakane B from 25 to 35 permits.
  - Mission C from 30 to 45 permits.
  - Alkali C from 10 to 11 permits.
  - Whitcomb A from 5 to 7 permits.
  - Paterson A from 5 to 10 permits.
  - Paterson B, Sept. 16-21, Antlerless, Deer Area 3072, and 10 permits.

- Paterson C, Sept. 24-Oct. 5, Any deer, Deer Area 3072, and 10 permits.
- Washougal B, Oct. 6-12, Any deer, GMU 568, and 10 permits.
- Change Quilomene B from Any buck to 3 pt. min. The Fish and Wildlife Commission made this change in response to public testimony.

#### Under Archery Only Deer Permit Hunts:

- The following hunt names are adjusted to maintain proper hunt order:
  - Entiat C to Entiat B, Entiat D to Entiat C, Naneum D to Naneum C.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Change Naneum C from Any deer to Any buck because of higher winter mortality rates.
- Change Quilomene C from Any buck to 3 pt. min. The Fish and Wildlife Commission made this change in response to public testimony.
- Decrease the number of permits in Naneum C from 20 to 13 permits and Quilomene C from 20 to 12 permits due to higher winter mortality rates over the past few years.
- Increase the number of permits for Chiwawa from 19 to 27 as the result of a healthy deer population.
- Decrease the number of permits in Desert D from 14 to 12 permits. This is updated information from the special permit allocation process.
- Increase the number of permits in Alkali E from 91 to 99 permits. This is updated information from the special permit allocation process.

#### Under Special Modern Firearm Deer Permit Hunts for Hunters 65 or older:

- Remove the following hunts because higher winter mortality rates.
  - Quilomene D, Manastash B, Umtanum A, and Bethel B.
- The following hunt names are adjusted to maintain proper hunt order:
  - Teanaway E to Teanaway D and Entiat D to Entiat E.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- The following permit decreases are the result because higher winter mortality rates.
  - Teanaway D from 20 to 13 permits.
  - L.T. Murray C from 20 to 6 permits.
  - Palisades A from 15 to 10 permits.
- The following permit increases are the result of healthy deer populations and to provide more recreational opportunity.
  - Wannacut B, Pogue B, and Bridgeport A from 15 to 20 permits.
  - Sinlahekin C, Gardner B, Chiliwist B, and Alta B from 15 to 25 permits.
  - Chewuch B and Pearygin B from 15 to 35 permits.

- Chiwawa E, Entiat E, Swakane C, and Mission D from 10 to 15.
- Change the name of Washougal A to Washougal C.

Under Disabled Hunter Deer Permits:

- Remove the hunt called Quilomene E, Manastash C, Umtanum B, and Nile B due to higher winter mortality rates.
- Change the names of Entiat E to Entiat F and Washougal B to Washougal D to maintain proper hunt order.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- The following permit increases are the result of a healthy deer population and to provide more recreational opportunity for seniors.
  - Wannacut C and Pogue C from 15 to 20 permits.
  - Sinlahekin D, Gardner C, Chiliwist C, Alta C, Entiat F, and Mission E from 15 to 25 permits.
  - Chewuch C and Pearrygin C from 15 to 35 permits.
  - Chiwawa F and Bridgeport B from 10 to 15 permits.
- Decrease the number of permits for Palisades B from 10 to 5 permits because of lower deer numbers.

Under Youth Special Deer Permit Hunts – Modern Firearm:

- Remove the following hunts because of high winter mortality. Naneum F, Quilomene F, Manastash D, Umtanum C, and Cowiche D.
- Change the name of Entiat F to Entiat G and Washougal C to Washougal E to maintain proper hunt order.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- The following permit decreases are the result of shifting opportunity to seniors.
  - Wannacut D and Pogue D from 50 to 40 permits.
  - Sinlahekin E and Chiliwist D from 100 to 80 permits.
  - Chewuch D and Pearrygin D from 175 to 135 permits.
  - Gardner D from 65 to 50 permits.
  - Pogue D from 50 to 40 permits.
  - Chiliwist D from 100 to 80 permits.
  - Alta D from 110 to 90 permits.
  - Palisades C from 100 to 50 permits.
  - Desert E from 10 to 2 permits.
- The following permit increases are the result of healthy deer populations and to provide more recreational opportunity.
  - Chiwawa G from 60 to 85 permits.
  - Entiat G from 40 to 55 permits.
  - Swakane D from 20 to 30 permits.
  - Mission F from 150 to 210 permits.
  - Bridgeport C from 125 to 175 permits.

Under Youth Special Permits – Muzzleloader:

- Change of names of Mission F to Mission G, Whitcomb B to Whitcomb D to maintain proper hunt order.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Increase the number of permits for Whitcomb D from 5 to 7, Paterson D from 5 to 10.
- Decrease the number of permits for Desert F from 10 to 2 permits.

Under Youth Special Permits – Archery:

- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Decrease the number of permits for Desert G from 10 to 2 permits.

Under Special Deer Permits – Second Deer Tag.

- Change Mica Peak B from "Restricted to general..." to "Modern Firearm and Archery General Season Only" because there is no muzzleloader season in this unit.
- Change the closing date for Methow from Oct. 21 to Oct. 12 to correct an error.
- Increase the number of permits for Northeast from 200 to 400 permits and Methow from 20 to 50 permits to increase opportunity consistent with population levels.

Under Hunter Education Instructor Incentive Permits:

- Add Region 2, Any white-tailed deer, GMUs 204-215 and 2 permits, and increase Region 5 from 2 to 6 permits to add incentives for instructors consistent with SHB 2372.

**WAC 232-28-354 Elk special permits.**

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

- Change the year in the title from 2006 to 2007 to correct an oversight.

Under Modern Firearm Bull Permit Hunts:

- Add Teanaway A1, Oct. 22-Nov. 4, Any bull, EF, GMU 335, 1 permit. The Fish and Wildlife Commission made this change in response to public testimony.
- Add Nooksack A, Oct. 13-Nov. 11, any bull, WF, GMU 418, 6 permits. The North Cascades elk herd has met the thresholds defined in the herd management plan that would allow limited entry bull harvest. The details of this hunt were not resolved at the time of the CR-102 filing.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Increase the permit numbers for Watershed from 40 to 45. This is an agreed upon increase with USFS and the City of Walla Walla's water department.
- Increase permit numbers for Dayton A (from 12 to 13), Tucannon A (from 2 to 4), Wenaha A (from 14

to 17), Mountain View A (from 4 to 6). These increases are a result from the permit allocation process and healthy bull numbers.

- Increase the permit numbers for Colockum A (from 7 to 9), Peaches Ridge A (from 132 to 135), Observatory A (from 76 to 80), Goose Prairie A (from 88 to 96), Bethel A (from 50 to 62), and Rimrock A (from 118 to 123). These increases are a result of permit allocation calculations.
- Reduce the permit levels for Teanaway A (from 24 to 22). These reductions are a result of permit allocation calculations.
- Reduce the permit levels for Olympic A (from 21 to 14). These reductions are a result of permit allocation calculations.
- Increase the permit numbers for White River A (from 23 to 40). These increases are a result of permit allocation calculations.

#### Under Modern Firearm Elk Permit Hunts:

- Add "A" to the 49 Degrees North hunt for clarification.
- Change Toledo C to A, change the date to Nov. 3-12, and change the number of permits [to] 20 to correct a typographical error. A different hunt was transposed onto this hunt.
- Delete old Couse B hunt. This modification of the Couse hunt time frame helps with management of property damage.
- Change Couse C to Couse B to maintain hunt order.
- Delete Malaga A and Malaga F. Beginning in 2007, these damage hunts are being reduced and ultimately will be moved to the Advanced Hunter Education section utilizing AHE hunters on an as needed basis to address damage issues.
- Change Malaga B to A, Malaga C to B, Malaga C to D, Malaga D to E to maintain hunt order.
- Decrease permits in Malaga A (from 10 to 5), Malaga B (from 70 to 35), Malaga C (from 120 to 100), Malaga D (from 10 to 7). Beginning in 2007, these damage hunts are being reduced and ultimately will be moved to the Advanced Hunter Education section utilizing AHE hunters on an as needed basis to address damage issues.
- Change Peshastin B to A and Peshastin C to B to maintain hunt order.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Shift dates of Carlton, West Goat Rocks, and Mt. Adams from Oct. 1-10 to Sept. 22-30 to avoid overlap with muzzleloader season and improve the quality aspect of these hunts.
- Increase any elk permits for 49 Degrees North (from 30 to 45) and antlerless permits for Couse B (from 25 to 30). These increases are intended to stabilize population growth or address damage.
- Decrease antlerless permits in Dayton B (from 200 to 100). Elk damage is becoming less of an issue in this unit so less antlerless harvest is necessary.
- Reduce the antlerless permits in Mountain View B (from 60 to 20). Antlerless harvest in this unit is also being accomplished through Landowner Hunting Permits to address elk damage.
- Delete Peshastin A, Peshastin D and Peshastin E. Beginning in 2007, these damage hunts are being reduced and ultimately will be moved to the Advanced Hunter Education section utilizing AHE hunters on an as needed basis to address damage issues.
- Increase the antlerless permits in Winston A (from 12 to 130). This will help reduce the Mount St. Helens elk herd to population objective.
- Add Margaret C, Nov. 24-Dec. 2, antlerless, WF, GMU 524, 50 permits. This will help reduce the Mount St. Helens elk herd to population objective.
- Add Coweeman B, Jan. 1-15, 2008, antlerless, WF, GMU 550, 50 permits. This will help reduce the Mount St. Helens elk herd to population objective.
- Add Toutle C, Nov. 24-Dec. 2, antlerless, WF, GMU 556, 100 permits. This will help reduce the Mount St. Helens elk herd to population objective.
- Increase the antlerless permits in Ryderwood A (from 32 to 35), Coweeman A (from 15 to 225), and Toledo C (from 20 to 100). This will help reduce the Mount St. Helens elk herd to population objective.
- Increase the antlerless permits in Lewis River A (from 120 to 375) and Siouxon A (from 60 to 125). This will help reduce the Mount St. Helens elk herd to population objective.
- Decrease the number of permits in Chehalis Valley A and Chehalis Valley B from 10 to 5 permits. This will help to manage the elk population levels in this area.
- Decrease the number of permits to North Minot A from 60 to 20 permits. This will help to manage the elk population levels in this area.

#### Under Muzzleloader Bull Permit Hunts:

- Add Nooksack B, Sept. 29-Oct. 12 and Nov. 12-30, any bull, WM, GMU 418, 3 permits. The North Cascades elk herd has met the thresholds defined in the herd management plan that would allow limited entry bull harvest. The details of this hunt were not resolved at the time of the CR-102 filing.
- Reorder Margaret C to D, Toutle C to D.
- Change Bethel C to 12 permits, Rimrock C to 17 permits, and Cowiche C to 8 permits. This is updated information from the special permit allocation process.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Decrease the bull permits for Dayton D from 3 to 2 and increase Wenaha B from 2 to 3. These changes are a result of permit allocation calculations.
- Adjust the number of bull permits for Mountain View C (from 1 to 2) and Colockum B (from 1 to 2). These adjustments are a result of permit allocation calculations.

- Adjust the number of bull permits for Margaret D (from 10 to 8), Toutle D (from 35 to 26), and Skokomish B (from 1 to 2). These adjustments are a result of permit allocation calculations.

Under Muzzleloader Permit Hunts:

- Add "B" to the 49 Degrees North hunt for clarification.
- Reorder Malaga G to E, and Malaga H to F.
- Change Toledo A to B to correct a typographical error.
- Reorder Margaret D to E, Coweeman B to C, and Toutle D to E.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Increase the number of any elk permits for 49 Degrees North from 10 to 20. These increases are intended to stabilize population growth or address damage.
- Reduce the number of antlerless permits in Couse E and F from 50 to 30. Elk damage is becoming less of an issue in this unit so less antlerless harvest is necessary.
- Reduce the number of antlerless permits in Mountain View D from 25 to 20. Antlerless harvest in this unit is also being accomplished through Landowner Hunting Permits to address elk damage.
- Reduce the number of permits for Malaga E from 100 to 50 and Malaga F from 15 to 8. Beginning in 2007, these damage hunts are being reduced and ultimately will be moved to the Advanced Hunter Education section utilizing AHE hunters on an as needed basis to address damage issues.
- Increase the antlerless permits for Winston B (from 30 to 60), Margaret E (from 30 to 40), Coweeman C (from 20 to 60), Toutle E (from 50 to 75), Lewis River B (from 40 to 225), Yale A (from 25 to 75), and Siouxon B (from 15 to 75). This will help reduce the Mount St. Helens elk herd to population objective.
- Reduce Mossyrock B from (50 to 30) and North Minot B antlerless permits from 60 to 20 to better manage elk population levels.
- Increase Capitol Peak A, antlerless permits from 10 to 15. Delete Capitol Peak B. This is a net reduction of 5 permits and one hunt period. Damage/nuisance elk are less of an issue in this unit.

Under Archery Permit Hunts:

- Increase archery bull permits in Blue Creek E (from 1 to 2), Dayton E (from 4 to 7), Tucannon C (from 1 to 3), and Wenaha C (from 3 to 4). These increases are a result of permit allocation calculations.
- Increase archery bull permits in Mountain View E (from 2 to 3) and Olympic C (from 6 to 7). These increases are a result of permit allocation calculations.
- Change Colockum C to 3 permits, Teanaway E to 34 permits, Peaches Ridge C to 104 permits, Observatory C to 91 permits, Goose Prairie C to 138 permits, Bethel E to 43 permits, Rimrock D to 93 permits,

Cowiche E to 18 permits. This is updated information from the special permit allocation process.

- Reorder the Malaga, Peshastin, Margaret, Toutle, Lewis River, and Siouxon hunts to maintain hunt order.
- Reduce the number of permits in Malaga G (from 50 to 25) and Peshastin C (from 30 to 15). Beginning in 2007, these damage hunts are being reduced and ultimately will be moved to the Advanced Hunter Education section utilizing AHE hunters on an as needed basis to address damage issues.
- Adjust the permit numbers for Margaret F (from 15 to 13), Margaret G (from 15 to 50), Toutle F (from 70 to 66), and Toutle G (from 30 to 90). This will help reduce the Mount St. Helens elk herd to population objective.
- Increase permits for Skokomish C from 5 to 6. This increase is a result of permit allocation calculations.
- Decrease permits for White River C from 19 to 11. This decrease is a result of permit allocation calculations.

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

- Reorder Peshastin D and Mossyrock C.
- Change Malaga J to H.
- Change dates for Merwin A from Nov. 24-Dec. 15 to Nov. 21-Dec. 15 to include the Thanksgiving holiday.
- For Peola B change dates from Aug. 11-Sept. 7 to Oct. 1-12, remove "Designated areas in," and "HM." This is no longer an "on call" hunt.
- For Malaga H change dates from Jan. 1-Mar. 31, 2008, to Aug. 1-Mar. 31, 2008, and change permits from 30 to 100. The damage in this unit will be managed on an "as needed" basis.
- Add Malaga I, Aug. 1-Feb. 28, 2008, any elk, any elk tag, Elk Area 2032, 20<sup>HM</sup>. The damage hunt in these units will be managed on an "As needed" basis.
- Add Peshastin E, Aug. 1-Mar. 31, 2008, antlerless, any elk tag, Elk Area 2033, 50<sup>HM</sup>. The damage hunt in these units will be managed on an "As needed" basis.
- Add Peshastin F, Aug. 1-Feb. 28, 2008, any elk, any elk tag, Elk Area 2033, 20<sup>HM</sup>. The damage hunt in these units will be managed on an "As needed" basis.
- Change dates for Fairview from Feb. 1-28, 2008, to Feb. 1-29, 2008, to include leap year date adjustment.
- For Rattlesnake Hills change dates from Aug. 1-Feb. 28, 2008, to Aug. 1-Feb. 29, 2008, and add spike bull to include leap year adjustment and help reduce the elk population.

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

- Delete Peola C. Elk damage is becoming less of an issue in this unit so less antlerless harvest is necessary.

- Delete Corral Canyon A through D because they are no longer needed for damage mitigation.
- Delete Black Rock A and B because these landowners changed to the Landowner Hunting Program access program.
- Under advanced hunter education second elk tags change Toledo B to C, Toledo C to D, Toledo D to E, Toledo E to F, and Toledo F to G to correct typographical errors.
- Change Toledo B through F and Boistfort B through E to spike bull and antlerless. This will help reduce the Mount St. Helens elk herd to population objective.
- The following damage hunts are being modified to better address the timing and level of problems:
  - Change dates for Trout Lake A from Sept. 1-7 to Nov. 21-30.
  - Change dates for Trout Lake B from Oct. 1-7 to Dec. 1-14.
  - Change dates for Trout Lake C from Nov. 20-30 to Dec. 15-31.
  - Change dates for Trout Lake D from Dec. 1-14 to Jan 1-14, 2008.
- The following damage hunts are being modified to better address the timing and level of problems:
  - Reduce permits for Chehalis Valley D from 20 to 10.
  - Change dates for Raymond F from Dec. 1-Feb. 28, 2008 to Dec. 1-Mar. 31, 2008.
  - Change dates for Hanaford C from Aug. 1-Feb. 28, 2008 to Aug. 1-Mar. 31, 2008.
  - Delete Dungeness C through J.
- Change dates for Dungeness A from Sept. 1-30 to Sept. 1-Feb. 28, 2008, change from antlerless to 3 pt. min., add "north of Hwy 101 only" to Elk Area description, and increase permits from 6 to 12. Elk damage is becoming less of an issue in this elk area so less elk harvest is necessary.
- Change dates for Dungeness B from Oct. 1-31 to Oct. 1-Dec. 31, add "north of Hwy 101 only" to Elk Area description, and increase permits from 6 to 8. Elk damage is becoming less of an issue in this elk area so less elk harvest is necessary.

#### Under Youth - Special Elk Permit Hunts:

- Delete Blackrock C because the landowners in this area changed to the Landowner Hunting Program access program.
- Delete Fairview B to better address the timing and level of problems.
- Increase number of permits for Dungeness K from 2 to 4, add "north of Hwy 101 only" to Elk Area description, and change from K to C. Elk damage is becoming less of an issue in this elk area so less elk harvest is necessary.
- Increase permits for Mudflow A, B, and C from 5 to 6 to increase harvest of elk.
- Change dates for Sol Duc Valley from Aug. 1-Mar. 31, 2008, to Aug. 1-Jan. 22, 2008.
- Decrease permits for Clearwater Valley from 5 to 1 because elk damage is becoming less of an issue.

#### Under Persons of Disability:

- Add Sol Duc Valley B, Aug. 1-Jan 22, 2008, antlerless, any elk tag, Elk Area 6072, 5 permits to address property damage.
- Adjust calendar dates for special permit hunts as necessary to maintain proper opening dates and coordinate with general seasons.
- Delete Blackrock D, Fairview C, North Shore D and E. These hunts are no longer needed.
- Change Mudflow E from antlerless to any elk to correct a typographical error.
- Reorder Mudflow hunts.
- Change dates for Centralia Mine A from Oct. 23-24 to Oct. 27-28 to accommodate the landowner's needs.
- Change dates for Centralia Mine B from Oct. 30-31 to Nov. 3-4 to accommodate the landowner's needs.
- The following changes were made to better manage these hunts consistent with reduction of the St. Helen's elk herd:
  - Reduce permits for Mudflow D from 10 to 6 and change from Antlerless to any elk.
  - Reduce permits for Mudflow E from 10 to 6.
  - Change dates for Mudflow F from Nov. 6-12 to Oct. 16-21 and reduce permits from 10 to 6.
  - Change Mudflow G from Hunters 65 or Older to Persons of Disability and reduce permits from 10 to 6.
  - Reduce permits for Mudflow H from 10 to 6.
  - Change dates for Mudflow I from Oct. 16-21 to Nov. 6-12 and reduce permits from 6-10.
  - Add Mudflow J, Nov. 27-Dec. 2, Antlerless, Any elk tag, Elk Area 5099, 6 permits.
- Change Region 5 permits from 1 to 4 to provide incentives for Hunter Education Instructors consistent with SHB 2372.

#### **WAC 232-12-181 Livestock grazing on department of fish and wildlife lands.**

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

##### Under subsection (1):

- Second sentence originally read: Except for temporary permits or permits that are being renewed or renegotiated with existing permittees, each grazing permit shall first be submitted to the commission, which may review the permit to ensure it conforms with commission policy. It now reads: Except for temporary permits or permits that are being renewed or renegotiated with existing permittees, grazing permits shall first be submitted to the commission, which may review the permit to ensure it conforms with commission policy. This was changed for clarification purposes only.

##### Under subsection (3):

- The second sentence originally read: The director is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so. It now reads: The director is authorized to

reject any and all bids if it is determined to be in the best interest of the fish and wildlife to do so. This change has been made for clarification.

Under subsection (5):

- Second sentence used to read: The director shall inspect the site of a grazing permit no less than two times each year. It now reads: The department shall inspect the site of a grazing permit no less than two times each year. It was changed to reflect that department staff and not the director would be inspecting grazing permits.
- Third sentence used to read: The director shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the director required to benefit... It now reads: The director shall retain the right to alter any provision of the plan as required to benefit... The original language said that only numbers of animals or acreage could be changed when in fact the department might change season of use or other parameters of the permit if need be.

A final cost-benefit analysis is available by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.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 0, Amended 10, 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 7, 2007.

Susan Yeager  
for Jerry Gutzwiler, Chair  
Fish and Wildlife Commission

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

**WAC 232-12-021 Importation and retention of dead nonresident wildlife.** It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was

acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer, elk, or moose, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Alberta, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

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

**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 | Permits          |
|------------------------|----------------|----------------------------------|----------------------|------------------|
| Kettle Range           | Oct. 1-Nov. 30 | GMUs 101, 105                    | Any Moose            | ((+)) <u>2</u>   |
| Selkirk Mtns. <u>A</u> | Oct. 1-Nov. 30 | GMU 113                          | Any Moose            | ((20)) <u>25</u> |

| Hunt Name                                      | Permit Season         | Permit Hunt Boundary Description | Special Restrictions   | Permits          |
|--|-----------------------|----------------------------------|------------------------|------------------|
| <u>Selkirk Mtns. B<sup>d</sup></u>             | <u>Oct. 1-Nov. 30</u> | <u>GMU 113</u>                   | <u>Antlerless Only</u> | <u>2</u>         |
| 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 <sup>a</sup>            | Oct. 1-Nov. 30        | GMU 124 east of Hwy 395          | Antlerless Only        | 8                |
| 49 Degrees North A                             | Oct. 1-Nov. 30        | GMU 117                          | Any Moose              | ((22)) <u>26</u> |
| 49 Degrees North B <sup>b</sup>                | Oct. 1-Nov. 30        | GMU 117                          | Antlerless Only        | 3                |
| <u>49 Degrees North C<sup>c</sup></u>          | <u>Oct. 1-Nov. 30</u> | <u>GMU 117</u>                   | <u>Antlerless Only</u> | <u>2</u>         |
| <u>49 Degrees North Youth Only<sup>a</sup></u> | <u>Oct. 1-Nov. 30</u> | <u>GMU 117</u>                   | <u>Antlerless Only</u> | <u>2</u>         |
| Three Forks                                    | Oct. 1-Nov. 30        | GMUs 108, 111                    | Any Moose              | 8                |
| Hangman A                                      | Oct. 1-Nov. 30        | GMUs 127, 130                    | Any Moose              | 5                |
| Hangman B                                      | Oct. 1-Nov. 30        | GMUs 127, 130                    | Antlerless Only        | 5                |
| Huckleberry Range                              | Oct. 1-Nov. 30        | GMUs 121, 124 west of Hwy 395    | Any Moose              | 6                |

<sup>a</sup>Applicants must be eligible to purchase a youth moose license by November 30 during the license year they are applying for. Youth hunters must be accompanied by an adult during the hunt.

<sup>b</sup>Applicants must possess a Disabled Hunter Permit.

<sup>c</sup>Applicants must be 65 years of age or older by November 30 during the license year they are applying for.

<sup>d</sup>Applicants must be a certified hunter education instructor who meet program-defined eligibility criteria.

**Bighorn Sheep 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        | Permits        |
|--------------------------|-------------------------------|----------------------------------|-----------------------------|----------------|
| Vulcan Mountain          | Sept. 15-Oct. 10              | Sheep Unit 2                     | Any Legal Weapon            | ((+)) <u>2</u> |
| Selah Butte              | Nov. ((6)) <u>4-30</u>        | Sheep Unit 4                     | Any Legal Weapon            | 5              |
| Umtanum                  | Sept. 15-Oct. ((6)) <u>10</u> | Sheep Unit 5                     | Any Legal Weapon            | 5              |
| Cleman Mountain A        | Sept. 15-Oct. ((6)) <u>10</u> | Sheep Unit 7                     | Any Legal Weapon            | ((5)) <u>4</u> |
| Cleman Mountain B        | Nov. ((6)) <u>4-30</u>        | Sheep Unit 7                     | Any Legal Weapon            | ((5)) <u>4</u> |
| Mt. Hull                 | Sept. 15-Oct. 10              | Sheep Unit 10                    | Any Legal Weapon            | 2              |
| Wenaha                   | Sept. 15-Oct. 10              | Sheep Unit 11                    | Any Legal Weapon            | 1              |
| Lincoln Cliffs           | Sept. 15-Oct. 10              | Sheep Unit 12                    | Any Legal Weapon            | 1              |
| Quilomene A              | Sept. 15-Oct. ((6)) <u>10</u> | Sheep Unit 13                    | Any Legal Weapon            | ((3)) <u>4</u> |
| <del>((Quilomene B</del> | <del>Nov. 6-30</del>          | <del>Sheep Unit 13</del>         | <del>Any Legal Weapon</del> | <del>2))</del> |
| Swakane                  | Sept. 15-Oct. 10              | Sheep Unit 14                    | Any Legal Weapon            | 1              |
| Tieton                   | Sept. 15-Oct. 10              | Sheep Unit 15                    | Any Legal Weapon            | 3              |
| Manson                   | Nov. ((6)) <u>4-30</u>        | Sheep Unit 16                    | Any Legal Weapon            | 2              |

**Bighorn 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 Wenash 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 Wenash 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.

| Hunt Name                  | Permit Season               | Permit Hunt Boundary Description | Special Restrictions        | 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              |
| <del>((Kachess Ridge</del> | <del>Sept. 15-Oct. 31</del> | <del>Goat Unit 3-11</del>        | <del>Any Legal Weapon</del> | <del>0</del>   |
| <del>Jack Mountain</del>   | <del>Sept. 15-Oct. 31</del> | <del>Goat Unit 4-9</del>         | <del>Any Legal Weapon</del> | <del>0))</del> |
| 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            | 5              |
| <u>Chowder Ridge</u>       | <u>Sept. 15-Oct. 31</u>     | <u>Goat Units 4-3</u>            | <u>Any Legal Weapon</u>     | <u>1</u>       |
| <u>Avalanche Gorge</u>     | <u>Sept. 15-Oct. 31</u>     | <u>Goat Units 4-7</u>            | <u>Any Legal Weapon</u>     | <u>1</u>       |

**Mountain Goat Units:**

**Goat Unit 2-1 Chelan N. (Chelan County):** Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of 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

**Sheep Unit 16 Manson:** Permit Area: GMU 243.

**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.

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.

**Goat Unit 3-9 Tieton River:** Permit Area: 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: Whatecom 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 4-3 Chowder Ridge:** Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

**Goat Unit 4-7 Avalanche Gorge:** Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail 683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail 600; then east along the Lake Ann Trail 600 to the boundary of North Cascades National Park; then south and east along the park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS

Road 394); then west along the Baker Lake Road (USFS Road 394) to Park 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 03-23, filed 3/5/03, effective 4/5/03)

**WAC 232-12-289 Official hunting hours for game birds and game animals.**

(1) OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

| Dates (Inclusive)                        | Western Washington        |    |                 | Eastern Washington |    |                 |
|--|---------------------------|----|-----------------|--------------------|----|-----------------|
|  | from                      |    |                 | from               |    |                 |
|  | A.M.                      | to | P.M.            | A.M.               | to | P.M.            |
|  | Daylight Savings Time     |    |                 |                    |    |                 |
| Sun. Sept. 1 - Sun. Sept. 8              | 6:00                      |    | 7:45            | 5:45               |    | 7:30            |
| Mon. Sept. 9 - Sun. Sept. 15             | 6:10                      |    | 7:30            | 6:00               |    | 7:15            |
| Mon. Sept. 16 - Sun. Sept. 22            | 6:20                      |    | 7:15            | 6:10               |    | 7:00            |
| Mon. Sept. 23 - Sun. Sept. 29            | 6:30                      |    | 7:00            | 6:20               |    | 6:45            |
| Mon. Sept. 30 - Sun. Oct. 6              | 6:40                      |    | 6:45            | 6:30               |    | 6:35            |
| Mon. Oct. 7 - Sun. Oct. 13               | 6:50                      |    | 6:30            | 6:40               |    | 6:20            |
| Mon. Oct. 14 - Sun. Oct. 20              | 7:00                      |    | 6:20            | 6:50               |    | 6:05            |
| Mon. Oct. 21 - ((Sat.))                  | 7:10                      |    | 6:05            | 7:00               |    | 5:55            |
|  |                           |    |                 |                    |    |                 |
| <u>Mon. Oct. 28</u> - <u>Sat. Nov. 2</u> | <u>7:20</u>               |    | <u>5:55</u>     | <u>7:10</u>        |    | <u>5:50</u>     |
|  | Pacific Standard Time     |    |                 |                    |    |                 |
|  | <del>((Sun. Oct. 27</del> |    | <del>6:10</del> | <del>5:05</del>    |    | <del>6:00</del> |
|  |                           |    |                 |                    |    | <del>4:55</del> |

(1) OFFICIAL HUNTING HOURS  
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

| Dates (Inclusive) |                    |     |      |         | Western Washington |    |      | Eastern Washington |    |      |
|-------------------|--------------------|-----|------|---------|--------------------|----|------|--------------------|----|------|
|                   |                    |     |      |         | A.M.               | to | P.M. | A.M.               | to | P.M. |
| <del>Mon.</del>   | <del>Oct. 28</del> | -)) | Sun. | Nov. 3  | 6:20               |    | 4:55 | 6:10               |    | 4:50 |
| Mon.              | Nov. 4             | -   | Sun. | Nov. 10 | 6:30               |    | 4:45 | 6:20               |    | 4:30 |
| Mon.              | Nov. 11            | -   | Sun. | Nov. 17 | 6:40               |    | 4:35 | 6:30               |    | 4:20 |
| Mon.              | Nov. 18            | -   | Sun. | Nov. 24 | 6:50               |    | 4:25 | 6:40               |    | 4:15 |
| Mon.              | Nov. 25            | -   | Sun. | Dec. 1  | 7:00               |    | 4:20 | 6:50               |    | 4:10 |
| Mon.              | Dec. 2             | -   | Sun. | Dec. 8  | 7:10               |    | 4:20 | 7:00               |    | 4:10 |
| Mon.              | Dec. 9             | -   | Sun. | Dec. 15 | 7:15               |    | 4:20 | 7:05               |    | 4:10 |
| Mon.              | Dec. 16            | -   | Sun. | Dec. 22 | 7:20               |    | 4:20 | 7:10               |    | 4:10 |
| Mon.              | Dec. 23            | -   | Sun. | Dec. 29 | 7:25               |    | 4:25 | 7:10               |    | 4:15 |
| Mon.              | Dec. 30            | -   | Sun. | Jan. 5  | 7:25               |    | 4:30 | 7:15               |    | 4:15 |
| Mon.              | Jan. 6             | -   | Sun. | Jan. 12 | 7:25               |    | 4:35 | 7:15               |    | 4:25 |
| Mon.              | Jan. 13            | -   | Sun. | Jan. 19 | 7:20               |    | 4:45 | 7:10               |    | 4:35 |
| Mon.              | Jan. 20            | -   | Sun. | Jan. 26 | 7:15               |    | 4:55 | 7:05               |    | 4:45 |
| Mon.              | Jan. 27            | -   | Fri. | Jan. 31 | 7:10               |    | 5:05 | 7:00               |    | 4:55 |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(2) OFFICIAL HUNTING HOURS  
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

| Dates (Inclusive)     |                    |     |                     |                                  | Western Washington |    |                 | Eastern Washington |    |                 |
|-----------------------|--------------------|-----|---------------------|----------------------------------|--------------------|----|-----------------|--------------------|----|-----------------|
|                       |                    |     |                     |                                  | A.M.               | to | P.M.            | A.M.               | to | P.M.            |
| Daylight Savings Time |                    |     |                     |                                  |                    |    |                 |                    |    |                 |
| Mon.                  | Sept. 1            | -   | Sun.                | Sept. 7                          | 6:00               |    | 7:45            | 5:45               |    | 7:30            |
| Mon.                  | Sept. 8            | -   | Sun.                | Sept. 14                         | 6:10               |    | 7:30            | 5:50               |    | 7:20            |
| Mon.                  | Sept. 15           | -   | Sun.                | Sept. 21                         | 6:20               |    | 7:15            | 6:10               |    | 7:05            |
| Mon.                  | Sept. 22           | -   | Sun.                | Sept. 28                         | 6:30               |    | 7:00            | 6:15               |    | 6:50            |
| Mon.                  | Sept. 29           | -   | Sun.                | Oct. 5                           | 6:40               |    | 6:45            | 6:30               |    | 6:35            |
| Mon.                  | Oct. 6             | -   | Sun.                | Oct. 12                          | 6:50               |    | 6:30            | 6:40               |    | 6:25            |
| Mon.                  | Oct. 13            | -   | Sun.                | Oct. 19                          | 7:00               |    | 6:20            | 6:50               |    | 6:10            |
| Mon.                  | Oct. 20            | -   | <del>((Sat.))</del> | Oct. <del>((25))</del> <u>26</u> | 7:10               |    | 6:10            | 7:00               |    | 5:55            |
| <u>Mon.</u>           | <u>Oct. 27</u>     | =   | <u>Sat.</u>         | <u>Nov. 1</u>                    | <u>7:20</u>        |    | <u>5:55</u>     | <u>7:15</u>        |    | <u>5:45</u>     |
| Pacific Standard Time |                    |     |                     |                                  |                    |    |                 |                    |    |                 |
|                       |                    |     | <del>((Sun-))</del> | <del>Oct. 26</del>               | <del>6:15</del>    |    | <del>5:00</del> | <del>6:00</del>    |    | <del>4:50</del> |
| <del>Mon.</del>       | <del>Oct. 27</del> | -)) | Sun.                | Nov. 2                           | 6:20               |    | 4:55            | 6:15               |    | 4:45            |
| Mon.                  | Nov. 3             | -   | Sun.                | Nov. 9                           | 6:30               |    | 4:45            | 6:20               |    | 4:30            |
| Mon.                  | Nov. 10            | -   | Sun.                | Nov. 16                          | 6:40               |    | 4:35            | 6:30               |    | 4:25            |
| Mon.                  | Nov. 17            | -   | Sun.                | Nov. 23                          | 6:50               |    | 4:30            | 6:40               |    | 4:15            |

(2) OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

| Dates (Inclusive) |      |              |      |      | Western Washington<br>from |      |      | Eastern Washington<br>from |      |  |
|-------------------|------|--------------|------|------|----------------------------|------|------|----------------------------|------|--|
|                   | A.M. | to           | P.M. | A.M. | to                         | P.M. | A.M. | to                         | P.M. |  |
| Mon. Nov. 24      | -    | Sun. Nov. 30 | 7:00 | 4:20 | 6:50                       | 4:10 |      |                            |      |  |
| Mon. Dec. 1       | -    | Sun. Dec. 7  | 7:10 | 4:20 | 7:00                       | 4:10 |      |                            |      |  |
| Mon. Dec. 8       | -    | Sun. Dec. 14 | 7:15 | 4:20 | 7:05                       | 4:05 |      |                            |      |  |
| Mon. Dec. 15      | -    | Sun. Dec. 21 | 7:20 | 4:20 | 7:10                       | 4:10 |      |                            |      |  |
| Mon. Dec. 22      | -    | Sun. Dec. 28 | 7:25 | 4:25 | 7:10                       | 4:10 |      |                            |      |  |
| Mon. Dec. 29      | -    | Sun. Jan. 4  | 7:25 | 4:30 | 7:15                       | 4:15 |      |                            |      |  |
| Mon. Jan. 5       | -    | Sun. Jan. 11 | 7:25 | 4:35 | 7:15                       | 4:25 |      |                            |      |  |
| Mon. Jan. 12      | -    | Sun. Jan. 18 | 7:25 | 4:45 | 7:10                       | 4:35 |      |                            |      |  |
| Mon. Jan. 19      | -    | Sun. Jan. 25 | 7:20 | 4:55 | 7:05                       | 4:45 |      |                            |      |  |
| Mon. Jan. 26      | -    | Fri. Jan. 31 | 7:10 | 5:00 | 7:00                       | 4:55 |      |                            |      |  |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

| Dates (Inclusive)     |                    |                                   |                   |                    | Western Washington<br>from |                 |                 | Eastern Washington<br>from |      |  |
|-----------------------|--------------------|-----------------------------------|-------------------|--------------------|----------------------------|-----------------|-----------------|----------------------------|------|--|
|                       | A.M.               | to                                | P.M.              | A.M.               | to                         | P.M.            | A.M.            | to                         | P.M. |  |
| Daylight Savings Time |                    |                                   |                   |                    |                            |                 |                 |                            |      |  |
| Tues. Sept. 1         | -                  | Sun. Sept. 6                      | 6:00              | 7:45               | 5:50                       | 7:35            |                 |                            |      |  |
| Mon. Sept. 7          | -                  | Sun. Sept. 13                     | 6:10              | 7:35               | 6:00                       | 7:20            |                 |                            |      |  |
| Mon. Sept. 14         | -                  | Sun. Sept. 20                     | 6:20              | 7:20               | 6:05                       | 7:05            |                 |                            |      |  |
| Mon. Sept. 21         | -                  | Sun. Sept. 27                     | 6:30              | 7:05               | 6:15                       | 6:50            |                 |                            |      |  |
| Mon. Sept. 28         | -                  | Sun. Oct. 4                       | 6:40              | 6:50               | 6:25                       | 6:35            |                 |                            |      |  |
| Mon. Oct. 5           | -                  | Sun. Oct. 11                      | 6:45              | 6:35               | 6:35                       | 6:25            |                 |                            |      |  |
| Mon. Oct. 12          | -                  | Sun. Oct. 18                      | 6:55              | 6:20               | 6:45                       | 6:10            |                 |                            |      |  |
| Mon. Oct. 19          | -                  | <del>((Sat))</del><br><u>Sun.</u> | 7:05              | 6:10               | 6:55                       | 6:00            |                 |                            |      |  |
| <u>Mon.</u>           | <u>Oct. 26</u>     | <u>=</u>                          | <u>Sat.</u>       | <u>Oct. 31</u>     | <u>7:20</u>                | <u>5:55</u>     | <u>7:05</u>     | <u>5:45</u>                |      |  |
| Pacific Standard Time |                    |                                   |                   |                    |                            |                 |                 |                            |      |  |
|                       |                    |                                   | <del>((Sun-</del> | <del>Oct. 25</del> | <del>6:10</del>            | <del>5:00</del> | <del>6:00</del> | <del>4:50</del>            |      |  |
| <del>Mon.</del>       | <del>Oct. 26</del> | <del>-))</del>                    | Sun.              | Nov. 1             | 6:20                       | 4:55            | 6:05            | 4:45                       |      |  |
| Mon.                  | Nov. 2             | -                                 | Sun.              | Nov. 8             | 6:30                       | 4:45            | 6:15            | 4:35                       |      |  |
| Mon.                  | Nov. 9             | -                                 | Sun.              | Nov. 15            | 6:40                       | 4:35            | 6:30            | 4:25                       |      |  |
| Mon.                  | Nov. 16            | -                                 | Sun.              | Nov. 22            | 6:50                       | 4:30            | 6:40            | 4:15                       |      |  |
| Mon.                  | Nov. 23            | -                                 | Sun.              | Nov. 29            | 7:00                       | 4:25            | 6:45            | 4:10                       |      |  |
| Mon.                  | Nov. 30            | -                                 | Sun.              | Dec. 6             | 7:10                       | 4:20            | 6:55            | 4:10                       |      |  |
| Mon.                  | Dec. 7             | -                                 | Sun.              | Dec. 13            | 7:15                       | 4:20            | 7:05            | 4:05                       |      |  |
| Mon.                  | Dec. 14            | -                                 | Sun.              | Dec. 20            | 7:20                       | 4:20            | 7:10            | 4:10                       |      |  |

(3) OFFICIAL HUNTING HOURS  
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

| Dates (Inclusive) |   |              |  |  | Western Washington<br>from |    |      | Eastern Washington<br>from |    |      |
|-------------------|---|--------------|--|--|----------------------------|----|------|----------------------------|----|------|
|                   |   |              |  |  | A.M.                       | to | P.M. | A.M.                       | to | P.M. |
| Mon. Dec. 21      | - | Sun. Dec. 27 |  |  | 7:25                       |    | 4:20 | 7:15                       |    | 4:10 |
| Mon. Dec. 28      | - | Sun. Jan. 3  |  |  | 7:30                       |    | 4:30 | 7:15                       |    | 4:15 |
| Mon. Jan. 4       | - | Sun. Jan. 10 |  |  | 7:25                       |    | 4:35 | 7:15                       |    | 4:25 |
| Mon. Jan. 11      | - | Sun. Jan. 17 |  |  | 7:25                       |    | 4:45 | 7:10                       |    | 4:30 |
| Mon. Jan. 18      | - | Sun. Jan. 24 |  |  | 7:20                       |    | 4:55 | 7:05                       |    | 4:40 |
| Mon. Jan. 25      | - | Sat. Jan. 31 |  |  | 7:10                       |    | 5:00 | 7:00                       |    | 4:50 |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, ((Grays Harbor,)) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(4) OFFICIAL HUNTING HOURS  
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

| Dates (Inclusive)     |   |  |     |             | Western Washington<br>from |    |             | Eastern Washington<br>from |    |             |
|-----------------------|---|--|-----|-------------|----------------------------|----|-------------|----------------------------|----|-------------|
|                       |   |  |     |             | A.M.                       | to | P.M.        | A.M.                       | to | P.M.        |
| Daylight Savings Time |   |  |     |             |                            |    |             |                            |    |             |
| Wed. Sept. 1          | - | Sun. Sept. 5                                       |     |             | 6:00                       |    | 7:45        | 5:50                       |    | 7:35        |
| Mon. Sept. 6          | - | Sun. Sept. 12                                      |     |             | 6:10                       |    | 7:35        | 5:55                       |    | 7:20        |
| Mon. Sept. 13         | - | Sun. Sept. 19                                      |     |             | 6:15                       |    | 7:20        | 6:05                       |    | 7:10        |
| Mon. Sept. 20         | - | Sun. Sept. 26                                      |     |             | 6:25                       |    | 7:05        | 6:15                       |    | 6:55        |
| Mon. Sept. 27         | - | Sun. Oct. 3  |     |             | 6:35                       |    | 6:50        | 6:25                       |    | 6:40        |
| Mon. Oct. 4           | - | Sun. Oct. 10                                       |     |             | 6:45                       |    | 6:40        | 6:35                       |    | 6:25        |
| Mon. Oct. 11          | - | Sun. Oct. 17                                       |     |             | 6:55                       |    | 6:25        | 6:45                       |    | 6:10        |
| Mon. Oct. 18          | - | Sun. Oct. 24                                       |     |             | 7:05                       |    | 6:10        | 6:55                       |    | 6:00        |
| Mon. Oct. 25          | - | <del>((Sat.))</del> Sun. Oct. <del>((30))</del> 31 |     |             | 7:15                       |    | 6:00        | 7:05                       |    | 5:45        |
| <u>Mon.</u>           |   | <u>Nov. 1</u>                                      | =   | <u>Sat.</u> | <u>Nov. 6</u>              |    | <u>7:25</u> | <u>5:50</u>                |    | <u>7:15</u> |
| Pacific Standard Time |   |  |     |             |                            |    |             |                            |    |             |
| <del>((Sun.))</del>   |   | <del>Oct. 31</del>                                 | -)) | Sun.        | Nov. 7                     |    | 6:25        | 4:50                       |    | 6:15        |
| Mon.                  |   | Nov. 8   | -   | Sun.        | Nov. 14                    |    | 6:40        | 4:40                       |    | 6:25        |
| Mon.                  |   | Nov. 15  | -   | Sun.        | Nov. 21                    |    | 6:50        | 4:30                       |    | 6:35        |
| Mon.                  |   | Nov. 22  | -   | Sun.        | Nov. 28                    |    | 7:00        | 4:25                       |    | 6:45        |
| Mon.                  |   | Nov. 29  | -   | Sun.        | Dec. 5                     |    | 7:05        | 4:20                       |    | 6:55        |
| Mon.                  |   | Dec. 6   | -   | Sun.        | Dec. 12                    |    | 7:15        | 4:20                       |    | 7:05        |
| Mon.                  |   | Dec. 13  | -   | Sun.        | Dec. 19                    |    | 7:20        | 4:20                       |    | 7:10        |
| Mon.                  |   | Dec. 20  | -   | Sun.        | Dec. 26                    |    | 7:25        | 4:20                       |    | 7:15        |
| Mon.                  |   | Dec. 27  | -   | Sun.        | Jan. 2                     |    | 7:25        | 4:25                       |    | 7:15        |
| Mon.                  |   | Jan. 3   | -   | Sun.        | Jan. 9                     |    | 7:25        | 4:35                       |    | 7:15        |
| Mon.                  |   | Jan. 10  | -   | Sun.        | Jan. 16                    |    | 7:25        | 4:40                       |    | 7:10        |
| Mon.                  |   | Jan. 17  | -   | Sun.        | Jan. 23                    |    | 7:20        | 4:50                       |    | 7:10        |

(4) OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

| Dates (Inclusive)           |      |  |      |      | Western Washington |      | Eastern Washington |    |
|-----------------------------|------|--|------|------|--------------------|------|--------------------|----|
|                             |      |  |      |      | from               | to   | from               | to |
|                             | A.M. |  | P.M. | A.M. |                    | P.M. |                    |    |
| Mon. Jan. 24 - Mon. Jan. 31 | 7:10 |  | 5:00 | 7:00 |                    | 4:50 |                    |    |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, ((Grays Harbor,)) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(5) OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

| Dates (Inclusive)   |                 |  |                 |                 | Western Washington |                 | Eastern Washington |    |
|---|-----------------|--|-----------------|-----------------|--------------------|-----------------|--------------------|----|
|   |                 |  |                 |                 | from               | to              | from               | to |
|   | A.M.            |  | P.M.            | A.M.            |                    | P.M.            |                    |    |
| Daylight Savings Time   |                 |  |                 |                 |                    |                 |                    |    |
| Thur. Sept. 1 - Sun. Sept. 4  | 6:00            |  | 7:45            | 5:45            |                    | 7:35            |                    |    |
| Mon. Sept. 5 - Sun. Sept. 11  | 6:05            |  | 7:35            | 5:55            |                    | 7:25            |                    |    |
| Mon. Sept. 12 - Sun. Sept. 18   | 6:15            |  | 7:20            | 6:05            |                    | 7:10            |                    |    |
| Mon. Sept. 19 - Sun. Sept. 25   | 6:25            |  | 7:10            | 6:10            |                    | 6:55            |                    |    |
| Mon. Sept. 26 - Sun. Oct. 2   | 6:35            |  | 6:55            | 6:25            |                    | 6:40            |                    |    |
| Mon. Oct. 3 - Sun. Oct. 9   | 6:45            |  | 6:40            | 6:35            |                    | 6:25            |                    |    |
| Mon. Oct. 10 - Sun. Oct. 16   | 6:55            |  | 6:25            | 6:45            |                    | 6:15            |                    |    |
| Mon. Oct. 17 - Sun. Oct. 23   | 7:05            |  | 6:10            | 6:55            |                    | 6:00            |                    |    |
| Mon. Oct. 24 - <del>((Sat.))</del> <u>Sun.</u> Oct. <del>((29))</del> <u>30</u> | 7:15            |  | 6:00            | 7:05            |                    | 5:50            |                    |    |
| <u>Mon.</u> <u>Oct. 31</u> - <u>Sat.</u> <u>Nov. 5</u>                          | <u>7:25</u>     |  | <u>5:50</u>     | <u>7:15</u>     |                    | <u>5:35</u>     |                    |    |
| Pacific Standard Time   |                 |  |                 |                 |                    |                 |                    |    |
| <del>Mon. Oct. 31 - Sun. Nov. 6</del>   | <del>6:20</del> |  | <del>4:55</del> | <del>6:10</del> |                    | <del>4:45</del> |                    |    |
| Mon. Nov. 7 - Sun. Nov. 13  | 6:25            |  | 4:50            | 6:15            |                    | 4:35            |                    |    |
| Mon. Nov. 14 - Sun. Nov. 20   | 6:35            |  | 4:40            | 6:25            |                    | 4:25            |                    |    |
| Mon. Nov. 21 - Sun. Nov. 27   | 6:45            |  | 4:30            | 6:35            |                    | 4:20            |                    |    |
| Mon. Nov. 28 - Sun. Dec. 4  | 6:55            |  | 4:25            | 6:45            |                    | 4:10            |                    |    |
| Mon. Dec. 5 - Sun. Dec. 11  | 7:05            |  | 4:20            | 6:55            |                    | 4:10            |                    |    |
| Mon. Dec. 12 - Sun. Dec. 18   | 7:15            |  | 4:20            | 7:00            |                    | 4:05            |                    |    |
| Mon. Dec. 19 - Sun. Dec. 25   | 7:20            |  | 4:20            | 7:10            |                    | 4:05            |                    |    |
| Mon. Dec. 26 - Sun. Jan. 1  | 7:25            |  | 4:20            | 7:10            |                    | 4:10            |                    |    |
| Mon. Jan. 2 - Sun. Jan. 8   | 7:25            |  | 4:25            | 7:15            |                    | 4:15            |                    |    |
| Mon. Jan. 9 - Sun. Jan. 15  | 7:25            |  | 4:30            | 7:15            |                    | 4:20            |                    |    |
| Mon. Jan. 16 - Sun. Jan. 22   | 7:25            |  | 4:40            | 7:10            |                    | 4:30            |                    |    |
| Mon. Jan. 23 - Sun. Jan. 29   | 7:20            |  | 4:50            | 7:10            |                    | 4:40            |                    |    |
| Mon. Jan. 30 - Tues. Jan. 31  | 7:15            |  | 5:00            | 7:00            |                    | 4:50            |                    |    |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(6) OFFICIAL HUNTING HOURS  
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

| Dates (Inclusive) |                       |                |                     | Western Washington        |                 |                 | Eastern Washington |                 |      |
|-------------------|-----------------------|----------------|---------------------|---------------------------|-----------------|-----------------|--------------------|-----------------|------|
|                   |                       |                |                     | A.M.                      | to              | P.M.            | A.M.               | to              | P.M. |
|                   | Daylight Savings Time |                |                     |                           |                 |                 |                    |                 |      |
| Fri.              | Sept. 1               | -              | Sun.                | Sept. 3                   | 6:00            | 7:50            | 5:45               | 7:35            |      |
| Mon.              | Sept. 4               | -              | Sun.                | Sept. 10                  | 6:05            | 7:40            | 5:55               | 7:25            |      |
| Mon.              | Sept. 11              | -              | Sun.                | Sept. 17                  | 6:15            | 7:25            | 6:05               | 7:10            |      |
| Mon.              | Sept. 18              | -              | Sun.                | Sept. 24                  | 6:25            | 7:10            | 6:10               | 7:00            |      |
| Mon.              | Sept. 25              | -              | Sun.                | Oct. 1                    | 6:35            | 6:55            | 6:20               | 6:45            |      |
| Mon.              | Oct. 2                | -              | Sun.                | Oct. 8                    | 6:45            | 6:40            | 6:30               | 6:30            |      |
| Mon.              | Oct. 9                | -              | Sun.                | Oct. 15                   | 6:55            | 6:25            | 6:40               | 6:15            |      |
| Mon.              | Oct. 16               | -              | Sun.                | Oct. 22                   | 7:05            | 6:15            | 6:50               | 6:00            |      |
| Mon.              | Oct. 23               | -              | <del>((Sat.))</del> | Oct. <del>((28))</del> 29 | 7:10            | 6:05            | 7:00               | 5:50            |      |
|                   |                       |                | <u>Sun.</u>         |                           |                 |                 |                    |                 |      |
| <u>Mon.</u>       | <u>Oct. 30</u>        | =              | <u>Sat.</u>         | <u>Nov. 4</u>             | <u>7:25</u>     | <u>5:50</u>     | <u>7:10</u>        | <u>5:40</u>     |      |
|                   | Pacific Standard Time |                |                     |                           |                 |                 |                    |                 |      |
|                   |                       |                | <del>((Sun.))</del> | <del>Oct. 29</del>        | <del>6:20</del> | <del>5:00</del> | <del>6:05</del>    | <del>4:45</del> |      |
| <del>Mon.</del>   | <del>Oct. 30</del>    | <del>-))</del> | Sun.                | Nov. 5                    | 6:25            | 4:50            | 6:10               | 4:40            |      |
| Mon.              | Nov. 6                | -              | Sun.                | Nov. 12                   | 6:35            | 4:40            | 6:25               | 4:30            |      |
| Mon.              | Nov. 13               | -              | Sun.                | Nov. 19                   | 6:45            | 4:30            | 6:35               | 4:20            |      |
| Mon.              | Nov. 20               | -              | Sun.                | Nov. 26                   | 6:55            | 4:25            | 6:45               | 4:15            |      |
| Mon.              | Nov. 27               | -              | Sun.                | Dec. 3                    | 7:05            | 4:20            | 6:55               | 4:10            |      |
| Mon.              | Dec. 4                | -              | Sun.                | Dec. 10                   | 7:15            | 4:20            | 7:00               | 4:05            |      |
| Mon.              | Dec. 11               | -              | Sun.                | Dec. 17                   | 7:20            | 4:20            | 7:10               | 4:05            |      |
| Mon.              | Dec. 18               | -              | Sun.                | Dec. 24                   | 7:25            | 4:20            | 7:10               | 4:10            |      |
| Mon.              | Dec. 25               | -              | Sun.                | Dec. 31                   | 7:25            | 4:25            | 7:15               | 4:10            |      |
| Mon.              | Jan. 1                | -              | Sun.                | Jan. 7                    | 7:30            | 4:30            | 7:15               | 4:20            |      |
| Mon.              | Jan. 8                | -              | Sun.                | Jan. 14                   | 7:25            | 4:40            | 7:15               | 4:30            |      |
| Mon.              | Jan. 15               | -              | Sun.                | Jan. 21                   | 7:20            | 4:50            | 7:10               | 4:40            |      |
| Mon.              | Jan. 22               | -              | Sun.                | Jan. 28                   | 7:15            | 5:00            | 7:00               | 4:50            |      |
| Mon.              | Jan. 29               | -              | Wed.                | Jan. 31                   | 7:10            | 5:05            | 6:55               | 4:50            |      |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, (~~Grays Harbor~~) Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(7) OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

| Dates (Inclusive)     |                    |              |                             |                           | Western Washington<br>from |                 | Eastern Washington<br>from |                 |
|-----------------------|--------------------|--------------|-----------------------------|---------------------------|----------------------------|-----------------|----------------------------|-----------------|
|                       |                    |              |                             |                           | A.M.                       | to P.M.         | A.M.                       | to P.M.         |
| Daylight Savings Time |                    |              |                             |                           |                            |                 |                            |                 |
| Sat.                  | Sept. 1            | -            | Sun.                        | Sept. 2                   | 6:00                       | 7:50            | 5:45                       | 7:40            |
| Mon.                  | Sept. 3            | -            | Sun.                        | Sept. 9                   | 6:05                       | 7:40            | 5:50                       | 7:30            |
| Mon.                  | Sept. 10           | -            | Sun.                        | Sept. 16                  | 6:15                       | 7:25            | 6:00                       | 7:15            |
| Mon.                  | Sept. 17           | -            | Sun.                        | Sept. 23                  | 6:20                       | 7:10            | 6:10                       | 7:00            |
| Mon.                  | Sept. 24           | -            | Sun.                        | Sept. 30                  | 6:30                       | 6:55            | 6:20                       | 6:45            |
| Mon.                  | Oct. 1             | -            | Sun.                        | Oct. 7                    | 6:40                       | 6:45            | 6:30                       | 6:30            |
| Mon.                  | Oct. 8             | -            | Sun.                        | Oct. 14                   | 6:50                       | 6:30            | 6:40                       | 6:15            |
| Mon.                  | Oct. 15            | -            | Sun.                        | Oct. 21                   | 7:00                       | 6:15            | 6:50                       | 6:05            |
| Mon.                  | Oct. 22            | -            | <del>((Sat.))</del><br>Sun. | Oct. <del>((27))</del> 28 | 7:10                       | 6:05            | 7:00                       | 5:50            |
| <u>Mon.</u>           | <u>Oct. 29</u>     | =            | <u>Sat.</u>                 | <u>Nov. 3</u>             | <u>7:20</u>                | <u>5:50</u>     | <u>7:10</u>                | <u>5:40</u>     |
| Pacific Standard Time |                    |              |                             |                           |                            |                 |                            |                 |
|                       |                    |              | <del>((Sun.))</del>         | <del>Oct. 28</del>        | <del>6:15</del>            | <del>5:00</del> | <del>6:05</del>            | <del>4:45</del> |
| <del>Mon.</del>       | <del>Oct. 29</del> | <del>-</del> | Sun.                        | Nov. 4                    | 6:20                       | 4:50            | 6:10                       | 4:40            |
| Mon.                  | Nov. 5             | -            | Sun.                        | Nov. 11                   | 6:35                       | 4:40            | 6:20                       | 4:30            |
| Mon.                  | Nov. 12            | -            | Sun.                        | Nov. 18                   | 6:45                       | 4:35            | 6:30                       | 4:20            |
| Mon.                  | Nov. 19            | -            | Sun.                        | Nov. 25                   | 6:55                       | 4:25            | 6:40                       | 4:15            |
| Mon.                  | Nov. 26            | -            | Sun.                        | Dec. 2                    | 7:05                       | 4:20            | 6:50                       | 4:10            |
| Mon.                  | Dec. 3             | -            | Sun.                        | Dec. 9                    | 7:10                       | 4:20            | 7:00                       | 4:05            |
| Mon.                  | Dec. 10            | -            | Sun.                        | Dec. 16                   | 7:20                       | 4:20            | 7:05                       | 4:05            |
| Mon.                  | Dec. 17            | -            | Sun.                        | Dec. 23                   | 7:25                       | 4:20            | 7:10                       | 4:05            |
| Mon.                  | Dec. 24            | -            | Sun.                        | Dec. 30                   | 7:25                       | 4:25            | 7:15                       | 4:10            |
| Mon.                  | Dec. 31            | -            | Sun.                        | Jan. 6                    | 7:25                       | 4:30            | 7:15                       | 4:20            |
| Mon.                  | Jan. 7             | -            | Sun.                        | Jan. 13                   | 7:25                       | 4:40            | 7:15                       | 4:25            |
| Mon.                  | Jan. 14            | -            | Sun.                        | Jan. 20                   | 7:20                       | 4:45            | 7:10                       | 4:35            |
| Mon.                  | Jan. 21            | -            | Sun.                        | Jan. 27                   | 7:15                       | 4:55            | 7:05                       | 4:45            |
| Mon.                  | Jan. 28            | -            | Thur.                       | Jan. 31                   | 7:10                       | 5:05            | 7:00                       | 4:55            |

\* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, ~~((Grays Harbor,))~~ Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(8) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

| Dates (Inclusive)     |         |   |      |          | Western Washington<br>from |         | Eastern Washington<br>from |         |
|-----------------------|---------|---|------|----------|----------------------------|---------|----------------------------|---------|
|                       |         |   |      |          | A.M.                       | to P.M. | A.M.                       | to P.M. |
| Daylight Savings Time |         |   |      |          |                            |         |                            |         |
| Sun.                  | Sept. 1 | - | Sun. | Sept. 8  | 6:00                       | 8:15    | 5:45                       | 8:00    |
| Mon.                  | Sept. 9 | - | Sun. | Sept. 15 | 6:10                       | 8:00    | 6:00                       | 7:45    |

(8) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

| Dates (Inclusive)     |                    |   |                                 | Western Washington               |                 |                 | Eastern Washington |                 |      |
|-----------------------|--------------------|---|---------------------------------|----------------------------------|-----------------|-----------------|--------------------|-----------------|------|
|                       |                    |   |                                 | from                             | to              | P.M.            | from               | to              | P.M. |
| Mon.                  | Sept. 16           | - | Sun.                            | Sept. 22                         | 6:20            | 7:45            | 6:10               | 7:30            |      |
| Mon.                  | Sept. 23           | - | Sun.                            | Sept. 29                         | 6:30            | 7:30            | 6:20               | 7:15            |      |
| Mon.                  | Sept. 30           | - | Sun.                            | Oct. 6                           | 6:40            | 7:15            | 6:30               | 7:05            |      |
| Mon.                  | Oct. 7             | - | Sun.                            | Oct. 13                          | 6:50            | 7:00            | 6:40               | 6:50            |      |
| Mon.                  | Oct. 14            | - | Sun.                            | Oct. 20                          | 7:00            | 6:50            | 6:50               | 6:35            |      |
| Mon.                  | Oct. 21            | - | <del>((Sat.))</del> <u>Sun.</u> | <del>Oct. ((26))</del> <u>27</u> | 7:10            | 6:35            | 7:00               | 6:25            |      |
| <u>Mon.</u>           | <u>Oct. 28</u>     | - | <u>Sat.</u>                     | <u>Nov. 2</u>                    | <u>7:20</u>     | <u>6:25</u>     | <u>7:10</u>        | <u>6:20</u>     |      |
| Pacific Standard Time |                    |   |                                 |                                  |                 |                 |                    |                 |      |
| <del>Mon.</del>       | <del>Oct. 28</del> | - | <del>((Sun.))</del> <u>Sun.</u> | <del>Oct. 27</del>               | <del>6:10</del> | <del>5:35</del> | <del>6:00</del>    | <del>5:25</del> |      |
| Mon.                  | Nov. 4             | - | Sun.                            | Nov. 10                          | 6:20            | 5:25            | 6:10               | 5:20            |      |
| Mon.                  | Nov. 11            | - | Sun.                            | Nov. 17                          | 6:30            | 5:15            | 6:20               | 5:00            |      |
| Mon.                  | Nov. 18            | - | Sun.                            | Nov. 24                          | 6:40            | 5:05            | 6:30               | 4:50            |      |
| Mon.                  | Nov. 25            | - | Sun.                            | Nov. 24                          | 6:50            | 4:55            | 6:40               | 4:45            |      |
| Mon.                  | Nov. 25            | - | Sun.                            | Dec. 1                           | 7:00            | 4:50            | 6:50               | 4:40            |      |
| Mon.                  | Dec. 2             | - | Sun.                            | Dec. 8                           | 7:10            | 4:50            | 7:00               | 4:40            |      |
| Mon.                  | Dec. 9             | - | Sun.                            | Dec. 15                          | 7:15            | 4:50            | 7:05               | 4:40            |      |
| Mon.                  | Dec. 16            | - | Sun.                            | Dec. 22                          | 7:20            | 4:50            | 7:10               | 4:40            |      |
| Mon.                  | Dec. 23            | - | Sun.                            | Dec. 29                          | 7:25            | 4:55            | 7:10               | 4:45            |      |
| Mon.                  | Dec. 30            | - | Sun.                            | Jan. 5                           | 7:25            | 5:00            | 7:15               | 4:45            |      |
| Mon.                  | Jan. 6             | - | Sun.                            | Jan. 12                          | 7:25            | 5:05            | 7:15               | 4:55            |      |
| Mon.                  | Jan. 13            | - | Sun.                            | Jan. 19                          | 7:20            | 5:15            | 7:10               | 5:05            |      |
| Mon.                  | Jan. 20            | - | Sun.                            | Jan. 26                          | 7:15            | 5:25            | 7:05               | 5:15            |      |
| Mon.                  | Jan. 27            | - | Fri.                            | Jan. 31                          | 7:10            | 5:35            | 7:00               | 5:25            |      |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(9) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

| Dates (Inclusive)     |          |   |                                 | Western Washington               |      |      | Eastern Washington |      |      |
|-----------------------|----------|---|---------------------------------|----------------------------------|------|------|--------------------|------|------|
|                       |          |   |                                 | from                             | to   | P.M. | from               | to   | P.M. |
| Daylight Savings Time |          |   |                                 |                                  |      |      |                    |      |      |
| Mon.                  | Sept. 1  | - | Sun.                            | Sept. 7                          | 6:00 | 8:15 | 5:50               | 8:00 |      |
| Mon.                  | Sept. 8  | - | Sun.                            | Sept. 14                         | 6:10 | 8:00 | 6:00               | 7:50 |      |
| Mon.                  | Sept. 15 | - | Sun.                            | Sept. 21                         | 6:20 | 7:45 | 6:10               | 7:35 |      |
| Mon.                  | Sept. 22 | - | Sun.                            | Sept. 28                         | 6:30 | 7:30 | 6:15               | 7:20 |      |
| Mon.                  | Sept. 29 | - | Sun.                            | Oct. 5                           | 6:40 | 7:15 | 6:30               | 7:05 |      |
| Mon.                  | Oct. 6   | - | Sun.                            | Oct. 12                          | 6:50 | 7:00 | 6:40               | 6:55 |      |
| Mon.                  | Oct. 13  | - | Sun.                            | Oct. 19                          | 7:00 | 6:50 | 6:50               | 6:40 |      |
| Mon.                  | Oct. 20  | - | <del>((Sat.))</del> <u>Sun.</u> | <del>Oct. ((25))</del> <u>26</u> | 7:10 | 6:40 | 7:00               | 6:25 |      |

(9) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

| Dates (Inclusive)     |                    |     |                   |                    | Western Washington |    |                 | Eastern Washington |    |                 |
|-----------------------|--------------------|-----|-------------------|--------------------|--------------------|----|-----------------|--------------------|----|-----------------|
|                       |                    |     |                   |                    | A.M.               | to | P.M.            | A.M.               | to | P.M.            |
| <u>Mon.</u>           | <u>Oct. 27</u>     | -   | <u>Sat.</u>       | <u>Nov. 1</u>      | <u>7:20</u>        |    | <u>6:25</u>     | <u>7:15</u>        |    | <u>6:15</u>     |
| Pacific Standard Time |                    |     |                   |                    |                    |    |                 |                    |    |                 |
|                       |                    |     | <del>((Sun.</del> | <del>Oct. 26</del> | <del>6:15</del>    |    | <del>5:30</del> | <del>6:00</del>    |    | <del>5:20</del> |
| <del>Mon.</del>       | <del>Oct. 27</del> | -)) | Sun.              | Nov. 2             | 6:20               |    | 5:25            | 6:10               |    | 5:15            |
| Mon.                  | Nov. 3             | -   | Sun.              | Nov. 9             | 6:30               |    | 5:15            | 6:20               |    | 5:00            |
| Mon.                  | Nov. 10            | -   | Sun.              | Nov. 16            | 6:40               |    | 5:05            | 6:30               |    | 4:55            |
| Mon.                  | Nov. 17            | -   | Sun.              | Nov. 23            | 6:50               |    | 5:00            | 6:40               |    | 4:45            |
| Mon.                  | Nov. 24            | -   | Sun.              | Nov. 30            | 7:00               |    | 4:50            | 6:50               |    | 4:40            |
| Mon.                  | Dec. 1             | -   | Sun.              | Dec. 7             | 7:10               |    | 4:50            | 7:00               |    | 4:40            |
| Mon.                  | Dec. 8             | -   | Sun.              | Dec. 14            | 7:15               |    | 4:50            | 7:05               |    | 4:40            |
| Mon.                  | Dec. 15            | -   | Sun.              | Dec. 21            | 7:20               |    | 4:50            | 7:10               |    | 4:40            |
| Mon.                  | Dec. 22            | -   | Sun.              | Dec. 28            | 7:25               |    | 4:55            | 7:10               |    | 4:40            |
| Mon.                  | Dec. 29            | -   | Sun.              | Jan. 4             | 7:25               |    | 5:00            | 7:15               |    | 4:45            |
| Mon.                  | Jan. 5             | -   | Sun.              | Jan. 11            | 7:25               |    | 5:05            | 7:15               |    | 4:55            |
| Mon.                  | Jan. 12            | -   | Sun.              | Jan. 18            | 7:25               |    | 5:15            | 7:10               |    | 5:05            |
| Mon.                  | Jan. 19            | -   | Sun.              | Jan. 25            | 7:20               |    | 5:25            | 7:05               |    | 5:15            |
| Mon.                  | Jan. 26            | -   | Fri.              | Jan. 31            | 7:10               |    | 5:30            | 7:00               |    | 5:25            |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(10) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

| Dates (Inclusive)     |                    |     |                          |                           | Western Washington |    |                 | Eastern Washington |    |                 |
|-----------------------|--------------------|-----|--------------------------|---------------------------|--------------------|----|-----------------|--------------------|----|-----------------|
|                       |                    |     |                          |                           | A.M.               | to | P.M.            | A.M.               | to | P.M.            |
| Daylight Savings Time |                    |     |                          |                           |                    |    |                 |                    |    |                 |
| Tues.                 | Sept. 1            | -   | Sun.                     | Sept. 6                   | 6:00               |    | 8:15            | 5:50               |    | 8:05            |
| Mon.                  | Sept. 7            | -   | Sun.                     | Sept. 13                  | 6:10               |    | 8:05            | 6:00               |    | 7:50            |
| Mon.                  | Sept. 14           | -   | Sun.                     | Sept. 20                  | 6:20               |    | 7:50            | 6:05               |    | 7:35            |
| Mon.                  | Sept. 21           | -   | Sun.                     | Sept. 27                  | 6:30               |    | 7:35            | 6:15               |    | 7:20            |
| Mon.                  | Sept. 28           | -   | Sun.                     | Oct. 4                    | 6:40               |    | 7:20            | 6:25               |    | 7:05            |
| Mon.                  | Oct. 5             | -   | Sun.                     | Oct. 11                   | 6:45               |    | 7:05            | 6:35               |    | 6:55            |
| Mon.                  | Oct. 12            | -   | Sun.                     | Oct. 18                   | 6:55               |    | 6:50            | 6:45               |    | 6:40            |
| Mon.                  | Oct. 19            | -   | <del>((Sat.))</del> Sun. | <del>Oct. ((24))</del> 25 | 7:05               |    | 6:40            | 6:55               |    | 6:30            |
| <u>Mon.</u>           | <u>Oct. 26</u>     | -   | <u>Sat.</u>              | <u>Oct. 31</u>            | <u>7:20</u>        |    | <u>6:25</u>     | <u>7:05</u>        |    | <u>6:15</u>     |
| Pacific Standard Time |                    |     |                          |                           |                    |    |                 |                    |    |                 |
|                       |                    |     | <del>((Sun.</del>        | <del>Oct. 25</del>        | <del>6:10</del>    |    | <del>5:30</del> | <del>6:00</del>    |    | <del>5:20</del> |
| <del>Mon.</del>       | <del>Oct. 26</del> | -)) | Sun.                     | Nov. 1                    | 6:20               |    | 5:25            | 6:05               |    | 5:15            |
| Mon.                  | Nov. 2             | -   | Sun.                     | Nov. 8                    | 6:30               |    | 5:15            | 6:15               |    | 5:05            |
| Mon.                  | Nov. 9             | -   | Sun.                     | Nov. 15                   | 6:40               |    | 5:05            | 6:30               |    | 4:55            |

(10) OFFICIAL HUNTING HOURS  
 FOR GAME ANIMALS AND FOREST GROUSE\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

| Dates (Inclusive) |         |   |      |         | Western Washington |    |      | Eastern Washington |    |      |
|-------------------|---------|---|------|---------|--------------------|----|------|--------------------|----|------|
|                   |         |   |      |         | from               | to | P.M. | from               | to | P.M. |
| Mon.              | Nov. 16 | - | Sun. | Nov. 22 | 6:50               |    | 5:00 | 6:40               |    | 4:45 |
| Mon.              | Nov. 23 | - | Sun. | Nov. 29 | 7:00               |    | 4:55 | 6:50               |    | 4:40 |
| Mon.              | Nov. 30 | - | Sun. | Dec. 6  | 7:10               |    | 4:50 | 6:55               |    | 4:40 |
| Mon.              | Dec. 7  | - | Sun. | Dec. 13 | 7:15               |    | 4:50 | 7:05               |    | 4:35 |
| Mon.              | Dec. 14 | - | Sun. | Dec. 20 | 7:20               |    | 4:50 | 7:10               |    | 4:40 |
| Mon.              | Dec. 21 | - | Sun. | Dec. 27 | 7:25               |    | 4:50 | 7:15               |    | 4:40 |
| Mon.              | Dec. 28 | - | Sun. | Jan. 3  | 7:30               |    | 5:00 | 7:15               |    | 4:45 |
| Mon.              | Jan. 4  | - | Sun. | Jan. 10 | 7:25               |    | 5:05 | 7:15               |    | 4:55 |
| Mon.              | Jan. 11 | - | Sun. | Jan. 17 | 7:25               |    | 5:15 | 7:10               |    | 5:00 |
| Mon.              | Jan. 18 | - | Sun. | Jan. 24 | 7:20               |    | 5:25 | 7:05               |    | 5:10 |
| Mon.              | Jan. 25 | - | Sat. | Jan. 31 | 7:10               |    | 5:30 | 7:00               |    | 5:20 |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(11) OFFICIAL HUNTING HOURS  
 FOR GAME ANIMALS AND FOREST GROUSE\*  
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

| Dates (Inclusive)     |                    |   |                          |                           | Western Washington |    |             | Eastern Washington |    |             |
|-----------------------|--------------------|---|--------------------------|---------------------------|--------------------|----|-------------|--------------------|----|-------------|
|                       |                    |   |                          |                           | from               | to | P.M.        | from               | to | P.M.        |
| Daylight Savings Time |                    |   |                          |                           |                    |    |             |                    |    |             |
| Wed.                  | Sept. 1            | - | Sun.                     | Sept. 5                   | 6:00               |    | 8:15        | 5:50               |    | 8:05        |
| Mon.                  | Sept. 6            | - | Sun.                     | Sept. 12                  | 6:10               |    | 8:05        | 5:55               |    | 7:50        |
| Mon.                  | Sept. 13           | - | Sun.                     | Sept. 19                  | 6:15               |    | 7:50        | 6:05               |    | 7:40        |
| Mon.                  | Sept. 20           | - | Sun.                     | Sept. 26                  | 6:25               |    | 7:35        | 6:15               |    | 7:25        |
| Mon.                  | Sept. 27           | - | Sun.                     | Oct. 3                    | 6:35               |    | 7:20        | 6:25               |    | 7:10        |
| Mon.                  | Oct. 4             | - | Sun.                     | Oct. 10                   | 6:45               |    | 7:10        | 6:35               |    | 6:55        |
| Mon.                  | Oct. 11            | - | Sun.                     | Oct. 17                   | 6:55               |    | 6:55        | 6:45               |    | 6:40        |
| Mon.                  | Oct. 18            | - | Sun.                     | Oct. 24                   | 7:05               |    | 6:40        | 6:55               |    | 6:30        |
| Mon.                  | Oct. 25            | - | <del>((Sat.))</del> Sun. | Oct. <del>((30))</del> 31 | 7:15               |    | 6:30        | 7:05               |    | 6:15        |
| <u>Mon.</u>           | <u>Nov. 1</u>      | = | <u>Sat.</u>              | <u>Nov. 6</u>             | <u>7:25</u>        |    | <u>6:20</u> | <u>7:15</u>        |    | <u>6:05</u> |
| Pacific Standard Time |                    |   |                          |                           |                    |    |             |                    |    |             |
| <del>((Sun.))</del>   | <del>Oct. 31</del> | - | Sun.                     | Nov. 7                    | 6:25               |    | 5:20        | 6:15               |    | 5:05        |
| Mon.                  | Nov. 8             | - | Sun.                     | Nov. 14                   | 6:40               |    | 5:10        | 6:25               |    | 4:55        |
| Mon.                  | Nov. 15            | - | Sun.                     | Nov. 21                   | 6:50               |    | 5:00        | 6:35               |    | 4:50        |
| Mon.                  | Nov. 22            | - | Sun.                     | Nov. 28                   | 7:00               |    | 4:55        | 6:45               |    | 4:40        |
| Mon.                  | Nov. 29            | - | Sun.                     | Dec. 5                    | 7:05               |    | 4:50        | 6:55               |    | 4:40        |
| Mon.                  | Dec. 6             | - | Sun.                     | Dec. 12                   | 7:15               |    | 4:50        | 7:05               |    | 4:35        |
| Mon.                  | Dec. 13            | - | Sun.                     | Dec. 19                   | 7:20               |    | 4:50        | 7:10               |    | 4:35        |
| Mon.                  | Dec. 20            | - | Sun.                     | Dec. 26                   | 7:25               |    | 4:50        | 7:15               |    | 4:40        |
| Mon.                  | Dec. 27            | - | Sun.                     | Jan. 2                    | 7:25               |    | 4:55        | 7:15               |    | 4:45        |

(11) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

| Dates (Inclusive) |         |   |      |         | Western Washington |    |      | Eastern Washington |    |      |
|-------------------|---------|---|------|---------|--------------------|----|------|--------------------|----|------|
|                   |         |   |      |         | from               | to | P.M. | from               | to | P.M. |
| Mon.              | Jan. 3  | - | Sun. | Jan. 9  | 7:25               |    | 5:05 | 7:15               |    | 4:50 |
| Mon.              | Jan. 10 | - | Sun. | Jan. 16 | 7:25               |    | 5:10 | 7:10               |    | 5:00 |
| Mon.              | Jan. 17 | - | Sun. | Jan. 23 | 7:20               |    | 5:20 | 7:10               |    | 5:10 |
| Mon.              | Jan. 24 | - | Mon. | Jan. 31 | 7:10               |    | 5:30 | 7:00               |    | 5:20 |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(12) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

| Dates (Inclusive)     |                    |   |                                 |                                  | Western Washington |    |                 | Eastern Washington |    |                 |
|-----------------------|--------------------|---|---------------------------------|----------------------------------|--------------------|----|-----------------|--------------------|----|-----------------|
|                       |                    |   |                                 |                                  | from               | to | P.M.            | from               | to | P.M.            |
| Daylight Savings Time |                    |   |                                 |                                  |                    |    |                 |                    |    |                 |
| Thurs.                | Sept. 1            | - | Sun.                            | Sept. 4                          | 6:00               |    | 8:15            | 5:45               |    | 8:05            |
| Mon.                  | Sept. 5            | - | Sun.                            | Sept. 11                         | 6:05               |    | 8:05            | 5:55               |    | 7:55            |
| Mon.                  | Sept. 12           | - | Sun.                            | Sept. 18                         | 6:15               |    | 7:50            | 6:05               |    | 7:40            |
| Mon.                  | Sept. 19           | - | Sun.                            | Sept. 25                         | 6:25               |    | 7:40            | 6:10               |    | 7:25            |
| Mon.                  | Sept. 26           | - | Sun.                            | Oct. 2                           | 6:35               |    | 7:25            | 6:25               |    | 7:10            |
| Mon.                  | Oct. 3             | - | Sun.                            | Oct. 9                           | 6:45               |    | 7:10            | 6:35               |    | 6:55            |
| Mon.                  | Oct. 10            | - | Sun.                            | Oct. 16                          | 6:55               |    | 7:05            | 6:40               |    | 6:45            |
| Mon.                  | Oct. 17            | - | Sun.                            | Oct. 23                          | 7:05               |    | 6:40            | 6:55               |    | 6:30            |
| Mon.                  | Oct. 24            | - | <del>((Sat.))</del> <u>Sun.</u> | <del>Oct. ((29))</del> <u>30</u> | 7:15               |    | 6:30            | 7:00               |    | 6:20            |
| <u>Mon.</u>           | <u>Oct. 31</u>     | - | <u>Sat.</u>                     | <u>Nov. 5</u>                    | <u>7:25</u>        |    | <u>6:20</u>     | <u>7:15</u>        |    | <u>6:05</u>     |
| Pacific Standard Time |                    |   |                                 |                                  |                    |    |                 |                    |    |                 |
| <del>Mon.</del>       | <del>Oct. 31</del> | - | <del>((Sun.))</del> <u>Sun.</u> | <del>Nov. 6</del>                | <del>6:20</del>    |    | <del>5:25</del> | <del>6:10</del>    |    | <del>5:15</del> |
| Mon.                  | Nov. 7             | - | Sun.                            | Nov. 13                          | 6:25               |    | 5:20            | 6:15               |    | 5:05            |
| Mon.                  | Nov. 14            | - | Sun.                            | Nov. 20                          | 6:35               |    | 5:10            | 6:25               |    | 4:55            |
| Mon.                  | Nov. 14            | - | Sun.                            | Nov. 20                          | 6:45               |    | 5:00            | 6:35               |    | 4:50            |
| Mon.                  | Nov. 21            | - | Sun.                            | Nov. 27                          | 6:55               |    | 4:55            | 6:45               |    | 4:40            |
| Mon.                  | Nov. 28            | - | Sun.                            | Dec. 4                           | 7:05               |    | 4:50            | 6:55               |    | 4:40            |
| Mon.                  | Dec. 5             | - | Sun.                            | Dec. 11                          | 7:15               |    | 4:50            | 7:00               |    | 4:35            |
| Mon.                  | Dec. 12            | - | Sun.                            | Dec. 18                          | 7:20               |    | 4:50            | 7:10               |    | 4:35            |
| Mon.                  | Dec. 19            | - | Sun.                            | Dec. 25                          | 7:25               |    | 4:50            | 7:10               |    | 4:40            |
| Mon.                  | Dec. 26            | - | Sun.                            | Jan. 1                           | 7:25               |    | 4:55            | 7:15               |    | 4:45            |
| Mon.                  | Jan. 2             | - | Sun.                            | Jan. 8                           | 7:25               |    | 5:00            | 7:15               |    | 4:50            |
| Mon.                  | Jan. 9             | - | Sun.                            | Jan. 15                          | 7:25               |    | 5:10            | 7:10               |    | 5:00            |
| Mon.                  | Jan. 16            | - | Sun.                            | Jan. 22                          | 7:20               |    | 5:20            | 7:10               |    | 5:10            |
| Mon.                  | Jan. 23            | - | Sun.                            | Jan. 29                          | 7:15               |    | 5:30            | 7:00               |    | 5:20            |
| Mon.                  | Jan. 30            | - | Tues.                           | Jan. 31                          | 7:10               |    | 5:35            | 6:55               |    | 5:25            |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(13) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

| Dates (Inclusive)     |                    |     |                          | Western Washington        |                 |      | Eastern Washington |                 |                 |
|-----------------------|--------------------|-----|--------------------------|---------------------------|-----------------|------|--------------------|-----------------|-----------------|
|                       |                    |     |                          | A.M.                      | to              | P.M. | A.M.               | to              | P.M.            |
| Daylight Savings Time |                    |     |                          |                           |                 |      |                    |                 |                 |
| Fri.                  | Sept. 1            | -   | Sun.                     | Sept. 3                   | 6:00            |      | 8:20               | 5:45            | 8:05            |
| Mon.                  | Sept. 4            | -   | Sun.                     | Sept. 10                  | 6:05            |      | 8:10               | 5:55            | 7:55            |
| Mon.                  | Sept. 11           | -   | Sun.                     | Sept. 17                  | 6:15            |      | 7:55               | 6:05            | 7:40            |
| Mon.                  | Sept. 18           | -   | Sun.                     | Sept. 24                  | 6:25            |      | 7:40               | 6:10            | 7:30            |
| Mon.                  | Sept. 25           | -   | Sun.                     | Oct. 1                    | 6:35            |      | 7:25               | 6:20            | 7:15            |
| Mon.                  | Oct. 2             | -   | Sun.                     | Oct. 8                    | 6:45            |      | 7:10               | 6:30            | 7:00            |
| Mon.                  | Oct. 9             | -   | Sun.                     | Oct. 15                   | 6:55            |      | 6:55               | 6:40            | 6:45            |
| Mon.                  | Oct. 16            | -   | Sun.                     | Oct. 22                   | 7:05            |      | 6:45               | 6:50            | 6:30            |
| Mon.                  | Oct. 23            | -   | <del>((Sat.))</del> Sun. | Oct. <del>((28))</del> 29 | 7:10            |      | 6:35               | 7:00            | 6:20            |
| <u>Mon.</u>           | <u>Oct. 30</u>     | -   | <u>Sat.</u>              | <u>Nov. 4</u>             | <u>7:25</u>     |      | <u>6:20</u>        | <u>7:10</u>     | <u>6:10</u>     |
| Pacific Standard Time |                    |     |                          |                           |                 |      |                    |                 |                 |
|                       |                    |     | <del>((Sun.))</del>      | <del>Oct. 29</del>        | <del>6:20</del> |      | <del>5:30</del>    | <del>6:05</del> | <del>5:15</del> |
| <del>Mon.</del>       | <del>Oct. 30</del> | -)) | Sun.                     | Nov. 5                    | 6:25            |      | 5:20               | 6:10            | 5:10            |
| Mon.                  | Nov. 6             | -   | Sun.                     | Nov. 12                   | 6:35            |      | 5:10               | 6:25            | 5:00            |
| Mon.                  | Nov. 13            | -   | Sun.                     | Nov. 19                   | 6:45            |      | 5:00               | 6:35            | 4:50            |
| Mon.                  | Nov. 20            | -   | Sun.                     | Nov. 26                   | 6:55            |      | 4:55               | 6:45            | 4:45            |
| Mon.                  | Nov. 27            | -   | Sun.                     | Dec. 3                    | 7:05            |      | 4:50               | 6:55            | 4:40            |
| Mon.                  | Dec. 4             | -   | Sun.                     | Dec. 10                   | 7:15            |      | 4:50               | 7:00            | 4:35            |
| Mon.                  | Dec. 11            | -   | Sun.                     | Dec. 17                   | 7:20            |      | 4:50               | 7:10            | 4:35            |
| Mon.                  | Dec. 18            | -   | Sun.                     | Dec. 24                   | 7:25            |      | 4:50               | 7:10            | 4:40            |
| Mon.                  | Dec. 25            | -   | Sun.                     | Dec. 31                   | 7:25            |      | 4:55               | 7:15            | 4:40            |
| Mon.                  | Jan. 1             | -   | Sun.                     | Jan. 7                    | 7:30            |      | 5:00               | 7:15            | 4:50            |
| Mon.                  | Jan. 8             | -   | Sun.                     | Jan. 14                   | 7:25            |      | 5:10               | 7:15            | 5:00            |
| Mon.                  | Jan. 15            | -   | Sun.                     | Jan. 21                   | 7:20            |      | 5:20               | 7:10            | 5:10            |
| Mon.                  | Jan. 22            | -   | Sun.                     | Jan. 28                   | 7:15            |      | 5:30               | 7:00            | 5:20            |
| Mon.                  | Jan. 29            | -   | Wed.                     | Jan. 31                   | 7:10            |      | 5:35               | 6:55            | 5:20            |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(14) OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS AND FOREST GROUSE\*  
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

| Dates (Inclusive)     |                    |                |                        | Western Washington      |                 |                 | Eastern Washington |    |                 |
|-----------------------|--------------------|----------------|------------------------|-------------------------|-----------------|-----------------|--------------------|----|-----------------|
|                       |                    |                |                        | from                    | to              | P.M.            | A.M.               | to | P.M.            |
| Daylight Savings Time |                    |                |                        |                         |                 |                 |                    |    |                 |
| Sat.                  | Sept. 1            | -              | Sun.                   | Sept. 2                 | 6:00            | 8:20            | 5:45               |    | 8:10            |
| Mon.                  | Sept. 3            | -              | Sun.                   | Sept. 9                 | 6:05            | 8:10            | 5:50               |    | 8:00            |
| Mon.                  | Sept. 10           | -              | Sun.                   | Sept. 16                | 6:15            | 7:55            | 6:00               |    | 7:45            |
| Mon.                  | Sept. 17           | -              | Sun.                   | Sept. 23                | 6:20            | 7:40            | 6:10               |    | 7:30            |
| Mon.                  | Sept. 24           | -              | Sun.                   | Sept. 30                | 6:30            | 7:25            | 6:20               |    | 7:15            |
| Mon.                  | Oct. 1             | -              | Sun.                   | Oct. 7                  | 6:40            | 7:15            | 6:30               |    | 7:00            |
| Mon.                  | Oct. 8             | -              | Sun.                   | Oct. 14                 | 6:50            | 7:00            | 6:40               |    | 6:45            |
| Mon.                  | Oct. 15            | -              | Sun.                   | Oct. 21                 | 7:00            | 6:45            | 6:50               |    | 6:35            |
| Mon.                  | Oct. 22            | -              | <del>(Sat.)</del> Sun. | Oct. <del>(27)</del> 28 | 7:10            | 6:35            | 7:00               |    | 6:20            |
| <u>Mon.</u>           | <u>Oct. 29</u>     | =              | <u>Sat.</u>            | <u>Nov. 3</u>           | <u>7:20</u>     | <u>6:20</u>     | <u>7:10</u>        |    | <u>6:10</u>     |
| Pacific Standard Time |                    |                |                        |                         |                 |                 |                    |    |                 |
|                       |                    |                | <del>((Sun.</del>      | <del>Oct. 28</del>      | <del>6:15</del> | <del>5:30</del> | <del>6:05</del>    |    | <del>5:15</del> |
| <del>Mon.</del>       | <del>Oct. 29</del> | <del>-))</del> | Sun.                   | Nov. 4                  | 6:20            | 5:20            | 6:10               |    | 5:10            |
| Mon.                  | Nov. 5             | -              | Sun.                   | Nov. 11                 | 6:35            | 5:10            | 6:20               |    | 5:00            |
| Mon.                  | Nov. 12            | -              | Sun.                   | Nov. 18                 | 6:45            | 5:05            | 6:30               |    | 4:50            |
| Mon.                  | Nov. 19            | -              | Sun.                   | Nov. 25                 | 6:55            | 4:55            | 6:40               |    | 4:45            |
| Mon.                  | Nov. 26            | -              | Sun.                   | Dec. 2                  | 7:05            | 4:50            | 6:50               |    | 4:40            |
| Mon.                  | Dec. 3             | -              | Sun.                   | Dec. 9                  | 7:10            | 4:50            | 7:00               |    | 4:35            |
| Mon.                  | Dec. 10            | -              | Sun.                   | Dec. 16                 | 7:20            | 4:50            | 7:05               |    | 4:35            |
| Mon.                  | Dec. 17            | -              | Sun.                   | Dec. 23                 | 7:25            | 4:50            | 7:10               |    | 4:35            |
| Mon.                  | Dec. 24            | -              | Sun.                   | Dec. 30                 | 7:25            | 4:55            | 7:15               |    | 4:40            |
| Mon.                  | Dec. 31            | -              | Sun.                   | Jan. 6                  | 7:25            | 5:00            | 7:15               |    | 4:50            |
| Mon.                  | Jan. 7             | -              | Sun.                   | Jan. 13                 | 7:25            | 5:10            | 7:15               |    | 4:55            |
| Mon.                  | Jan. 14            | -              | Sun.                   | Jan. 20                 | 7:20            | 5:15            | 7:10               |    | 5:05            |
| Mon.                  | Jan. 21            | -              | Sun.                   | Jan. 27                 | 7:15            | 5:25            | 7:05               |    | 5:15            |
| Mon.                  | Jan. 28            | -              | Thur.                  | Jan. 31                 | 7:10            | 5:35            | 7:00               |    | 5:25            |

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

AMENDATORY SECTION (Amending Order 06-300, filed 12/14/06, effective 1/14/07)

**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 writ-

ten authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

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.

~~((Mule and Whitetail))~~ Deer

~~((2006))~~ 2007 Buckrun Landowner Hunting Permits

| Hunt Name            | Quota                      | Access Season                                   | Special Restrictions  | Boundary Description |
|----------------------|----------------------------|---|---|----------------------|
| Buckrun              | 10                         | Sept. 1 - <del>((Oct. 12))</del> <u>Dec. 31</u> | Antlerless <del>((only))</del> <u>Mule Deer or any Whitetail Deer</u> | Buckrun              |
| <del>((Buckrun</del> | <del>15</del>              | <del>Oct. 22 - Dec. 31</del>                    | <del>Antlerless only</del>  | <del>Buckrun</del>   |
| Buckrun              | 13                         | Sept. 1 - Oct. 12                               | 3 pt. max. buck* or antlerless  | Buckrun              |
| Buckrun              | 13                         | Oct. 22 - Dec. 31                               | 3 pt. max. buck* or antlerless  | Buckrun))            |
| Buckrun              | <del>((4))</del> <u>30</u> | Sept. 1 - Dec. 31                               | Any deer  | Buckrun              |
| Buckrun Raffle       | <del>((2))</del> <u>10</u> | Sept. 1 - Dec. 31                               | Any deer <del>((3 day guided hunt))</del>                             | Buckrun              |

~~((Mule and Whitetail))~~ Deer

~~((2006))~~ 2007 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 <del>((A))</del> | 10            | Sept. 1 - <del>((Oct. 12))</del> <u>Dec. 31</u> | Antlerless <del>((only youth hunters))</del> <u>Mule Deer or any Whitetail Deer</u> | Buckrun              |
| <del>((Buckrun B</del>   | <del>10</del> | <del>Sept. 1 - Oct. 12</del>                    | <del>Antlerless only disabled hunters</del>   | <del>Buckrun</del>   |
| Buckrun C                | 5             | Oct. 22 - Dec. 31                               | Antlerless only senior hunters (65+)  | Buckrun              |
| Buckrun D                | 4             | Sept. 1 - Oct. 12                               | 3 pt. max. buck* or antlerless  | Buckrun              |
| Buckrun E                | 4             | Oct. 22 - 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

The 4-O Cattle Company is located in southwest Asotin County near the Washington/Oregon border. A legal description of the property is in the contract between the 4-O Cattle Company and the department.

~~((2006))~~ 2007 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

| Hunt Name                     | Quota     | Access Season                        | Special Restrictions   | Boundary Description      |
|-------------------------------|-----------|--------------------------------------|------------------------|---------------------------|
| 4-O Cattle Company            | 1         | Sept. <del>((14))</del> <u>15-24</u> | Any Bull               | 4-O Cattle Company        |
| <u>4-O Cattle Company</u>     | <u>6</u>  | <u>Oct. 27 - Nov. 4</u>              | <u>Spike Bull Only</u> | <u>4-O Cattle Company</u> |
| <u>4-O Cattle Company - A</u> | <u>5</u>  | <u>Oct. 1-7</u>                      | <u>Antlerless Only</u> | <u>4-O Cattle Company</u> |
| <u>4-O Cattle Company - B</u> | <u>10</u> | <u>Oct. 31 - Nov. 6</u>              | <u>Antlerless Only</u> | <u>4-O Cattle Company</u> |

| Hunt Name                           | Quota    | Access Season           | Special Restrictions   | Boundary Description      |
|-------------------------------------|----------|-------------------------|------------------------|---------------------------|
| <u>4-O Cattle Com-<br/>pany - C</u> | <u>3</u> | <u>Nov. 23-30</u>       | <u>Antlerless Only</u> | <u>4-O Cattle Company</u> |
| <u>4-O Cattle Com-<br/>pany - D</u> | <u>5</u> | <u>Dec. 29 - Jan. 4</u> | <u>Antlerless Only</u> | <u>4-O Cattle Company</u> |

**Whitetail Deer**

| Hunt Name               | Quota | Access Season                            | Special Restrictions | Boundary Description |
|-------------------------|-------|--|----------------------|----------------------|
| 4-O Cattle Com-<br>pany | 1     | Nov. (( <del>14-24</del> )) <u>15-19</u> | Any Whitetail Buck   | 4-O Cattle Company   |

**Mule Deer**

| Hunt Name                       | Quota    | Access Season     | Special Restrictions      | Boundary Description      |
|---------------------------------|----------|-------------------|---------------------------|---------------------------|
| <u>4-O Cattle Com-<br/>pany</u> | <u>6</u> | <u>Oct. 13-16</u> | <u>Any Mule Deer Buck</u> | <u>4-O Cattle Company</u> |

**((2006)) 2007 4-O Cattle Company Special Hunting Permits**

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

**Elk**

| Hunt Name                   | Permit Number                 | Permit Season   | Special Restrictions   | Boundary Description   |
|-----------------------------|-------------------------------|---|------------------------|--|
| 4-O <u>Any Bull Elk</u>     | 1                             | (( <del>Oct. 22 - Nov. 4</del> ))<br><u>Sept. 26 - Oct. 6</u> | Any Bull               | (( <del>4-O Ranch</del> )) <u>4-O Cattle Company</u>         |
| <u>4-O Spike Bull Elk</u>   | <u>2</u>                      | <u>Oct. 27 - Nov. 4</u>                                       | <u>Spike Bull Only</u> | <u>4-O Cattle Company</u>                                    |
| 4-O Antlerless Elk A        | (( <del>33</del> )) <u>15</u> | (( <del>Aug. 17-23</del> )) <u>Oct. 1-7</u>                   | Antlerless Only        | (( <del>4-O Grouse Flats</del> )) <u>4-O Cattle Company</u>  |
| 4-O Antlerless Elk B        | (( <del>8</del> )) <u>10</u>  | (( <del>Aug. 17-23</del> )) <u>Oct. 31 - Nov. 6</u>           | Antlerless Only        | (( <del>4-O Mountain View</del> )) <u>4-O Cattle Company</u> |
| <u>4-O Antlerless Elk C</u> | <u>7</u>                      | <u>Nov. 23-30</u>   | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk D</u> | <u>5</u>                      | <u>Dec. 1-7</u>   | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk E</u> | <u>5</u>                      | <u>Dec. 8-14</u>  | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk F</u> | <u>5</u>                      | <u>Dec. 15-21</u>   | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk G</u> | <u>5</u>                      | <u>Dec. 22-28</u>   | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk H</u> | <u>3</u>                      | <u>Dec. 29 - Jan. 4</u>                                       | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk I</u> | <u>5</u>                      | <u>Jan. 12-18</u>   | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |
| <u>4-O Antlerless Elk J</u> | <u>5</u>                      | <u>Jan. 26-31</u>   | <u>Antlerless Only</u> | <u>4-O Cattle Company</u>                                    |

**Whitetail Deer**

| Hunt Name             | Permit Number | Permit Season                                 | Special Restrictions       | Boundary Description                                 |
|-----------------------|---------------|---|----------------------------|--|
| 4-O White-tailed Buck | 1             | (( <del>Nov. 14-24</del> )) <u>Nov. 20-25</u> | Any White-tailed Deer Buck | (( <del>4-O Ranch</del> )) <u>4-O Cattle Company</u> |

**Mule Deer**

| <u>Hunt Name</u>          | <u>Permit Number</u> | <u>Access Season</u> | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|---------------------------|----------------------|----------------------|-----------------------------|-----------------------------|
| <u>4-O Mule Deer Buck</u> | <u>2</u>             | <u>Oct. 17-21</u>    | <u>Any Mule Deer Buck</u>   | <u>4-O Cattle Company</u>   |

**(3) Silver Dollar Association**

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

**2007 Silver Dollar Association Landowner Hunting Permits**

The manager of the Silver Dollar Association 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>Silver Dollar</u> | <u>24</u>    | <u>Aug. 1 - March 31</u> | <u>Any Bull</u>             | <u>Silver Dollar</u>        |
| <u>Silver Dollar</u> | <u>15</u>    | <u>Aug. 1 - March 31</u> | <u>Antlerless</u>           | <u>Silver Dollar</u>        |

**2007 Silver Dollar 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>Silver Dollar</u>                | <u>6</u>             | <u>Aug. 1 - March 31</u> | <u>Youth Only, Any Elk</u>                             | <u>Silver Dollar</u>        |
| <u>Silver Dollar Antlerless Elk</u> | <u>12</u>            | <u>Aug. 1 - March 31</u> | <u>Youth Only, Antlerless Elk Only</u>                 | <u>Silver Dollar</u>        |
| <u>Silver Dollar Any Elk</u>        | <u>2</u>             | <u>Aug. 1 - March 31</u> | <u>Persons of Disability Only, Any Elk</u>             | <u>Silver Dollar</u>        |
| <u>Silver Dollar Antlerless Elk</u> | <u>3</u>             | <u>Aug. 1 - March 31</u> | <u>Persons of Disability Only, Antlerless Elk Only</u> | <u>Silver Dollar</u>        |

**(4) Blackrock Ranches**

Blackrock Ranches is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

**2007 Blackrock Ranches Landowner Hunting Permits**

The manager of Blackrock Ranches 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>Blackrock Ranches</u> | <u>6</u>     | <u>Aug. 1 - March 31</u> | <u>Any Elk</u>              | <u>Blackrock Ranches</u>    |
| <u>Blackrock Ranches</u> | <u>8</u>     | <u>Aug. 1 - March 31</u> | <u>Antlerless</u>           | <u>Blackrock Ranches</u>    |

**2007 Blackrock Ranches 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>Blackrock Ranches</u> | <u>1</u>             | <u>Aug. 1 - March 31</u> | <u>Any Elk</u>              | <u>Blackrock Ranches</u>    |
| <u>Blackrock Ranches</u> | <u>4</u>             | <u>Aug. 1 - March 31</u> | <u>Antlerless Only</u>      | <u>Blackrock Ranches</u>    |

| <u>Hunt Name</u>         | <u>Permit Number</u> | <u>Permit Season</u>     | <u>Special Restrictions</u>        | <u>Boundary Description</u> |
|--------------------------|----------------------|--------------------------|------------------------------------|-----------------------------|
| <u>Blackrock Ranches</u> | <u>1</u>             | <u>Aug. 1 - March 31</u> | <u>Youth Only, Any Elk</u>         | <u>Blackrock Ranches</u>    |
| <u>Blackrock Ranches</u> | <u>4</u>             | <u>Aug. 1 - March 31</u> | <u>Youth Only, Antlerless Only</u> | <u>Blackrock Ranches</u>    |

**(5) Teanaway Ranch**

The Teanaway Ranch is located in Kittitas County, 7 miles west of Cle Elum. A legal description of the property is in the contract between the Teanaway Ranch and the department.

**2007 Teanaway Ranch Landowner Hunting Permits**

The manager of the Teanaway Ranch will distribute this hunting permit. An access fee may be charged in order to utilize this permit.

**Elk**

| <u>Hunt Name</u>      | <u>Quota</u> | <u>Access Season</u>     | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|-----------------------|--------------|--------------------------|-----------------------------|-----------------------------|
| <u>Teanaway Ranch</u> | <u>1</u>     | <u>Aug. 1 - March 31</u> | <u>Any Bull</u>             | <u>Teanaway Ranch</u>       |

**2007 Teanaway Ranch Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for this permit.

**ELK**

| <u>Hunt Name</u>      | <u>Quota</u> | <u>Access Season</u>     | <u>Special Restrictions</u> | <u>Boundary Description</u> |
|-----------------------|--------------|--------------------------|-----------------------------|-----------------------------|
| <u>Teanaway Ranch</u> | <u>1</u>     | <u>Aug. 1 - March 31</u> | <u>Any Bull</u>             | <u>Teanaway Ranch</u>       |

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**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 For-

est 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).

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

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

**Antler Restrictions:** APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS! Buck deer taken in antler restricted GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

**2 Point minimum GMUs:** 437, 574, 578, 636, 654, and 681.

**3 Point minimum GMUs:** All mule deer in 100, 200, and 300 series GMUs; 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 require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

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

**Black-tailed Deer:** Any member of 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; 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 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; 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.

**White-tailed Deer:** Means any 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   | 2006 Dates             | 2007 Dates             | 2008 Dates             | Game Management Units (GMUs)   | Legal Deer   |
|---|------------------------|------------------------|------------------------|--|--|
| <b>HIGH BUCK HUNTS</b>                                      |                        |                        |                        |  |  |
|   | Sept. 15-25            | Sept. 15-25            | Sept. 15-25            | Alpine Lakes, Glacier Peak, Pasayten ((and)), Olympic Peninsula, and Henry Jackson 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.   |
| <b>GENERAL SEASON HUNTS</b>                                 |                        |                        |                        |  |  |
| <b>Western Washington Blacktail Deer</b>                    | Oct. 14-31             | Oct. 13-31             | 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   |
|   |                        |                        |                        | GMUs 410, 564, Deer Areas 4013, 4926, and 6014   | Any deer   |
|   |                        |                        |                        | 437, 574, 578, 636, 654, 681   | 2 pt. min.   |
| <b>Eastern Washington Whitetail Deer</b>                    | Oct. 14-27             | Oct. 13-26             | Oct. 11-24             | 105 through 124  | Any whitetail buck                                   |
|   | Oct. 14-22             | Oct. 13-21             | Oct. 11-19             | 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   | Any whitetail buck                                   |
|   | Oct. 14-22             | Oct. 13-21             | Oct. 11-19             | 127 through 154, 162 through 186<br>379  | Whitetail, 3 pt. min.<br>Any white-tailed deer       |
| <b>Eastern Washington Mule Deer</b>                         | Oct. 14-22             | Oct. 13-21             | Oct. 11-19             | All 100, 200, and 300 series GMUs, except permit only in GMUs 290, 329, and 371, and closed in GMU 157   | Mule deer, 3 pt. min.                                |
|   |                        |                        |                        | 379  | Any mule deer  |
|   | Oct. 14-27             | Oct. 13-26             | Oct. 11-24             | 373, 382, 388  | Mule deer, 3 pt. min.                                |
| <b>LATE BUCK HUNTS</b>                                      |                        |                        |                        |  |  |
| <b>Western Washington Blacktail Deer</b>                    | Nov. 16-19             | Nov. 15-18             | Nov. 13-16             | 407, 410, 454, 466, and 500, and 600 series GMUs except closed in GMUs 522, 574, and 578   | Any buck except 2 pt. min. in GMUs 636, 654, and 681 |
|   | Nov. 16-19             | Nov. 15-18             | Nov. 13-16             | GMUs 410 and 564, Deer Areas 4013, 4926, 6014  | Any deer   |
| <b>Eastern Washington Whitetail Deer</b>                    | Nov. 6-19              | Nov. 5-19              | Nov. 3-19              | 105 through 124  | Any whitetail buck                                   |
| <b>YOUTH &amp; DISABLED HUNTERS</b>                         |                        |                        |                        |  |  |
| <b>Eastern Washington Whitetail Deer</b>                    | Oct. 28 - Nov. 5       | Oct. 27 - Nov. 4       | Oct. 25 - Nov. 2       | 105 through 124  | Whitetail, antlerless only                           |
| <b>HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS</b>      |                        |                        |                        |  |  |
| <b>Eastern Washington Whitetail Deer</b>                    | Oct. 14-27 & Nov. 6-19 | Oct. 13-26 & Nov. 5-19 | Oct. 11-24 & Nov. 3-19 | 105 through 124  | Any whitetail deer                                   |
|   | Oct. 14-29             | Oct. 13-28             | Oct. 11-26             | 101  | Any whitetail deer                                   |
|   | Oct. 14-22             | Oct. 13-21             | Oct. 11-19             | 127 through 142, 145 through 154, 162, and 172 through 181   | Whitetail, 3 pt. min. or antlerless                  |
| <b>ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON</b> |                        |                        |                        |  |  |
| <b>Eastern Washington Whitetail Deer</b>                    | Dec. 9-15              | Dec. 9-15              | Dec. 9-15              | GMUs 130-142   | Whitetail, 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                                | 2006 Dates        | 2007 Dates        | 2008 Dates  | Game Management Units (GMUs)   | Legal Deer  |
|--|-------------------|-------------------|---|--|---|
| <b>Early Archery Deer Seasons</b>        |                   |                   |   |  |   |
| <b>Western Washington Blacktail Deer</b> | 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, 673 |
|  |                   |                   |   | 437, 574, 578, 636, 654, 681   | 2 pt. min. or antlerless  |
| <b>Eastern Washington Mule Deer</b>      | Sept. 1-30        | Sept. 1-30        | Sept. 1-30  | 105 through 127, 162, 163, 166, 169, 243, <del>328, 334 through 340, 346 through 368</del>   | 3 pt. min.  |
|  |                   |                   |   | 142 through 154, and 172 through 186, Deer Area 1010, 244 through 247, 249 through 251, 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, ( <del>(328, 334 through 340, 346 through 368,))</del> ) 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, ( <del>(328, 334 through 340, 346 through 368,))</del> ) 382 | 3 pt. min. or antlerless   |   |
| <b>Eastern Washington Whitetail Deer</b> | 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                             |
| <b>Late Archery Deer Seasons</b>         |                   |                   |   |  |   |
| <b>Western Washington Blacktail Deer</b> | Nov. 22 - Dec. 8  | Nov. 21 - Dec. 8  | Nov. 19 - Dec. 8  | 437, 654   | 2 pt. min. or antlerless  |
|  | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15   | 636, 681   | 2 pt. min. or antlerless  |
|  | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15   | 466, 510 through 520, 524, 556, 601, 607 through 618, 638, 648, and 699  | Any deer  |
|  | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15   | 460, 506, 530, 560, 572  | Buck only   |
|  | Nov. 22 - Dec. 31 | Nov. 21 - Dec. 31 | Nov. 19 - Dec. 31   | 407, 410, 454, 505, 564, 603, 624, 627, 642, 652, 660 through 672  | Any deer  |
| <b>Eastern Washington Mule Deer</b>      | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | 209, 215, 233, 243, <del>346, 352, 364, 368</del>  | 3 pt. min.  |
|  |                   |                   |   | 145, 163, 178, 250   | 3 pt. min. or antlerless  |
|  |                   |                   |   | 272, 278, ( <del>(346, 352, 364, 368,))</del> ) 373, 381, 388  | 3 pt. min. or antlerless  |
|  | Nov. 20-30        | Nov. 20-30        | Nov. 20-30  | 133, 136   | Antlerless  |
| Dec. 9-31                                | Dec. 9-31         | Dec. 9-31         | Dear Area 1021  | 3 pt. min. or antlerless   |   |
| <b>Eastern Washington Whitetail Deer</b> | 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, 108, 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  |
| Nov. 20-30                               | Nov. 20-30        | Nov. 20-30        | 133, 136  | Antlerless   |   |

**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                              | 2006 Dates  | 2007 Dates  | 2008 Dates  | Game Management Units (GMUs)   | Legal Deer |
|--|-------------|-------------|-------------|--|------------|
| <b>High Buck Hunts</b>                 | Sept. 15-25 | Sept. 15-25 | Sept. 15-25 | Alpine Lakes, Glacier Peak, Pasayten ( <del>(and)</del> ), Olympic Peninsula, <u>and Henry Jackson</u> Wilderness areas, <u>and Lake Chelan Recreation Area</u> ( <del>(and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail))</del> ) | 3 pt. min. |
| <b>Early Muzzleloader Deer Seasons</b> |             |             |             |  |            |

| Hunt Area                             | 2006 Dates        | 2007 Dates        | 2008 Dates        | Game Management Units (GMUs)  | Legal Deer                          |
|---------------------------------------|-------------------|-------------------|-------------------|---|-------------------------------------|
| Western Washington Blacktail Deer     | Oct. 7-13         | Oct. 6-12         | Oct. 4-10         | 407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 638, 642, 660, 663, 672, 673, 684                                     | Any buck                            |
|                                       |                   |                   |                   | 410, 454, 564, 627, 652, 666, Deer Area 4926  | Any deer                            |
|                                       |                   |                   |                   | 437, 578  | 2 pt. min.                          |
| Eastern Washington Whitetail Deer     | Oct. 7-13         | Oct. 6-12         | 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 through 124, 379  | Whitetail, any deer                 |
| Eastern Washington Mule Deer          | Oct. 7-13         | Oct. 6-12         | Oct. 4-10         | 101 through 124, 133, 142, 145, 149, 181, 204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 284, 328, 330 through 342, 352 through 360, 368, 382 | Mule deer, 3 pt. min.               |
|                                       |                   |                   |                   | 278, 381  | Mule deer, 3 pt. min. or antlerless |
|                                       |                   |                   |                   | 379   | Any mule deer                       |
| <b>Late Muzzleloader Deer Seasons</b> |                   |                   |                   |   |                                     |
| Western Washington Blacktail Deer     | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | 407, 410, 501, 504, 564, 633, ((651,)) 666, ((673,)) 684, and Deer Area 4926  | Any deer                            |
|                                       |                   |                   |                   | 654   | 2 pt. min.                          |
|                                       |                   |                   |                   | 460, 550, 602   | Any buck                            |
|                                       |                   | Nov. 21 - Dec. 6  | Nov. 19 - Dec. 6  | 651, 673  | Any buck                            |
|                                       |                   | Dec. 7 - 15       | Dec. 7 - 15       | 651, 673  | Any deer                            |
|                                       | Dec. 1-15         | Dec. 1-15         | Dec. 1-15         | 578   | 2 pt. min.                          |
| Eastern Washington Whitetail Deer     | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | 113, 379  | Whitetail, any deer                 |
|                                       |                   |                   |                   | 172, 181  | Whitetail, 3 pt. min. or antlerless |
|                                       | Nov. 20-30        | Nov. 20-30        | Nov. 20-30        | 130, 139  | Whitetail, 3 pt. min. or antlerless |
| Eastern Washington Mule Deer          | Nov. 20-30        | Nov. 20-30        | Nov. 20-30        | 382   | 3 pt. min.                          |
|                                       |                   |                   |                   | 130   | Antlerless                          |
|                                       | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | 379   | Any mule deer                       |

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-352 2006-2008 Elk general seasons and 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 spike only GMUs must have at least one antler with only one antler point above the ear. An animal with more than one antler point above the ears on both antlers is illegal.

**Spike Only GMUs:** 145-154, 162-186, 249, 251, 328, 329, and 335-368.

**3 Point Antler Restrictions:** Legal bull elk must have at least 3 antler points on one side with at least 2 antler points above the ear. 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, 652 for archers, 666, 684, and Elk Area 4941.

**Permit Only Units:** The following GMUs are closed during general seasons: 157, 371, 418, 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.

**Elk Tag Areas**

**Eastern Washington:** All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearms are restricted in GMU 334.

EA - Eastern Washington Archery Tag  
 EF - Eastern Washington Modern Firearm General Elk Tag  
 EM - Eastern Washington Muzzleloader Tag

WF - Western Washington Modern Firearm General Elk Tag  
 WM - Western 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)) 6064 in GMU 638 (Quinault) is open to AHE master hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, and 636.  
 WA - Western Washington Archery 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)  | 2006 Dates        | 2007 Dates        | 2008 Dates        | Legal Elk                |
|--|--------------|---|-------------------|-------------------|-------------------|--------------------------|
| Eastern Washington   | EF           | 111, 113, 117   | Oct. 28 - Nov. 5  | Oct. 27 - Nov. 4  | Oct. 25 - Nov. 2  | Any bull                 |
|  |              | 145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368   | Oct. 28 - Nov. 5  | Oct. 27 - Nov. 4  | Oct. 25 - Nov. 2  | Spike bull               |
|  |              | Elk Area 3722*  | Sept. 9-22        | Sept. 8-21        | Sept. 6-19        | Antlerless               |
|  |              | 101, 105, 108, 121 through 142, 372, 382, 388   | Oct. 28 - Nov. 5  | Oct. 27 - Nov. 4  | 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.<br>**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)) an AHE, Elk Area 3911, 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.)) Any legal weapon may be used. AHE, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 for the time period listed above. All hunters participating in the Elk Area 3911 hunt must wear hunter orange. |              |   |                   |                   |                   |                          |
| Western Washington   | WF           | 407, 448, 460, 466, 503 through 520, 530, 550, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through 652, 654 through 684. Except AHE master hunters only in Elk Area ((6063)) 6064 | Nov. 4-13         | Nov. 3-12         | Nov. 1-10         | 3 pt. min.               |
|  |              | 501   | Nov. 4-13         | Nov. 3-12         | Nov. 1-10         | 3 pt. min. or antlerless |
|  |              | 564, 568, 574 through 578, 666  | Nov. 4-13         | Nov. 3-12         | Nov. 1-10         | Any elk                  |
|  |              | 454   | Nov. 4-13         | Nov. 3-12         | Nov. 1-10         | Any bull                 |

**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)   | 2006 Dates        | 2007 Dates        | 2008 Dates        | Legal Elk                |
|----------------------------------|--------------|--|-------------------|-------------------|-------------------|--------------------------|
| <b>Early Archery Elk Seasons</b> |              |  |                   |                   |                   |                          |
| <b>Eastern Washington</b>        | EA           | 101 through 142, 243, 247, 249, 250, 388   | Sept. 8-21        | Sept. 8-21        | Sept. 8-21        | Any elk                  |
|                                  |              | 145, 162, 166 through 172, 181, 186, 328, 329, 335   | Sept. 8-21        | Sept. 8-21        | Sept. 8-21        | Spike bull               |
|                                  |              | 149, 154, Elk Area 1010, 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 |
| <b>Western Washington</b>        | WA           | 454, 564, 568, 574, 578, 652, 666  | Sept. 8-21        | Sept. 8-21        | Sept. 8-21        | Any elk                  |
|                                  |              | 407, 448, 501 through 505, 520, 550, 554, 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, 658, and 681. AHE master hunters only in Elk Area ((6063)) 6064 | 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                  |
| <b>Late Archery Elk Seasons</b>  |              |  |                   |                   |                   |                          |
| <b>Eastern Washington</b>        | EA           | 101, 105, 108, 117 through 127, 388  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Any elk                  |
|                                  |              | 178  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Nov. 20 - Dec. 8  | Antlerless only          |
|                                  |              | 127-142 AHE master hunters only. Must wear hunter orange   | Dec. 9-31         | Dec. 9-31         | Dec. 9-31         | Any elk                  |
|                                  |              | Elk Area 1010, 163   | Dec. 9 - Jan. 30  | Dec. 9 - Jan. 30  | Dec. 9 - Jan. 30  | Antlerless only          |
|                                  |              | 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   | Aug. 1 - Jan. 30  | Aug. 1 - Jan. 30  | Antlerless only          |
|                                  |              | 328  | 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 |
| <b>Western Washington</b>        | WA           | 407, 503, 505, 648, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area ((6063)) 6064 in GMU 638                         | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | 3 pt. min. or antlerless |
|                                  |              | 454, 564, 666  | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | Any elk                  |
|                                  |              | 603, 612, 615, 638, and ((648))  | Nov. 22 - Dec. 15 | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | 3 pt. min.               |
|                                  |              | 506, ((520,)) 530  | Nov. 22 - Dec. 7  | Nov. 21 - Dec. 7  | Nov. 19 - Dec. 7  | 3 pt. min. or antlerless |

| Hunt Area  | Elk Tag Area | Game Management Units (GMUs) | 2006 Dates | 2007 Dates        | 2008 Dates        | Legal Elk                |
|--|--------------|------------------------------|------------|-------------------|-------------------|--------------------------|
|  |              | 520                          |            | Nov. 21 - Dec. 15 | Nov. 19 - Dec. 15 | 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)) an AHE, Elk Area 3911, 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.)) Any legal weapon may be used. AHE, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 for the time period listed above. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.</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)  | 2006 Dates             | 2007 Dates             | 2008 Dates             | Legal Elk                |
|---------------------------------------|--------------|---|------------------------|------------------------|------------------------|--------------------------|
| <b>Early Muzzleloader Elk Seasons</b> |              |   |                        |                        |                        |                          |
| Eastern Washington                    | EM           | 111, 113, 117, 247  | Oct. 7-13              | Oct. 6-12              | Oct. 4-10              | Any bull                 |
|                                       |              | 101 through 108, 121 through 142, 250   | Oct. 7-13              | Oct. 6-12              | Oct. 4-10              | Any elk                  |
|                                       |              | 172, 245, Elk Area 2051, 335 through 342, 352 through 360, 368  | Oct. 7-13              | Oct. 6-12              | Oct. 4-10              | Spike bull               |
| Western Washington                    | WM           | 454, 564, 568, 574, 578, 666, 684   | Oct. 7-13              | Oct. 6-12              | Oct. 4-10              | Any elk                  |
|                                       |              | 460, 504, 513, 530, 554, 602, 603, 607, 658, 660, 672   | Oct. 7-13              | Oct. 6-12              | Oct. 4-10              | 3 pt. min.               |
|                                       |              | 501, <u>503</u> , 652, <u>654</u> , 663, 667  | Oct. 7-13              | Oct. 6-12              | Oct. 4-10              | 3 pt. min. or antlerless |
| <b>Late Muzzleloader Elk Seasons</b>  |              |   |                        |                        |                        |                          |
| 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. 22 - Dec. 8       | Nov. 21 - Dec. 8       | Nov. 19 - Dec. 8       | 3 pt. min. or antlerless |
|                                       |              | 454, 564, 568, 666, 684   | Nov. 22 - Dec. 15      | Nov. 21 - Dec. 15      | Nov. 19 - Dec. 15      | Any elk                  |
|                                       |              | 574, 578  | Nov. 22-30             | Nov. 21-30             | Nov. 19-30             | Any elk                  |
|                                       |              | 504, 550, 601, 667  | Nov. 22 - Dec. 15      | Nov. 21 - Dec. 15      | Nov. 19 - Dec. 15      | 3 pt. min.               |

| Hunt Area | Elk Tag Area | Game Management Units (GMUs)  | 2006 Dates | 2007 Dates | 2008 Dates | Legal Elk |
|-----------|--------------|---|------------|------------|------------|-----------|
|           |              | *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)) an AHE, Elk Area 3911, 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.)) Any legal weapon may be used. AHE, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 for the time period listed above. All hunters participating in the Elk Area 3911 hunt must wear hunter orange. |            |            |            |           |

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-353 ((2006)) 2007 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            |
|---|--|-------------------------------------|------------------------|--------------------|
| <b>Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)</b> |  |                                     |                        |                    |
| Sherman   | Oct. ((44-29)) <u>13-28</u>                          | Whitetail, antlerless               | GMU 101                | 75                 |
| Kelly Hill  | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 105                | 150                |
| Douglas   | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 108                | 300                |
| Aladdin A   | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 111                | 75                 |
| Aladdin B   | Nov. ((22-26)) <u>21-25</u>                          | Whitetail, any buck                 | GMU 111                | 50                 |
| Selkirk   | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 113                | 50                 |
| 49 Degrees North  | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 117                | 350                |
| Huckleberry A   | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 121                | 600                |
| Mt. Spokane A   | Oct. ((44-27)) <u>13-26</u> & Nov. ((6)) <u>5-19</u> | Whitetail, antlerless               | GMU 124                | 400                |
| Mica Peak A   | Oct. ((44-22)) <u>13-21</u>                          | Whitetail, antlerless               | GMU 127                | 150                |
| Cheney A  | Oct. ((44-22)) <u>13-21</u>                          | Antlerless                          | GMU 130                | 200                |
| Roosevelt   | Oct. ((44-22)) <u>13-21</u>                          | Antlerless                          | GMU 133                | 200                |
| Harrington  | Oct. ((44-22)) <u>13-21</u>                          | Antlerless                          | GMU 136                | 125                |
| Steptoe   | Oct. ((44-22)) <u>13-21</u> & Nov. ((6)) <u>5-19</u> | Antlerless                          | GMU 139                | 300                |
| Almota A  | Oct. ((44-22)) <u>13-21</u> & Nov. ((6)) <u>5-19</u> | Antlerless                          | GMU 142                | 100                |
| Palouse   | Nov. ((6)) <u>5-19</u>                               | 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)) <u>5-19</u>                               | Whitetail, antlerless               | GMU 154                | ((150)) <u>100</u> |
| Dayton A  | Nov. ((6)) <u>5-19</u>                               | Whitetail, antlerless               | GMU 162                | ((250)) <u>150</u> |
| Dayton B  | Nov. ((6)) <u>5-19</u>                               | 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)) <u>5-19</u>                               | Whitetail, 3 pt. min. or antlerless | GMUs 149, 154, 162-166 | 100                |
| Blue Mtns. Foothills B  | Nov. ((6)) <u>5-19</u>                               | 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. ((44-29)) <u>13-28</u>                          | Whitetail, antlerless               | GMU 204                | ((75)) <u>100</u>  |

| 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)) <u>13-21</u>                 | Whitetail, antlerless          | GMUs 218-242         | ((75)) <u>100</u>  |
| Sinlahekin A            | Nov. 1-18                                   | Any whitetail                  | GMU 215              | 50                 |
| Sinlahekin B            | Oct. ((14-22)) <u>13-21</u>                 | 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)) <u>38</u>   |
| Slide Ridge A           | Nov. 1-18                                   | Any deer                       | GMU 246              | 20                 |
| Entiat A                | Nov. 1-18                                   | Any deer                       | GMU 247              | ((50)) <u>65</u>   |
| Big Bend A              | Nov. 1-18                                   | Antlerless                     | GMU 248              | ((100)) <u>150</u> |
| 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)) <u>13-28</u>                 | Antlerless                     | GMU 251              | ((150)) <u>210</u> |
| St. Andrews             | Oct. ((14-22)) <u>13-21</u>                 | Antlerless                     | GMU 254              | ((75)) <u>115</u>  |
| Foster Creek A          | Oct. ((14-22)) <u>13-21</u>                 | Antlerless                     | GMU 260              | 75                 |
| Foster Creek B          | Nov. 1-18                                   | Antlerless                     | GMU 260              | 75                 |
| Withrow A               | Oct. ((14-22)) <u>13-21</u>                 | Antlerless                     | GMU 262              | 50                 |
| Badger                  | Nov. 1-18                                   | Antlerless                     | GMU 266              | ((50)) <u>15</u>   |
| 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)) <u>26</u> - Dec. ((3)) <u>2</u> | Antlerless                     | GMU 290              | 75                 |
| ((Naneum A              | Oct. 14-22                                  | Antlerless                     | GMU 328              | 100))              |
| Naneum ((B)) <u>A</u>   | Nov. ((13-19)) <u>12-18</u>                 | ((Any buck)) <u>3 pt. min.</u> | GMU 328              | ((24)) <u>17</u>   |
| Quilomene A             | Nov. ((6-19)) <u>5-18</u>                   | ((Any buck)) <u>3 pt. min.</u> | GMU 329              | ((24)) <u>15</u>   |
| ((Teanaway A            | Oct. 14-22                                  | Antlerless                     | GMU 335              | 100))              |
| Teanaway ((B)) <u>A</u> | Nov. ((13-19)) <u>12-18</u>                 | Any buck                       | GMU 335              | ((24)) <u>19</u>   |
| ((Taneum A              | Oct. 14-22                                  | Antlerless                     | GMU 336              | 75))               |
| L.T. Murray A           | Nov. ((13-19)) <u>12-18</u>                 | Any buck                       | GMUs 336, 340        | ((24)) <u>18</u>   |
| ((Nile A                | Oct. 14-22                                  | Antlerless                     | GMU 352              | 10))               |
| Bethel A                | Nov. ((6-19)) <u>5-18</u>                   | Any buck                       | GMU 360              | ((10)) <u>15</u>   |
| ((Cowiche A             | Oct. 14-22                                  | Antlerless                     | GMU 368              | 50))               |
| Cowiche ((B)) <u>A</u>  | Nov. ((6-19)) <u>5-18</u>                   | Any buck                       | GMU 368              | ((15)) <u>10</u>   |
| Alkali A                | Nov. ((18-26)) <u>17-25</u>                 | Any buck                       | GMU 371              | ((73)) <u>75</u>   |
| Alkali B                | Nov. ((18-26)) <u>17-25</u>                 | Antlerless                     | GMU 371              | 70                 |
| Kahlotus A              | Dec. ((10-16)) <u>9-15</u>                  | Antlerless                     | GMU 381              | ((50)) <u>75</u>   |
| East Klickitat A        | Oct. ((14-27)) <u>13-26</u>                 | 3 pt. min. or antlerless       | GMU 382              | 45                 |
| Grayback A              | Oct. ((14-27)) <u>13-26</u>                 | 3 pt. min. or antlerless       | GMU 388              | 55                 |
| Grayback B              | Nov. ((16-19)) <u>15-18</u>                 | 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)) <u>27</u> - Nov. ((3)) <u>2</u> | Any buck                       | GMU 485              | 10                 |
| Lincoln A               | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 501              | 40                 |
| Stella A                | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 504              | 35                 |
| Mossyrock A             | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 505              | 85                 |
| Stormking A             | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 510              | 30                 |
| South Rainier A         | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 513              | 30                 |
| Packwood A              | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 516              | 50                 |
| Winston A               | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 520              | 50                 |
| Yale A                  | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 554              | 15                 |
| Coweeman A              | Oct. ((14)) <u>13-31</u>                    | Any deer                       | GMU 550              | 20                 |

| Hunt Name   | Permit Season Dates                | Special Restrictions                                       | Boundary Description                  | Permits                |
|---|------------------------------------|--|---------------------------------------|------------------------|
| Toutle A  | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 556                               | 25                     |
| Lewis River A   | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 560                               | 35                     |
| <u>Washougal A</u>  | Oct. 13-31                         | <u>Any deer</u>  | <u>GMU 568</u>                        | <u>10</u>              |
| Siouxon A   | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 572                               | 35                     |
| Wind River A  | Oct. <del>((44))</del> 13-31       | 2 pt. min. or antlerless                                   | GMU 574                               | 10                     |
| Wind River B  | Nov. <del>((46-49))</del> 15-18    | 2 pt. min.   | GMU 574                               | 40                     |
| West Klickitat A  | Oct. <del>((44))</del> 13-31       | 2 pt. min. or antlerless                                   | GMU 578                               | 30                     |
| West Klickitat B  | Nov. <del>((46-49))</del> 15-18    | 2 pt. min.   | GMU 578                               | 40                     |
| Pysht   | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 603                               | 15                     |
| Olympic A   | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 621                               | 35                     |
| Kitsap  | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 627                               | 20                     |
| <u>Skokomish A</u>  | Oct. 13-31                         | <u>Any deer</u>  | <u>GMU 636</u>                        | <u>20</u>              |
| Wynoochee A   | Oct. <del>((44))</del> 13-31       | 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                     |
| <u>Mashel A</u>   | Oct. 13-31                         | <u>Any deer</u>  | <u>GMU 654</u>                        | <u>40</u>              |
| North River A   | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 658                               | 70                     |
| Minot Peak  | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 660                               | 20                     |
| Capitol Peak A  | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 663                               | <del>((30))</del> 15   |
| Capitol Peak B  | Nov. 1-11                          | Any buck   | GMU 663                               | 10                     |
| Deschutes   | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 666                               | 80                     |
| Skookumchuck A  | Oct. <del>((44))</del> 13-31       | Any deer   | GMU 667                               | 20                     |
| Skookumchuck B  | Nov. 1-11                          | Any buck   | GMU 667                               | 10                     |
| <b>Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)</b> |                                    |  |                                       |                        |
| Green Bluff   | Dec. <del>((40))</del> 9-31        | Whitetail, antlerless                                      | That portion of GMU 124 east of Hwy 2 | 90                     |
| Mayview B   | Oct. <del>((7-13))</del> 6-12      | Antlerless   | GMU 145                               | 25                     |
| Prescott B  | Oct. <del>((7-13))</del> 6-12      | Antlerless   | GMU 149                               | 25                     |
| Blue Mtns. Foothills C  | Nov. 20 - Dec. 8                   | Whitetail, 3 pt. min. or antlerless                        | GMUs 149, 154, 162, 166               | 60                     |
| <del>((Couse-B</del>  | <del>Oct. 7-13</del>               | <del>Antlerless</del>                                      | <del>GMU 181</del>                    | <del>25))</del>        |
| Wannacut A  | <del>((Nov. 1-18))</del> Oct. 6-12 | Antlerless   | GMU 209                               | 50                     |
| Chiwawa B   | Nov. 19-30                         | Any deer   | GMU 245                               | 3                      |
| Chiwawa C   | Oct. <del>((7-13))</del> 6-12      | Antlerless   | GMU 245                               | <del>((50))</del> 70   |
| Swakane B   | Oct. <del>((7-13))</del> 6-12      | Antlerless   | GMU 250                               | <del>((25))</del> 35   |
| Mission C   | Oct. <del>((7-13))</del> 6-12      | Antlerless   | GMU 251                               | <del>((30))</del> 45   |
| 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                               | <del>((150))</del> 100 |
| 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                               | <del>((3))</del> 2     |
| Naneum <del>((C))</del> B   | Nov. <del>((6-12))</del> 5-11      | Any buck   | GMU 328                               | <del>((3))</del> 2     |
| Quilomene B   | Oct. <del>((7-13))</del> 6-12      | <del>((Any buck))</del> 3 pt. min.                         | GMU 329                               | <del>((3))</del> 2     |
| <del>((Teaway-C</del>   | <del>Oct. 7-13</del>               | <del>Antlerless</del>                                      | <del>GMU 335</del>                    | <del>50))</del>        |
| Teaway <del>((D))</del> C   | Nov. <del>((6-12))</del> 5-11      | Any buck   | GMU 335                               | <del>((3))</del> 2     |
| <del>((Manastash-A</del>  | <del>Oct. 7-13</del>               | <del>Antlerless</del>                                      | <del>GMU 340</del>                    | <del>50))</del>        |
| L.T. Murray B   | Nov. <del>((6-12))</del> 5-11      | Any buck   | GMUs 336, 340                         | <del>((3))</del> 2     |
| <del>((Cowiche-C</del>  | <del>Oct. 7-13</del>               | <del>Antlerless</del>                                      | <del>GMU 368</del>                    | <del>50))</del>        |
| Alkali C  | Dec. <del>((3-10))</del> 1-8       | Any buck   | GMU 371                               | <del>((40))</del> 11   |
| Alkali D  | Dec. <del>((3-10))</del> 1-8       | Antlerless   | GMU 371                               | 15                     |
| Whitcomb A  | Sept. <del>((18-24))</del> 10-15   | Antlerless   | Deer Area 3071                        | <del>((5))</del> 7     |
| <u>Whitcomb B</u>   | Sept. 16-21                        | <u>Antlerless</u>  | <u>Deer Area 3071</u>                 | <u>7</u>               |
| <u>Whitcomb C</u>   | Sept. 24 - Oct. 5                  | <u>Any deer</u>  | <u>Deer Area 3071</u>                 | <u>7</u>               |
| Paterson A  | Sept. 18-24                        | Antlerless   | Deer Area 3072                        | <del>((5))</del> 10    |

| Hunt Name  | Permit Season Dates  | Special Restrictions     | Boundary Description | Permits   |
|--|----------------------|--------------------------|----------------------|-----------|
| Paterson B   | Sept. 16-21          | Antlerless               | Deer Area 3072       | 10        |
| Paterson C   | Sept. 24 - Oct. 5    | Any deer                 | Deer Area 3072       | 10        |
| Kahlotus B   | Nov. 20 - Dec. 8     | Any deer                 | GMU 381              | 25        |
| East Klickitat B   | Nov. ((20)) 21-30    | 3 pt. min. or antlerless | GMU 382              | 20        |
| Grayback C   | Oct. ((7-13)) 6-12   | 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)) 6-12   | Any deer                 | GMU 505              | 10        |
| Stormking B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 510              | 5         |
| South Rainier B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 513              | 5         |
| Packwood B   | Oct. ((7-13)) 6-12   | Any deer                 | GMU 516              | 5         |
| Winston B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 520              | 5         |
| Coweeman B   | Oct. ((7-13)) 6-12   | Any deer                 | GMU 550              | 30        |
| Yale B   | Oct. ((7-13)) 6-12   | Any deer                 | GMU 554              | 2         |
| Toutle B   | Oct. ((7-13)) 6-12   | Any deer                 | GMU 556              | 3         |
| Lewis River B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 560              | 5         |
| Washougal B  | Oct. 6-12            | Any deer                 | GMU 568              | 10        |
| Siouxon B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 572              | 5         |
| Wind River C   | Oct. ((7-13)) 6-12   | 2 pt. min. or antlerless | GMU 574              | 1         |
| Olympic B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 621              | 20        |
| North River B  | Oct. ((7-13)) 6-12   | Any deer                 | GMU 658              | 5         |
| <b>Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)</b> |                      |                          |                      |           |
| Chiwawa D  | Dec. 1-12            | Any deer                 | GMU 245              | ((49)) 27 |
| 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              | ((44)) 12 |
| Naneum ((D)) C   | Nov. 20 - Dec. 8     | Any ((deer)) buck        | GMU 328              | ((20)) 13 |
| Quilomene C  | Nov. 20 - Dec. 8     | ((Any deer)) 3 pt. min.  | GMU 329              | ((20)) 12 |
| Teanaway ((E)) D   | Nov. 20 - Dec. 8     | Any ((deer)) buck        | GMU 335              | ((20)) 13 |
| L.T. Murray C  | Nov. 20 - Dec. 8     | Any ((deer)) buck        | GMUs 336, 340        | ((20)) 6  |
| Alkali E   | Dec. ((40-24)) 9-25  | Any deer                 | GMU 371              | ((94)) 99 |
| <b>Special Modern Firearm Deer Permit Hunts for Hunters 65 or older</b>          |                      |                          |                      |           |
| Blue Mtns. Foothills D   | Oct. ((44-22)) 13-21 | Antlerless               | GMUs 145, 149        | 30        |
| East Okanogan C  | Oct. ((44-22)) 13-21 | Antlerless               | GMU 204              | 15        |
| Wannacut B   | Oct. ((44-22)) 13-21 | Antlerless               | GMU 209              | ((45)) 20 |
| Sinlahekin C   | Oct. ((44-22)) 13-21 | Antlerless               | GMU 215              | ((45)) 25 |
| Chewuch B  | Oct. ((44-22)) 13-21 | Antlerless               | GMU 218              | ((45)) 35 |
| Pearygin B   | Oct. ((44-22)) 13-21 | Antlerless               | GMU 224              | ((45)) 35 |
| Gardner B  | Oct. ((44-22)) 13-21 | Antlerless               | GMU 231              | ((45)) 25 |
| Pogue B  | Oct. ((44-22)) 13-21 | Antlerless               | GMU 233              | ((45)) 20 |
| Chiliwist B  | Oct. ((44-22)) 13-21 | Antlerless               | GMU 239              | ((45)) 25 |
| Alta B   | Oct. ((44-22)) 13-21 | Antlerless               | GMU 242              | ((45)) 25 |
| Chiwawa E  | Oct. ((44-29)) 13-28 | Antlerless               | GMU 245              | ((40)) 15 |
| Entiat ((D)) E   | Oct. ((44-29)) 13-28 | Antlerless               | GMU 247              | ((40)) 15 |
| Swakane C  | Oct. ((44-29)) 13-28 | Antlerless               | GMU 250              | ((40)) 15 |
| Mission D  | Oct. ((44-29)) 13-28 | Any deer                 | GMU 251              | ((40)) 15 |
| Bridgeport A   | Oct. ((44-22)) 13-21 | Antlerless               | GMUs 248, 260        | ((45)) 20 |
| Palisades A  | Oct. ((44-22)) 13-21 | Antlerless               | GMUs 266, 269        | ((45)) 10 |
| ((Quilomene D))  | Nov. 7-20            | Antlerless               | GMU 329              | 40        |
| Manastash B  | Oct. 14-22           | Antlerless               | GMU 340              | 25        |
| Umtanum A  | Nov. 7-20            | Antlerless               | GMU 342              | 40        |
| Bethel B   | Oct. 14-22           | Antlerless               | GMU 360              | 40))      |
| Sunnyside A  | Oct. ((44-22)) 13-21 | Antlerless               | GMU 372              | 15        |
| Horse Heaven Hills A   | Oct. ((44-22)) 13-21 | Antlerless               | GMU 373              | 10        |
| Kahlotus C   | Oct. ((44-22)) 13-21 | Antlerless               | GMU 381              | 15        |
| East Klickitat C   | Oct. ((44-27)) 13-26 | 3 pt. min. or antlerless | GMU 382              | 20        |

| Hunt Name  | Permit Season Dates   | Special Restrictions            | Boundary Description            | Permits          |
|--|---|---------------------------------|---------------------------------|------------------|
| Grayback D   | Oct. ((14-27)) <u>13-26</u>                                 | 3 pt. min. or antlerless        | GMU 388                         | 10               |
| Lincoln B  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 501                         | 5                |
| Stella B   | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 504                         | 5                |
| Mossyrock C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 505                         | 15               |
| Stormking C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 510                         | 5                |
| South Rainier C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 513                         | 5                |
| Packwood C   | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 516                         | 5                |
| Winston C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 520                         | 5                |
| Yale C   | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 554                         | 5                |
| Toutle C   | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 556                         | 10               |
| Lewis River C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 560                         | 5                |
| Washougal ((A)) <u>C</u>   | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 568                         | 10               |
| Siouxon C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 572                         | 5                |
| Wind River D   | Oct. ((14)) <u>13-31</u>                                    | 2 pt. min. or antlerless        | GMU 574                         | 2                |
| West Klickitat D   | Oct. ((14)) <u>13-31</u>                                    | 2 pt. min. or antlerless        | GMU 578                         | 5                |
| Copalis  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 642                         | 20               |
| North River C  | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 658                         | 10               |
| Williams Creek   | Oct. ((14)) <u>13-31</u>                                    | Any deer                        | GMU 673                         | 20               |
| <b>Disabled Hunter Deer Permits (Hunters must use method/weapon listed on their tag. All weapon types may apply unless otherwise noted.)</b> |   |                                 |                                 |                  |
| East Okanogan D  | Restricted to general early season by tag choice            | Antlerless                      | GMU 204                         | 15               |
| Wannacut C   |   | Antlerless                      | GMU 209                         | ((15)) <u>20</u> |
| Sinlahekin D   |   | Antlerless                      | GMU 215                         | ((15)) <u>25</u> |
| Chewuch C  |   | Antlerless                      | GMU 218                         | ((15)) <u>35</u> |
| Pearygin C   |   | Antlerless                      | GMU 224                         | ((15)) <u>35</u> |
| Gardner C  |   | Antlerless                      | GMU 231                         | ((15)) <u>25</u> |
| Pogue C  |   | Antlerless                      | GMU 233                         | ((15)) <u>20</u> |
| Chiliwist C  |   | Antlerless                      | GMU 239                         | ((15)) <u>25</u> |
| Alta C   |   | Antlerless                      | GMU 242                         | ((15)) <u>25</u> |
| Chiwawa F  |   | Oct. ((14-29)) <u>13-28</u>     | Antlerless, modern firearm only | GMU 245          |
| Entiat ((E)) E   | Oct. ((14-29)) <u>13-28</u>                                 | Antlerless, modern firearm only | GMU 247                         | ((15)) <u>25</u> |
| Mission E  | Oct. ((14-29)) <u>13-28</u>                                 | Any deer, modern firearm only   | GMU 251                         | ((15)) <u>25</u> |
| Bridge Port B  | Restricted to general early season by tag choice            | Any deer                        | GMUs 248, 260                   | ((10)) <u>15</u> |
| Palisades B  |   | Any deer                        | GMUs 266, 269                   | ((10)) <u>5</u>  |
| ((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  | Restricted to general early ((season)) season by tag choice | 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)) <u>27</u> - Nov. ((5)) <u>2</u>                 | 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                |

| Hunt Name  | Permit Season Dates                         | Special Restrictions     | Boundary Description   | Permits            |
|--|---|--------------------------|------------------------|--------------------|
| Yale D   |   | Any deer                 | GMU 554                | 3                  |
| Toutle D   |   | Any deer                 | GMU 556                | 5                  |
| Lewis River D  |   | Any deer                 | GMU 560                | 2                  |
| Washougal ((B)) <u>D</u>   |   | Any deer                 | GMU 568                | ((2)) <u>10</u>    |
| 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                  |
| <b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b> |   |                          |                        |                    |
| <b>Modern Firearm Only</b>   |   |                          |                        |                    |
| Blue Mtns. Foothills E   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMUs 149, 154, 162-163 | 40                 |
| Blue Mtns. Foothills F   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMUs 145, 172-181      | 40                 |
| East Okanogan E  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 204                | 70                 |
| Wannacut D   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 209                | ((50)) <u>40</u>   |
| Sinlahekin E   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 215                | ((100)) <u>80</u>  |
| Chewuch D  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 218                | ((175)) <u>135</u> |
| Pearrygin D  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 224                | ((175)) <u>135</u> |
| Gardner D  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 231                | ((65)) <u>50</u>   |
| Pogue D  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 233                | ((50)) <u>40</u>   |
| Chiliwist D  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 239                | ((100)) <u>80</u>  |
| Alta D   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 242                | ((110)) <u>90</u>  |
| Chiwawa G  | Oct. ((44-29)) <u>13-28</u>                 | Antlerless               | GMU 245                | ((60)) <u>85</u>   |
| Entiat ((F)) <u>G</u>  | Oct. ((44-29)) <u>13-28</u>                 | Antlerless               | GMU 247                | ((40)) <u>55</u>   |
| Swakane D  | Oct. ((44-29)) <u>13-28</u>                 | Antlerless               | GMU 250                | ((20)) <u>30</u>   |
| Mission F  | Oct. ((44-29)) <u>13-28</u>                 | Antlerless               | GMU 251                | ((150)) <u>210</u> |
| Bridge Port C  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMUs 248, 260          | ((125)) <u>175</u> |
| Palisades C  | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMUs 266, 269          | ((100)) <u>50</u>  |
| Lakeview C   | Oct. ((44-22)) <u>13-21</u>                 | Any deer                 | Deer Area 2011         | 10                 |
| Benge B  | Oct. 23-31                                  | Antlerless               | Deer Area 2010         | 20                 |
| Desert E   | Sept. ((18-Oct-1)) <u>22-23</u>             | Any deer                 | GMU 290                | ((10)) <u>2</u>    |
| ((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                 |
| Cowiehe D  | Oct. 14-22                                  | Antlerless               | GMU 368                | 50))               |
| Horse Heaven Hills B   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 373                | 10                 |
| Kahlotus E   | Oct. ((44-22)) <u>13-21</u>                 | Antlerless               | GMU 381                | 20                 |
| Grayback F   | Oct. ((44-27)) <u>13-26</u>                 | Any deer                 | GMU 388                | 20                 |
| East Klickitat E   | Oct. ((44-27)) <u>13-26</u>                 | Any deer                 | GMU 382                | 30                 |
| Green River C  | Oct. ((28)) <u>27</u> - Nov. ((3)) <u>2</u> | Antlerless               | GMU 485                | 5                  |
| Lincoln D  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 501                | 10                 |
| Stella D   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 504                | 10                 |
| Mossyrock E  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 505                | 10                 |
| Stormking E  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 510                | 10                 |
| South Rainier E  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 513                | 10                 |
| Packwood E   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 516                | 10                 |
| Winston E  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 520                | 10                 |
| Yale E   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 554                | 10                 |
| Toutle E   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 556                | 60                 |
| Lewis River E  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 560                | 10                 |
| Washougal ((E)) <u>E</u>   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 568                | 10                 |
| Siouxon E  | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 572                | 10                 |
| Wind River F   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 574                | 15                 |
| West Klickitat F   | Oct. ((44)) <u>13-31</u>                    | Any deer                 | GMU 578                | 15                 |

| Hunt Name   | Permit Season Dates  | Special Restrictions  | Boundary Description    | Permits            |    |
|---|--|-----------------------|-------------------------|--------------------|----|
| Satsop B  | Oct. ((44)) <u>13-31</u>   | Any deer              | GMU 651                 | 10                 |    |
| Skookumchuck D  | Oct. ((7)) <u>6-31</u>   | Any deer              | GMU 667                 | 60                 |    |
| North River E   | Oct. ((44)) <u>13-31</u>   | Any deer              | GMU 658                 | 10                 |    |
| <b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>  |  |                       |                         |                    |    |
| <b>Muzzleloader Only</b>  |  |                       |                         |                    |    |
| East Okanogan F   | Oct. ((7-13)) <u>6-12</u>  | Antlerless            | GMU 204                 | 10                 |    |
| Wannacut E  | Oct. ((7-13)) <u>6-12</u>  | Antlerless            | GMU 209                 | 10                 |    |
| Pogue E   | Oct. ((7-13)) <u>6-12</u>  | Antlerless            | GMU 233                 | 10                 |    |
| Chiliwist E   | Oct. ((7-13)) <u>6-12</u>  | Antlerless            | GMU 239                 | 10                 |    |
| Alta E  | Oct. ((7-13)) <u>6-12</u>  | Antlerless            | GMU 242                 | 10                 |    |
| Mission ((F)) <u>G</u>  | Oct. ((7-13)) <u>1-12</u>  | Any deer              | GMU 251                 | 20                 |    |
| Ritzville C   | Oct. ((7-13)) <u>6-12</u>  | Antlerless            | GMU 284                 | 50                 |    |
| Desert F  | Sept. ((1-15)) <u>8-9</u>  | Any deer              | GMU 290                 | ((40)) <u>2</u>    |    |
| Whitcomb ((B)) <u>D</u>   | Sept. ((1-17)) <u>1-7</u>  | Antlerless            | Deer Area 3071          | ((5)) <u>7</u>     |    |
| Paterson B  | Sept. ((1-17)) <u>1-7</u>  | Antlerless            | Deer Area 3072          | ((5)) <u>10</u>    |    |
| <b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and be accompanied by an adult during the hunt.)</b>   |  |                       |                         |                    |    |
| <b>Archery Only</b>   |  |                       |                         |                    |    |
| Desert G  | ((Oct. 2-15)) <u>Sept. 15-16</u>   | Any deer              | GMU 290                 | ((40)) <u>2</u>    |    |
| <b>Special Deer Permits - Second Deer Tag</b><br>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   | Modern firearm and archery general season only                           | 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)) <u>400</u> |    |
| Benge C   | Dec. 16-31   | Antlerless            | Deer Area 2010          | 20                 |    |
| Lakeview C  | Jan. 1-30  | Antlerless            | Deer Area 2011          | 20                 |    |
| <u>Methow</u>   | <u>Sept. 4 - Oct. 12</u>   | <u>Antlerless</u>     | <u>Deer Area 2012</u>   | <u>50</u>          |    |
| 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                 |    |
| <b>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.</b>  |  |                       |                         |                    |    |
| Lakeview D  |  | Dec. 9-31             | Antlerless              | Deer Area 2011     | 20 |

| Hunter Education Instructor Incentive Permits   |
|---|
| <ul style="list-style-type: none"> <li>– Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify.</li> <li>– Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.</li> <li>– 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.</li> </ul> |

| Hunter Education Instructor Incentive Permits  |   |   |   |                |
|--|---|---|---|----------------|
| <ul style="list-style-type: none"> <li>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.</li> <li>Permittees may purchase a second license for use with the permit hunt only.</li> </ul> |   |   |   |                |
| 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              |
| <u>Region 2</u>  |   | <u>Any white-tailed deer</u>                          | <u>GMUs 204-215</u>   | <u>2</u>       |
| 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)) <u>6</u> |
| Region 6   |   | Legal buck for GMU of choice                          | GMUs 654, 660, 672, 673, 681  | 1              |

**AMENDATORY SECTION** (Amending Order 06-196, filed 8/15/06, effective 9/15/06)

**WAC 232-28-354 ((2006)) 2007 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            |
|--|--|--------------------------|----------------|----------------------|--------------------|
| <b>Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)</b> |  |                          |                |                      |                    |
| Prescott A   | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 149              | 2                  |
| Blue Creek A   | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 154              | 2                  |
| Watershed  | (( <del>Oct. 28 - Nov. 5</del> ) <u>Oct. 27 - Nov. 4</u> ) | 3 pt. min. or Antlerless | EA, EF, EM     | GMU 157              | ((40)) <u>45</u>   |
| Dayton A   | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 162              | ((12)) <u>13</u>   |
| Tucannon A   | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | Elk Area 1014        | ((2)) <u>4</u>     |
| Wenaha A   | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 169              | ((14)) <u>17</u>   |
| Mountain View A  | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 172              | ((4)) <u>6</u>     |
| Couse A  | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 181              | 1                  |
| Mission A  | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMU 251              | 2                  |
| Colockum A   | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMUs 328, 329        | ((7)) <u>9</u>     |
| Teanaway A   | (( <del>Dec. 23 - Jan. 5, 2007</del> ) <u>Dec. 19-30</u> ) | Any bull                 | EF             | GMU 335              | ((24)) <u>22</u>   |
| <u>Teanaway A-1</u>  | <u>Oct. 22 - Nov. 4</u>                                    | <u>Any bull</u>          | <u>EF</u>      | <u>GMU 335</u>       | <u>1</u>           |
| Peaches Ridge A  | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMUs 336, 346        | ((132)) <u>135</u> |
| Little Naches A  | Oct. 1-10  | Any bull                 | EF             | GMU 346              | 15                 |
| Observatory A  | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMUs 340, 342        | ((76)) <u>80</u>   |
| Goose Prairie A  | (( <del>Oct. 23 - Nov. 5</del> ) <u>Oct. 22 - Nov. 4</u> ) | Any bull                 | EF             | GMUs 352, 356        | ((88)) <u>96</u>   |

| Hunt Name   | Permit Season Dates                                | Special Restrictions               | Elk Tag Prefix | Boundary Description              | Permits                |
|---|--|------------------------------------|----------------|-----------------------------------|------------------------|
| Bethel A  | <del>((Oct. 23 - Nov. 5))</del> Oct. 22 - Nov. 4   | Any bull                           | EF             | GMU 360                           | <del>((50))</del> 62   |
| Rimrock A   | <del>((Oct. 23 - Nov. 5))</del> Oct. 22 - Nov. 4   | Any bull                           | EF             | GMU 364                           | <del>((118))</del> 123 |
| Cowiche A   | <del>((Oct. 23 - Nov. 5))</del> Oct. 22 - Nov. 4   | Any bull                           | EF             | GMU 368                           | 24                     |
| Klickitat Meadows A   | <del>((Oct. 23 - Nov. 5))</del> Oct. 22 - Nov. 4   | Any bull                           | EF             | Elk Area 3068                     | 1                      |
| <u>Nooksack A</u>   | Oct. 13 - Nov. 11                                  | <u>Any bull</u>                    | <u>WF</u>      | <u>GMU 418</u>                    | 6                      |
| Green River   | <del>((Oct. 28 - Nov. 3))</del> Oct. 27 - Nov. 2   | Any bull                           | WF             | GMU 485                           | 3                      |
| Margaret A  | <del>((Nov. 4-12))</del> Nov. 3-12                 | Any bull                           | WF             | GMU 524                           | <del>((23))</del> 35   |
| Toutle A  | <del>((Nov. 4-12))</del> Nov. 3-12                 | Any bull                           | WF             | GMU 556                           | <del>((94))</del> 130  |
| 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   | <del>((Any bull))</del> 3 pt. min. | WF             | GMU 621, EXCEPT for Elk Area 6071 | <del>((21))</del> 14   |
| Skokomish A   | Nov. 1-9   | <del>((Any bull))</del> 3 pt. min. | WF             | GMU 636                           | 9                      |
| Wynoochee   | Oct. 1-10  | Any bull                           | WA, WF, WM     | GMU 648                           | 1                      |
| White River A   | <del>((Nov. 4-12))</del> Nov. 3-12                 | Any bull                           | WF             | GMU 653                           | <del>((23))</del> 40   |
| <b>Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)</b> |  |                                    |                |                                   |                        |
| Aladdin A   | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Any elk                            | EF             | GMU 111                           | 15                     |
| Selkirk A   | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Any elk                            | EF             | GMU 113                           | 20                     |
| 49 Degrees North A  | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Any elk                            | EF             | GMU 117                           | <del>((30))</del> 45   |
| Blue Creek B  | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Antlerless                         | EF             | GMUs 149, 154                     | 100                    |
| Prescott B  | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Antlerless                         | EF             | GMU 149                           | 75                     |
| Dayton B  | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Antlerless                         | EF             | GMU 163 and Elk Area 1011         | <del>((200))</del> 100 |
| Dayton C  | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Antlerless                         | EF             | GMU 149 and Elk Area 1012         | 100                    |
| Peola A   | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Antlerless                         | EF             | GMU 178                           | 50                     |
| <del>((Couse B</del>  | Aug. 27 - Sept. 7                                  | <del>Antlerless</del>              | <del>EF</del>  | <del>GMU 181</del>                | <del>25))</del>        |
| Couse ((C)) B   | <del>((Oct. 1-10))</del> Oct. 1-12                 | Antlerless                         | EF             | GMU 181                           | <del>((25))</del> 30   |
| Mountain View B   | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 6   | Antlerless                         | EF             | Elk Area 1013                     | <del>((60))</del> 20   |
| Lick Creek A  | <del>((Oct. 28 - Nov. 5))</del> Oct. 27 - Nov. 4   | Antlerless                         | EF             | GMU 175                           | 25                     |
| <del>((Malaga A</del>   | Aug. 12-31   | <del>Antlerless</del>              | <del>EF</del>  | <del>Elk Area 2032</del>          | <del>30))</del>        |
| Malaga ((B)) A  | Sept. 8-30   | Any elk                            | EF             | Elk Area 2032                     | <del>((10))</del> 5    |
| Malaga ((C)) B  | Sept. 15-25  | Antlerless                         | EF             | Elk Area 2032                     | <del>((70))</del> 35   |
| Malaga ((D)) C  | Nov. 6 - Dec. 31                                   | Antlerless                         | EF             | Elk Area 2032                     | <del>((120))</del> 100 |
| Malaga ((E)) D  | Nov. 6 - Dec. 18                                   | Any elk                            | EF             | Elk Area 2032                     | <del>((10))</del> 7    |
| <del>((Malaga F</del>   | Dec. 19 - Feb. 28, 2007                            | <del>Any elk</del>                 | <del>EF</del>  | <del>Elk Area 2032</del>          | <del>15</del>          |
| Peshastin A   | Aug. 15-31   | Antlerless                         | <del>EF</del>  | <del>Elk Area 2033</del>          | <del>20))</del>        |
| Peshastin ((B)) A   | <del>((Sept. 15 - Oct. 1))</del> Sept. 15 - Oct. 5 | Antlerless                         | EF             | Elk Area 2033                     | 20                     |
| Peshastin ((C)) B   | <del>((Sept. 22-30))</del> Oct. 13-31              | Any elk                            | EF             | Elk Area 2033                     | 5                      |
| <del>((Peshastin D</del>  | Nov. 30 - Feb. 28, 2007                            | <del>Antlerless</del>              | <del>EF</del>  | <del>Elk Area 2033</del>          | <del>30</del>          |
| Peshastin E   | Dec. 15 - Feb. 28, 2007                            | Any elk                            | EF             | Elk Area 2033                     | <del>10))</del>        |
| West Bar A  | <del>((Oct. 28 - Nov. 1))</del> Oct. 27-31         | Antlerless                         | EF             | GMU 330                           | 5                      |
| West Bar B  | <del>((Nov. 2-5))</del> Nov. 1-4                   | Antlerless                         | EF             | GMU 330                           | 5                      |

| Hunt Name  | Permit Season Dates  | Special Restrictions     | Elk Tag Prefix | Boundary Description | Permits               |
|--|--|--------------------------|----------------|----------------------|-----------------------|
| Teanaway B   | <del>((Dec. 23-Jan. 30, 2007))</del> Dec. 19 - Jan. 13, 2008 | Antlerless               | EF             | GMU 335              | 100                   |
| Taneum A   | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 336              | 150                   |
| Manastash A  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 340              | 250                   |
| Umtanum A  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 342              | 250                   |
| Cleman   | Dec. 1-15  | Antlerless               | EF             | Elk Area 3944        | 50                    |
| Little Naches B  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 346              | 150                   |
| Nile A   | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 352              | 50                    |
| Bumping B  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 356              | 100                   |
| Bethel B   | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 360              | 100                   |
| Rimrock B  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 364              | 150                   |
| Cowiche B  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless               | EF             | GMU 368              | 150                   |
| Klickitat Meadows B  | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Spike bull or antlerless | EF             | Elk Area 3068        | 9                     |
| Alkali A   | <del>((Oct. 21-Nov. 5))</del> Oct. 20 - Nov. 4               | Any elk                  | EF             | GMU 371              | 25                    |
| Mossyrock A  | Nov. 3-12  | Antlerless               | WF             | GMU 505              | 50                    |
| Willapa Hills A  | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | GMU 506              | 35                    |
| Winston A  | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | GMU 520              | <del>((12))</del> 130 |
| Margaret B   | <del>((Nov. 13-17))</del> Nov. 3-12                          | Antlerless               | WF             | GMU 524              | <del>((30))</del> 50  |
| Margaret C   | Nov. 24 - Dec. 2   | Antlerless               | WF             | GMU 524              | 50                    |
| Ryderwood A  | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | GMU 530              | <del>((32))</del> 35  |
| Coweeman A   | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | GMU 550              | <del>((15))</del> 225 |
| Coweeman B   | Jan. 1-15, 2008  | Antlerless               | WF             | GMU 550              | 50                    |
| Toutle B   | <del>((Nov. 13-17))</del> Nov. 3-12                          | Antlerless               | WF             | GMU 556              | <del>((50))</del> 70  |
| Toutle C   | Nov. 24 - Dec. 2   | Antlerless               | WF             | GMU 556              | 100                   |
| Toledo ((G)) A   | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | Elk Area 5029        | 20                    |
| Green Mtn C  | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | Elk Area 5051        | 10                    |
| Carlton  | <del>((Oct. 1-10))</del> Sept. 22-30                         | Any bull                 | WF             | Elk Area 5057        | 5                     |
| West Goat Rocks  | <del>((Oct. 1-10))</del> Sept. 22-30                         | Any bull                 | WF             | Elk Area 5058        | 5                     |
| Mt. Adams  | <del>((Oct. 1-10))</del> Sept. 22-30                         | Any bull                 | WF             | Elk Area 5059        | 5                     |
| Wildwood A   | Jan. 16-30, <del>((2007))</del> 2008                         | Antlerless               | WF             | Elk Area 5061        | 15                    |
| Lewis River A  | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | GMU 560              | <del>((80))</del> 375 |
| Siouxon A  | <del>((Nov. 4-12))</del> Nov. 3-12                           | Antlerless               | WF             | GMU 572              | <del>((40))</del> 125 |
| 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, <del>((2007))</del> 2008                          | Antlerless               | WF             | Elk Area 6010        | 15                    |
| Raymond D  | Feb. 1-28, <del>((2007))</del> 2008                          | Antlerless               | WF             | Elk Area 6010        | 15                    |
| Chehalis Valley A  | Oct. 1-31  | Antlerless               | WF             | Elk Area 6066        | <del>((10))</del> 5   |
| Chehalis Valley B  | Nov. 5-10  | Antlerless               | WF             | Elk Area 6066        | <del>((10))</del> 5   |
| North Minot A  | Oct. 20-31   | Antlerless               | WF             | Elk Area 6067        | <del>((60))</del> 20  |
| Deschutes  | Jan. 15-23, <del>((2007))</del> 2008                         | 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, <del>((2007))</del> 2008                   | Antlerless               | WF             | Elk Area 6012        | 10                    |
| North Shore A  | <del>((Nov. 5-9))</del> Nov. 4-8                             | Antlerless               | WF             | Elk Area 6068        | 5                     |
| <b>Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)</b> |  |                          |                |                      |                       |
| 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              | <del>((3))</del> 2    |
| Tucannon B   | Oct. 1-10  | Any bull                 | EM             | Elk Area 1014        | 1                     |
| Wenaha B   | Oct. 1-10  | Any bull                 | EM             | GMU 169              | <del>((2))</del> 3    |
| Mountain View C  | Oct. 1-10  | Any bull                 | EM             | GMU 172              | <del>((1))</del> 2    |
| 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        | <del>((1))</del> 2    |

| Hunt Name   | Permit Season Dates                                | Special Restrictions     | Elk Tag Prefix | Boundary Description              | Permits               |
|---|--|--------------------------|----------------|-----------------------------------|-----------------------|
| Teanaway C  | <del>((Dec. 9-22))</del> Dec. 9-18                 | 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                           | <del>((9))</del> 12   |
| Rimrock C   | Oct. 1-10  | Any bull                 | EM             | GMU 364                           | <del>((46))</del> 17  |
| Cowiche C   | Oct. 1-10  | Any bull                 | EM             | GMU 368                           | <del>((44))</del> 8   |
| Klickitat Meadows C   | Oct. 1-10  | Any bull                 | EM             | Elk Area 3068                     | 1                     |
| Nooksack B  | Sept. 29 - Oct. 12 and Nov. 12-30                  | Any bull                 | WM             | GMU 418                           | 3                     |
| Margaret ((E)) D  | <del>((Oct. 7-13))</del> Oct. 6-12                 | Any bull                 | WM             | GMU 524                           | <del>((5))</del> 8    |
| Toutle ((E)) D  | <del>((Oct. 7-13))</del> Oct. 6-12                 | Any bull                 | WM             | GMU 556                           | <del>((47))</del> 26  |
| 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                           | <del>((+))</del> 2    |
| White River B   | Oct. 1-10  | Any bull                 | WM             | GMU 653                           | 3                     |
| <b>Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)</b> |  |                          |                |                                   |                       |
| Aladdin B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Any elk                  | EM             | GMU 111                           | 10                    |
| Selkirk B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Any elk                  | EM             | GMU 113                           | 10                    |
| 49 Degrees North B  | <del>((Oct. 7-13))</del> Oct. 6-12                 | Any elk                  | EM             | GMU 117                           | <del>((40))</del> 20  |
| Blue Creek D  | Dec. 9 - Jan. 30, <del>((2007))</del> 2008         | Antlerless               | EM             | GMUs 149, 154                     | 60                    |
| Mountain View D   | <del>((Oct. 1-10))</del> Oct. 1-12                 | Antlerless               | EM             | Elk Area 1013                     | <del>((25))</del> 20  |
| Lick Creek B  | Oct. 1-10  | Antlerless               | EM             | GMU 175                           | 25                    |
| Couse E   | Dec. 1-31  | Antlerless               | EM             | GMU 181                           | <del>((50))</del> 30  |
| Couse F   | Jan. 1 - 30, <del>((2007))</del> 2008              | Antlerless               | EM             | GMU 181                           | <del>((50))</del> 30  |
| Malaga ((G)) E  | Oct. 1-21  | Antlerless               | EM             | Elk Area 2032                     | <del>((400))</del> 50 |
| Malaga ((H)) F  | Oct. 1-21  | Any elk                  | EM             | Elk Area 2032                     | <del>((45))</del> 8   |
| West Bar C  | <del>((Oct. 1-10))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 330                           | 5                     |
| Taneum B  | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 336                           | 25                    |
| Manastash B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 340                           | 25                    |
| Umtanum B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 342                           | 250                   |
| Nile B  | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 352                           | 40                    |
| Bumping B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 356                           | 90                    |
| Bethel D  | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 360                           | 40                    |
| Cowiche D   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | EM             | GMU 368                           | 225                   |
| Klickitat Meadows D   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Spike bull or antlerless | EM             | Elk Area 3068                     | 4                     |
| Alkali B  | Oct. 1-15  | Any elk                  | EM             | GMU 371                           | 15                    |
| Stella A  | <del>((Nov. 24 - Dec. 15))</del> Nov. 21 - Dec. 15 | Antlerless               | WM             | GMU 504                           | <del>((75))</del> 150 |
| Stella B  | Jan. 1-16, <del>((2007))</del> 2008                | Antlerless               | WM             | GMU 504                           | <del>((50))</del> 100 |
| Toledo ((A)) B  | Dec. 7-20  | Antlerless               | WM             | Elk Area 5029                     | 30                    |
| Mossyrook ((A)) B   | Jan. 1-16, <del>((2007))</del> 2008                | Antlerless               | WM             | Elk Area 5052                     | <del>((20))</del> 30  |
| Randle A  | Jan. 1-16, <del>((2007))</del> 2008                | Antlerless               | WM             | Elk Area 5053                     | 15                    |
| Boistfort A   | Jan. 1-16, <del>((2007))</del> 2008                | Antlerless               | WM             | Elk Area 5054                     | 40                    |
| Willapa Hills B   | <del>((Nov. 22 - Dec. 15))</del> Nov. 21 - Dec. 15 | Antlerless               | WM             | GMU 506                           | 15                    |
| Green Mt. A   | Jan. 1-16, <del>((2007))</del> 2008                | Antlerless               | WM             | Elk Area 5051                     | 30                    |
| Wildwood B  | Jan. 1-15, <del>((2007))</del> 2008                | Antlerless               | WM             | Elk Area 5061                     | 15                    |
| Winston B   | <del>((Nov. 22 - Dec. 15))</del> Nov. 21 - Dec. 15 | Antlerless               | WM             | GMU 520                           | <del>((3))</del> 60   |
| Margaret ((D)) E  | <del>((Nov. 22 - Dec. 15))</del> Oct. 6-12         | Antlerless               | WM             | GMU 524                           | <del>((45))</del> 40  |
| Ryderwood B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | WM             | GMU 530                           | <del>((8))</del> 15   |
| Coweman ((B)) C   | <del>((Nov. 22 - Dec. 15))</del> Nov. 21 - Dec. 15 | Antlerless               | WM             | GMU 550                           | <del>((5))</del> 60   |
| Toutle ((D)) E  | <del>((Nov. 22 - Dec. 15))</del> Oct. 6-12         | Antlerless               | WM             | GMU 556                           | <del>((45))</del> 75  |
| Lewis River B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | WM             | GMU 560                           | <del>((25))</del> 225 |
| Siouxon B   | <del>((Oct. 7-13))</del> Oct. 6-12                 | Antlerless               | WM             | GMU 572                           | <del>((40))</del> 75  |

| Hunt Name   | Permit Season Dates                                | Special Restrictions     | Elk Tag Prefix | Boundary Description              | Permits     |
|---|--|--------------------------|----------------|-----------------------------------|-------------|
| Yale A  | Oct. 6-12  | Antlerless               | WM             | GMU 554                           | 75          |
| Yale B  | ((Nov. 22 – Dec. 15)) Nov. 21 - Dec. 15            | 3 pt. min. or antlerless | WM             | GMU 554                           | 75          |
| Twin Satsop A   | Jan. 5-15, ((2007)) 2008                           | Antlerless               | WM             | Elk Area 6061                     | 10          |
| Mashel A  | Jan. 1-15, ((2007)) 2008                           | 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)) 20   |
| Raymond E   | Oct. 1-31  | Antlerless               | WM             | Elk Area 6010                     | 30          |
| Chehalis Valley C   | Jan. 1-30, ((2007)) 2008                           | Antlerless               | WM             | Elk Area 6066                     | 15          |
| Capitol Peak A  | Nov. 19 - Dec. 15                                  | Antlerless               | WM             | GMU 663                           | ((40)) 15   |
| ((Capitol Peak B  | Dec. 16-31   | Antlerless               | WM             | GMU 663                           | 40))        |
| Tri Valley B  | ((Dec. 1 – Jan. 30, 2007)) Dec. 16 - Jan. 30, 2008 | Antlerless               | WM             | Elk Area 6012                     | 30          |
| <b>Archery Permit Hunts (Only archery elk tag holders may apply.)</b>   |  |                          |                |                                   |             |
| 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                           | ((+)) 2     |
| Dayton E  | Sept. 8-21   | Any bull                 | EA             | GMU 162                           | ((4)) 7     |
| Tucannon C  | Sept. 8-21   | Any bull                 | EA             | Elk Area 1014                     | ((+)) 3     |
| Wenaha C  | Sept. 8-21   | Any bull                 | EA             | GMU 169                           | ((3)) 4     |
| Mountain View E   | Sept. 8-21   | Any bull                 | EA             | GMU 172                           | ((2)) 3     |
| Couse G   | Sept. 8-21   | Any bull                 | EA             | GMU 181                           | 1           |
| Colockum C  | Sept. 8-21   | Any bull                 | EA             | GMUs 328, 329                     | ((8)) 3     |
| Teanaway E  | Nov. 20 - Dec. 8                                   | Any bull                 | EA             | GMU 335                           | ((29)) 34   |
| Peaches Ridge C   | Sept. 8-21   | Any bull                 | EA             | GMUs 336, 346                     | ((408)) 104 |
| Observatory C   | Sept. 8-21   | Any elk                  | EA             | GMUs 340, 342                     | ((88)) 91   |
| Goose Prairie C   | Sept. 8-21   | Any bull                 | EA             | GMUs 352, 356                     | ((447)) 138 |
| Bethel E  | Sept. 8-21   | Any bull                 | EA             | GMU 360                           | ((47)) 43   |
| Rimrock D   | Sept. 8-21   | Any bull                 | EA             | GMU 364                           | ((118)) 93  |
| Cowiche E   | Sept. 8-21   | Any bull                 | EA             | GMU 368                           | ((22)) 18   |
| Klickitat Meadows E   | Oct. 11-22   | Any bull                 | EA             | Elk Area 3068                     | 1           |
| Klickitat Meadows F   | Oct. 11-22   | Spike bull or antlerless | EA             | Elk Area 3068                     | 9           |
| Malaga ((H)) G  | Sept. 1-7  | Antlerless               | EA             | Elk Area 2032                     | ((50)) 25   |
| Peshastin ((G)) C   | Sept. 1-14   | Any elk                  | EA             | Elk Area 2033                     | ((30)) 15   |
| Nooksack C  | Sept. 1-28 and Dec. 1-31                           | Any bull                 | WA             | GMU 418                           | 3           |
| Margaret ((E)) F  | Sept. 15-30 and Dec. 1-15                          | Any bull                 | WA             | GMU 524                           | ((8)) 13    |
| Margaret G  | Sept. 15-30 and Dec. 1-15                          | Antlerless               | WA             | GMU 524                           | 50          |
| Toutle ((E)) F  | Sept. 15-30 and Dec. 1-15                          | Any bull                 | WA             | GMU 556                           | ((47)) 66   |
| Toutle G  | Sept. 15-30 and Dec. 1-15                          | Antlerless               | WA             | GMU 556                           | 90          |
| Lewis River C   | Nov. 21-30   | 3 pt. min. or antlerless | WA             | GMU 560                           | 50          |
| Siouxon C   | Nov. 21-30   | 3 pt. min. or antlerless | WA             | GMU 572                           | 25          |
| Olympic C   | Sept. 8-21   | ((Any bull)) 3 pt. min.  | WA             | GMU 621, EXCEPT for Elk Area 6071 | ((6)) 7     |
| Skokomish C   | Sept. 8-21   | ((Any bull)) 3 pt. min.  | WA             | GMU 636                           | ((5)) 6     |
| White River C   | Sept. 8-21   | Any bull                 | WA             | GMU 653                           | ((19)) 11   |
| <b>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.</b> |  |                          |                |                                   |             |
| Peshastin ((F)) D   | Aug. 18-31   | Any elk                  | Any elk tag    | Elk Area 2033                     | 5           |
| Mossyrock ((B)) C   | Jan. 17-30, ((2007)) 2008                          | Antlerless               | Any elk tag    | Elk Area 5052                     | 20          |
| Randle B  | Jan. 17-30, ((2007)) 2008                          | 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)) 2008                          | Antlerless               | Any elk tag    | Elk Area 5051                     | 20          |
| Merwin A  | ((Nov. 24 – Dec. 15)) Nov. 21 - Dec. 15            | Antlerless               | Any elk tag    | Elk Area 5060                     | 10          |
| Merwin B  | Jan. 17-30, ((2007)) 2008                          | Antlerless               | Any elk tag    | Elk Area 5060                     | 10          |

| Hunt Name  | Permit Season Dates  | Special Restrictions                      | Elk Tag Prefix      | Boundary Description                       | Permits  |
|--|--|---|---------------------|--|--|
| <b>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.</b> |  |   |                     |  |  |
| Peola B  | <del>((Aug. 11 - Sept. 7))</del> Oct. 1-12                     | Antlerless                                | Any elk tag         | <del>((Designated areas in))</del> GMU 178 | 15 <del>((<sup>HM</sup>))</del> )                |
| <del>((Peola C</del>   | Dec. 9 - Jan. 31, 2007   | Antlerless                                | Any elk tag         | Designated areas in GMU 178                | 15 <del>((<sup>HM</sup>))</del> )                |
| Malaga <del>((#))</del> H  | <del>((Jan. 1 - Mar. 31, 2007))</del> Aug. 1 - Mar. 31, 2008   | Antlerless                                | Any elk tag         | Elk Area 2032                              | <del>((30<sup>HM</sup>))</del> 100 <sup>HM</sup> |
| Malaga I   | Aug. 1 - Feb. 28, 2008   | Any elk                                   | Any elk tag         | Elk Area 2032                              | 20 <sup>HM</sup>                                 |
| Peshastin E  | Aug. 1 - Mar. 31, 2008   | Antlerless                                | Any elk tag         | Elk Area 2033                              | 50 <sup>HM</sup>                                 |
| Peshastin F  | Aug. 1 - Feb. 28, 2008   | Any elk                                   | Any elk tag         | Elk Area 2033                              | 20 <sup>HM</sup>                                 |
| Fairview <del>((A))</del>  | <del>((Feb. 1-28, 2007))</del> Feb. 1-29, 2008                 | Antlerless                                | Any elk tag         | Elk Area 3911                              | 20 <sup>HM</sup>                                 |
| Rattlesnake Hills  | <del>((Aug. 1 - Feb. 28, 2007))</del> Aug. 1 - Feb. 29, 2008   | Antlerless or spike bull                  | Any elk tag         | Designated areas in GMU 372                | 20 <sup>HM</sup>                                 |
| <del>((Corral Canyon A</del>   | 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 <del>((<sup>HM</sup>))</del>                  |
| Blackroek A  | Aug. 1 - March 31, 2007  | Any elk                                   | Any elk tag         | Elk Area 3722                              | 3 <del>((<sup>HM</sup>))</del>                   |
| Blackroek B  | Aug. 1 - March 31, 2007  | Antlerless                                | Any elk tag         | Elk Area 3722                              | 5 <del>((<sup>HM</sup>))</del> )                 |
| Toledo <del>((B))</del> C  | Dec. 21-31   | Antlerless and spike bull                 | Any elk tag         | Elk Area 5029                              | 20   |
| Toledo <del>((C))</del> D  | Aug. 1-7   | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5029                              | 5  |
| Toledo <del>((D))</del> E  | Aug. 8-14  | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5029                              | 5  |
| Toledo <del>((E))</del> F  | Aug. 15-21   | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5029                              | 5  |
| Toledo <del>((F))</del> G  | Aug. 22-28   | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5029                              | 5  |
| <del>((Boistford [Boistford]))</del> Boistford B   | Aug. 1-7   | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5054                              | 5  |
| <del>((Boistford [Boistford]))</del> Boistford C   | Aug. 8-14  | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5054                              | 5  |
| <del>((Boistford [Boistford]))</del> Boistford D   | Aug. 15-21   | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5054                              | 5  |
| <del>((Boistford [Boistford]))</del> Boistford E   | Aug. 22-28   | Antlerless and spike bull                 | Any archery elk tag | Elk Area 5054                              | 5  |
| <del>((JBH A*))</del> 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 <del>((C))</del> *   | <del>((Dec. 16 - Feb. 28, 2007))</del> Nov. 12 - Feb. 28, 2008 | Antlerless                                | Any elk tag         | Elk Area 5090                              | 20 <sup>HM</sup>                                 |
| Trout Lake A**   | <del>((Sept. 1-7))</del> Nov. 21-30                            | Antlerless                                | Any elk tag         | Elk Area 5062                              | 5  |
| Trout Lake B**   | <del>((Oct. 1-7))</del> Dec. 1-14                              | Antlerless                                | Any elk tag         | Elk Area 5062                              | 5  |
| Trout Lake C**   | <del>((Nov. 20-30))</del> Dec. 15-31                           | Antlerless                                | Any elk tag         | Elk Area 5062                              | 5  |
| Trout Lake D**   | <del>((Dec. 1-14))</del> Jan. 1-14, 2008                       | Antlerless                                | Any elk tag         | Elk Area 5062                              | 5  |
| Trout Lake E**   | Jan. 15-30, <del>((2007))</del> 2008                           | Antlerless                                | Any elk tag         | Elk Area 5062                              | 5  |
| North River B  | Dec. 16 - Feb. 28, <del>((2007))</del> 2008                    | Antlerless                                | Any elk tag         | Designated areas in GMU 658                | 10 <sup>HM</sup>                                 |
| Chehalis Valley D  | Aug. 1 - Feb. 28, <del>((2007))</del> 2008                     | Antlerless                                | Any elk tag         | Designated areas in Elk Area 6066          | <del>((20<sup>HM</sup>))</del> 10 <sup>HM</sup>  |
| Raymond F  | <del>((Dec. 1 - Feb. 28, 2007))</del> Dec. 1 - Mar. 31, 2008   | Antlerless                                | Any elk tag         | Elk Area 6010                              | 10 <sup>HM</sup>                                 |
| <del>((Hannaford [Hanaford]))</del> Hanaford C   | <del>((Aug. 1 - Feb. 28, 2007))</del> Aug. 1 - Mar. 31, 2008   | Antlerless                                | Any elk tag         | Designated areas in Elk Area 6069          | 5 <sup>HM</sup>                                  |

| Hunt Name   | Permit Season Dates  | Special Restrictions                 | Elk Tag Prefix | Boundary Description                | Permits             |
|---|--|--------------------------------------|----------------|-------------------------------------|---------------------|
| Dungeness A   | <del>((Sept. 1-30))</del> Sept. 1 - Feb. 28, 2008            | <del>((Antlerless))</del> 3 pt. min. | Any elk tag    | Elk Area 6071 north of Hwy 101 only | <del>((6))</del> 12 |
| Dungeness B   | <del>((Oct. 1-31))</del> Oct. 1 - Dec. 31                    | Antlerless                           | Any elk tag    | Elk Area 6071 north of Hwy 101 only | <del>((6))</del> 8  |
| <del>((Dungeness C</del>  | Nov. 1-30  | Antlerless                           | Any elk tag    | Elk Area 6071                       | 6                   |
| <del>Dungeness D</del>  | Dec. 1-31  | Antlerless                           | Any elk tag    | Elk Area 6071                       | 6                   |
| <del>Dungeness E</del>  | Sept. 1-30   | Any bull                             | Any elk tag    | Elk Area 6071                       | 2                   |
| <del>Dungeness F</del>  | Oct. 1-31  | Spike only                           | Any elk tag    | Elk Area 6071                       | 2                   |
| <del>Dungeness G</del>  | Nov. 1-30  | Any bull                             | Any elk tag    | Elk Area 6071                       | 2                   |
| <del>Dungeness H</del>  | Dec. 1-31  | Spike only                           | Any elk tag    | Elk Area 6071                       | 2                   |
| <del>Dungeness I</del>  | Jan. 1-30, 2007  | Any bull                             | Any elk tag    | Elk Area 6071                       | 2                   |
| <del>Dungeness J</del>  | Feb. 1-28, 2007  | Spike only                           | Any elk tag    | Elk Area 6071                       | 2))                 |
| <b>Youth - Special Elk Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b> |  |                                      |                |                                     |                     |
| <del>((Blackroek C</del>  | Aug. 1 - Mar. 31, 2007                                       | Spike or antlerless                  | Any elk tag    | Elk Area 3722                       | 20 <sup>HM</sup>    |
| Fairview B  | Aug. 1 - Feb. 28, 2007                                       | Antlerless                           | Any elk tag    | Elk Area 3911                       | 10 <sup>HM</sup> )  |
| Mudflow A   | Oct. 9-14  | Antlerless                           | WF             | Elk Area 5099                       | 6                   |
| Mudflow B   | Oct. 23-28   | Antlerless                           | WF             | Elk Area 5099                       | 6                   |
| Mudflow C   | Nov. 20-25   | Antlerless                           | WF             | Elk Area 5099                       | 6                   |
| Dungeness <del>((K))</del> C  | Sept. 1 - Feb. 28, <del>((2007))</del> 2008                  | Any elk                              | Any elk tag    | Elk Area 6071 north of Hwy 101 only | <del>((2))</del> 4  |
| Sol <del>((Duck [Duc]))</del> Duc Valley  | <del>((Aug. 1 - Mar. 31, 2007))</del> Aug. 1 - Jan. 22, 2008 | Antlerless                           | Any elk tag    | Elk Area 6072                       | 10                  |
| Clearwater Valley   | Aug. 1 - Mar. 31, <del>((2007))</del> 2008                   | Antlerless                           | Any elk tag    | Elk Area 6073                       | <del>((5))</del> 1  |
| <b>Persons of Disability Only - Special Elk Permit Hunts</b>  |  |                                      |                |                                     |                     |
| Sol Duc Valley B  | Aug. 1 - Jan. 22, 2008                                       | Antlerless                           | Any elk tag    | Elk Area 6072                       | 5                   |
| Observatory D   | <del>((Oct. 23 - Nov. 5))</del> Oct. 22 - Nov. 4             | 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   | <del>((Nov. 1-5))</del> Oct. 31 - Nov. 4                     | Antlerless                           | EF, EM, EA     | GMU 346                             | 8                   |
| Alkali C  | <del>((Oct. 21 - Nov. 5))</del> Oct. 20 - Nov. 4             | Any elk                              | EF             | GMU 371                             | 4                   |
| <del>((Blackroek D</del>  | Aug. 1 - Mar. 31, 2007                                       | Antlerless                           | Any elk tag    | Elk Area 3722                       | 2 <sup>HM</sup>     |
| Fairview C  | Aug. 1 - Feb. 28, 2007                                       | Antlerless                           | Any elk tag    | Elk Area 3911                       | 10 <sup>HM</sup> )  |
| Mudflow <del>((A))</del> E  | <del>((Nov. 6-12))</del> Oct. 16-21                          | Antlerless                           | Any elk tag    | Elk Area 5099                       | <del>((5))</del> 6  |
| Mudflow <del>((B))</del> D  | <del>((Nov. 20-26))</del> Sept. 25-30                        | <del>((Antlerless))</del> Any elk    | Any elk tag    | Elk Area 5099                       | <del>((5))</del> 6  |
| Mudflow E   | Oct. 2-7   | Any elk                              | Any elk tag    | Elk Area 5099                       | 6                   |
| Mudflow G   | Oct. 30 - Nov. 4   | Antlerless                           | Any elk tag    | Elk Area 5099                       | 6                   |
| Centralia Mine A  | <del>((Oct. 23-24))</del> Oct. 27-28                         | Antlerless                           | Any elk tag    | Elk Area 6011                       | 2                   |
| Centralia Mine B  | <del>((Oct. 30-31))</del> Nov. 3-4                           | 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                   |
| <del>((North Shore D</del>  | 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                  |
| <del>((Hannaford [Hannaford]))</del> Hannaford A  | Jan. 1-15, <del>((2007))</del> 2008                          | Antlerless                           | Any elk tag    | Elk Area 6069                       | 5                   |
| <b>Hunters 65 or Older Only - Special Elk Permit Hunts</b>  |  |                                      |                |                                     |                     |
| <del>((Hannaford [Hannaford]))</del> Hannaford B  | Jan. 16-30, <del>((2007))</del> 2008                         | Antlerless                           | Any elk tag    | Elk Area 6069                       | 5                   |
| Mudflow H   | Sept. 18-23  | Antlerless                           | Any elk tag    | Elk Area 5099                       | 6                   |
| Mudflow I   | Nov. 6-12  | Antlerless                           | Any elk tag    | Elk Area 5099                       | 6                   |
| Mudflow J   | Nov. 27 - Dec. 2   | Antlerless                           | Any elk tag    | Elk Area 5099                       | 6                   |

\*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).

<sup>HM</sup>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"> <li>- Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.</li> <li>- 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.</li> <li>- 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.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> </ul> |   |              |                                    |         |
| 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 | ((+)) 4 |
| Region 6   |   | Any elk      | GMUs 654, 660, 672, 673, 681       | 1       |

AMENDATORY SECTION (Amending Order 03-03, filed 1/7/03, effective 2/7/03)

**WAC 232-12-181 Livestock grazing on department of fish and wildlife lands.** All persons wishing to apply for a grazing permit should contact the Washington Department of Fish and Wildlife, 600 North Capitol Way, Olympia, Washington 98501-1091.

(1) The director is authorized to enter into grazing permits when the director determines that a grazing permit will be consistent with the desired ecological condition for those lands or the department's strategic plan. Except for temporary permits, ~~((each))~~ or permits that are being renewed or renegotiated with existing permittees, grazing permits shall first be submitted to the commission, which may review the permit to ensure it conforms with commission policy. If, within thirty days, the commission has not disapproved the permit, the director shall be deemed authorized to enter into that permit.

(2) The director shall negotiate grazing permits with potential grazing operators to ensure the highest benefits to fish and wildlife. The director may advertise and sell a permit to use department lands for grazing at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the ~~((department))~~ fish and wildlife to do so. ~~((The director may negotiate a grazing permit without using the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payments foregone.))~~

(3) The term of each grazing permit shall be no greater than five years. When an existing permit expires or is about to expire, ~~((and))~~ the director ~~((wishes to continue to permit grazing on the subject parcel, then a modified public auction process shall be used. A minimum bid based on market value shall be established prior to the public auction. The last previous or the existing permittee shall be provided the option of meeting the highest bid made at public auction))~~ may renew the permit for up to another five years, renegotiate the grazing permit with the existing permittee, negotiate a new permit with a new grazing operator, or sell the permit at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the fish and wildlife to do so. The director may grant a term longer than five years only with the prior approval of the commission. ~~((The director may permit exceptions to the~~

~~public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payment foregone.))~~

(4) A temporary permit may be granted by the director to satisfy ~~((an immediate.))~~ short-term needs where benefits to wildlife management programs and the public interest can be demonstrated. The term of a temporary permit shall not exceed ~~((two weeks))~~ one year and no fee need be charged.

(5) Except for temporary permits lasting less than two weeks, each grazing permit proposal shall be accompanied by a domestic livestock grazing management plan that includes a description of ecological impacts, desired ecological condition, fish and wildlife benefits, a monitoring plan, and an evaluation schedule for lands that will be grazed by livestock. The ~~((director))~~ department shall inspect the site of a grazing permit no less than two times each year. The director shall retain the right to alter any provision(s) of the plan ~~((to reduce acreage available or the number of animals using the area when such change is, in the judgment of the director.))~~ as required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.

(6) The director may cancel a permit (a) for noncompliance with the terms and conditions of the permit, or (b) if the area described in the permit is included in a land use plan determined by the agency to be a higher and better use, or (c) if the property is sold or conveyed, or (d) if damage to wildlife or wildlife habitat occurs.

(7) All lands covered by any grazing permit agreement shall at all times be open to public hunting, fishing and other wildlife recreational uses unless such lands have been closed by action of the commission or emergency order of the director.

**WSR 07-11-018**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 06-14—Filed May 3, 2007, 3:51 p.m., effective June 3, 2007]

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

Purpose: • Propose a new chapter 173-455 WAC, Air quality fee rule, that will include air quality program fees (from existing chapters as well as some new fees). The new

fees will be for the following activities: Air pollution standards variance and portable/temporary source permits.

• Move fees from existing WAC 173-400-045, 173-400-104, 173-400-116, 173-407-040, 173-433-170, 173-491-030, 173-495-060, 173-495-065, and 173-495-070, to incorporate those fees into the new chapter without change.

Citation of Existing Rules Affected by this Order: Amending at a later date WAC 173-400-045, 173-400-104, 173-400-116, 173-407-040, 173-433-170, 173-491-030, 173-495-060, 173-495-065, and 173-495-070.

Statutory Authority for Adoption: RCW 70.94.181, [70.94.]152, [70.94.]331, [70.94.]650, [70.94.]745, [70.94.]892.

Adopted under notice filed as WSR 07-04-054 on January 31, 2007.

Changes Other than Editing from Proposed to Adopted Version: Ecology made four changes in the final rule that differ from the proposed rule:

1. References were corrected in the table in WAC 173-455-120 (3)(b) to reflect the current rule making.
2. Footnote references were corrected in WAC 173-455-050 (2)(c)(iii).
3. Footnotes were added to the table in WAC 173-455-050(2).
4. Fee amounts were corrected in WAC 173-455-070 and 173-455-110.

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 14, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 14, 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 2, 2007.

Jay J. Manning  
Director

## Chapter 173-455 WAC

### AIR QUALITY FEE REGULATION

#### NEW SECTION

**WAC 173-455-010 Overview.** It is the purpose of this chapter to consolidate most of the air quality related fees into one chapter. This will allow the regulated community easier access to applicable fees.

#### NEW SECTION

**WAC 173-455-020 Definitions.** The definitions of terms contained in chapter 173-400 WAC are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings:

(1) **"Fossil fuel"** means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material to produce heat for the generation of electricity.

(2) **"Solid fuel burning device"** (same as solid fuel heating device) means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes devices used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.

(3) **"Weather modification and control"** means changing or attempting to change or control by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

#### NEW SECTION

**WAC 173-455-030 Applicability.** The provisions of this chapter apply to air quality related activities regulated by the department of ecology. The provisions of this chapter do not apply in counties regulated by a local air agency.

#### NEW SECTION

**WAC 173-455-035 Fee requirement.** All programs and services in this chapter require a fee. Unless otherwise stated, no approval of a permit or service for any activity covered in this chapter will be valid until the required fee is paid in full.

#### NEW SECTION

**WAC 173-455-038 Fees not included.** This chapter contains all fees required by the air quality program except the following:

(1) Air operating permit program - fees can be found in chapter 173-401 WAC.

(2) Ag burning - fees can be found in chapter 173-430 WAC.

(3) Motor vehicle emission inspection - fees can be found in chapter 173-422 WAC.

#### NEW SECTION

**WAC 173-455-040 Air contaminant source registration fees.** (1) Registration fee determination. In counties without an active local air pollution control authority, ecology shall establish registration fees based on workload using the process outlined below. The fees collected shall be sufficient to cover the direct and indirect costs of administering the registration program within ecology's jurisdiction.

(2) Budget preparation. Ecology shall conduct a workload analysis projecting resource requirements for adminis-

tering the registration program. Workload estimates shall be prepared on a biennial basis and shall estimate the resources required to perform registration program activities listed in WAC 173-400-099(2). Ecology shall prepare a budget for administering the registration program using workload estimates identified in the workload analysis for the biennium.

(3) Registration fee schedule. Ecology's registration program budget shall be distributed to sources located in its jurisdiction according to the following:

(a) Sources requiring periodic registration and inspections shall pay an annual registration fee of four hundred dollars.

(b) Sources requiring annual registration and inspections shall pay a registration fee comprised of the following three components:

(i) Flat component. This portion of a source's fee shall be calculated by the equal division of thirty-five percent of the budget amount allocated to annual registration sources by the total number of sources requiring annual registration.

(ii) Complexity component. Each source is assigned a complexity rating of 1, 3, or 5 which is based on the estimated amount of time needed to review and inspect the source. This portion of the fee is calculated by dividing forty percent of the budget amount allocated to annually registered sources by the total complexity of sources located in ecology's jurisdiction. The quotient is then multiplied by an individual source's complexity rating to determine that source's complexity portion of the fee.

(iii) Emissions component. This portion of a source's fee is calculated by dividing twenty-five percent of the budget amount allocated to annually registered sources by the total billable emissions from those sources. The quotient is then multiplied by an individual source's billable emissions to determine that source's emissions portion of the fee. Billable emissions include all air pollutants except carbon monoxide and total suspended particulate.

(4) Regulatory orders. Owners or operators registering a source as a synthetic minor must obtain a regulatory order which limits the source's emissions. The owner will be required to pay a fee based on the amount of time required to research and write the order multiplied by an hourly rate of sixty dollars.

(5) Fee reductions for pollution prevention initiatives. Ecology may reduce registration fees for an individual source if that source demonstrates the use of approved pollution prevention measures or best management practices beyond those required of the source.

(6) Fee reductions for economic hardships. If a small business owner believes the registration fee results in an extreme economic hardship, the small business owner may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the registration fee through to customers; average annual profits; and cumulative effects of multiple site ownership. In

no case will a registration fee be reduced below two hundred dollars.

(7) Fee payments. Fees specified in this section shall be paid within thirty days of receipt of ecology's billing statement. All fees collected under this regulation shall be made payable to the Washington department of ecology. A late fee surcharge of fifty dollars or ten percent of the fee, whichever is more, may be assessed for any fee not received after the thirty-day period.

(8) Dedicated account. All registration fees collected by ecology shall be deposited in the air pollution control account.

(9) Tracking revenues, time, and expenditures. Ecology shall track revenues collected under this subsection on a source-specific basis. Ecology shall track time and expenditures on the basis of ecology budget functions.

(10) Additional registration fee for fossil-fueled electric generating facilities. A fossil-fueled electric generating facility subject to the provisions of chapter 80.70 RCW and RCW 70.94.892, is subject to additional fees pursuant to that chapter.

NEW SECTION

**WAC 173-455-050 Carbon dioxide mitigation program fees.** (1) **Statutory authorization.** RCW 70.94.892 authorizes the department to determine, assess, and collect fees sufficient to cover costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval. The order of approval will specify costs to monitor conformance related to the carbon dioxide mitigation plan.

(2) **Fees.** The fees for the carbon dioxide mitigation program are described in this section and listed in the table below. The fees listed are added to the fees established in WAC 173-455-120, when the carbon dioxide mitigation plan requirements are triggered.

| Activity                                | Fee   |
|---|---|
| <b>a. Application review</b>            | \$65.00/hr. <sup>1</sup> not to exceed \$500.00       |
| <b>b. Mitigation plan approval</b>      |   |
| i. Payment to third party               | \$100.00 <sup>2</sup>                                 |
| ii. Purchase of CO <sub>2</sub> credits | \$65.00/hr. <sup>3</sup>                              |
| iii. Direct investment                  | \$65.00/hr. <sup>4</sup>                              |
| <b>c. Routine compliance monitoring</b> |   |
| i. Payment to third party               | \$100.00 <sup>5</sup> annually until full amount paid |
| ii. Purchase of CO <sub>2</sub> credits | \$65.00/hr. <sup>6</sup>                              |
| iii. Applicant controlled project       | \$65.00/hr. <sup>6</sup>                              |

<sup>1</sup>Estimated using an EE3 per hour rate with a cap.

<sup>2</sup>Small fee primarily to check math and that the source is using an EFSEC approved qualified organization.

<sup>3</sup>Estimated EE3 per hour rate to check that the credits purchased will be verifiable and from a reputable trading or marketing organization.

<sup>4</sup>Estimated using an EE3 per hour rate.

<sup>5</sup>Same as rationale for <sup>2</sup> above.

<sup>6</sup>Verify and confirm credits with the trading or marketing organization.

(3) The department or authority may use RCW 70.94.085 to structure a cost-reimbursement agreement with the applicant.

#### NEW SECTION

**WAC 173-455-060 Solid fuel retail sales fee.** (1) A person selling a solid fuel burning device at retail shall collect a fee from the buyer, pursuant to RCW 70.94.483.

(2) The fee shall be:

(a) Set at a minimum of thirty dollars on January 1, 1992. Thereafter, ecology may annually adjust the fee to account for inflation as determined by the office of the state economic and revenue forecast council. Adjustments in the fee should be rounded down to the nearest dollar.

(b) Applicable to all new and used solid fuel burning devices.

(c) Procedures for masonry fireplaces. Generally, contractors will collect, pay, and report the fee to the department of revenue on the combined excise tax return for the tax reporting period during which the retail sales tax is billed to the customer for the construction of the masonry fireplace. (See WAC 458-20-170 for a detailed explanation.) Collection and payment of the fee by contractors shall be in accordance with the following:

(i) A masonry contractor or other subcontractor who builds a masonry fireplace. The retail sale occurs at the time the general or prime contractor or customer is billed for the work. The masonry contractor or other subcontractor must collect the fee and pay it to the department of revenue, unless the masonry contractor or other subcontractor has received a resale certificate from the general or prime contractor. The fee shall be reported on the combined excise tax return.

(ii) A general or prime contractor building a custom building. The retail sale occurs at the time the customer is billed for the construction. The fee is charged and reported with the first progress payment after the masonry fireplace has been substantially completed. If a general or prime contractor subcontracts the work on a custom building to a masonry or other contractor, the general or prime contractor may give the masonry or other subcontractor a resale certificate. The general or prime contractor is responsible to collect the fee and pay it to the department of revenue. The fee is reported on the combined excise tax return.

(iii) A general or prime contractor building a speculation building. The fee is required to be paid at the time the fireplace is complete. The fee must be reported to the department of revenue on a combined excise tax return and paid to the department of revenue. If the prime or general contractor subcontracts the building of the masonry fireplace to a masonry contractor or other subcontractor, the general or prime contractor may not give a resale certificate to the masonry or other subcontractor. The masonry or other subcontractor must collect and pay the fee to the department of revenue as provided in (c)(i) of this subsection.

(d) Procedures for all other solid fuel burning devices. Collected by the retailer at the time of sale and remitted to the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW.

(3) If the retailer or contractor fails to collect and remit the fee to the department of revenue as prescribed in chapter 82.08 RCW, the retailer or contractor shall be personally liable to the state for the amount of the fee, with subsequent actions taken in accordance with the collection provisions of chapter 82.32 RCW.

(4) Beginning July 1, 1990, and each calendar quarter thereafter, the funds collected under RCW 70.94.483 shall be used solely for the purposes of public education and enforcement of the solid fuel burning device program. The department shall distribute the funds from the woodstove education and enforcement account as follows:

(a) Sixty-six percent of the funds shall be distributed to those local air authorities with enforcement programs, based upon the fraction of the total state population residing in the counties within their respective jurisdictions. Population figures used to establish this fraction shall be determined by the office of financial management. Where an activated local air authority does not exist or does not implement an enforcement program, or elects not to receive the funds, ecology shall retain the funds that would otherwise be distributed under this subsection; and

(b) Thirty-four percent of the funds shall be distributed to ecology for the purposes of enforcement and educating the public about:

(i) The effects of solid fuel burning device emissions upon health and air quality; and

(ii) Methods of achieving better efficiency and emission performance from solid fuel burning devices.

#### NEW SECTION

**WAC 173-455-070 Weather modification fees.** (1) Procedures for issuing license. In accordance with WAC 173-495-060, an applicant shall pay a fee of one hundred dollars to the state of Washington to obtain a license.

(2) Period of license. In accordance with WAC 173-495-060, an applicant shall pay a fee of one hundred dollars made payable to the state of Washington for a license renewal.

(3) Permit requirements. In accordance with WAC 173-495-070, the applicant shall pay a permit fee of one and one-half percent of the estimated cost of the operation. The estimated cost will be computed by ecology from available data.

#### NEW SECTION

**WAC 173-455-100 Control technology fees.** (1) General. Ecology may assess and collect a fee as authorized in RCW 70.94.154 and described in subsections (2) through (5) of this section.

(2) Fee schedule for source-specific determinations where RACT analysis and determination are performed by ecology.

(a) Basic RACT analysis and determination fee:

(i) Low complexity (the analysis addresses one type of emission unit) - one thousand five hundred dollars;

(ii) Moderate complexity (the analysis addresses two to five types of emissions units) - seven thousand five hundred dollars;

(iii) High complexity (the analysis addresses more than five types of emission units) - fifteen thousand dollars.

(b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, a fee will be required for a RACT analysis and determination for an emission unit or multiple emission units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - two thousand dollars.

(c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, the following fees will be required as applicable:

(i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - one thousand dollars; or

(ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - two thousand dollars.

(3) Fee schedule for source-specific determinations where RACT analysis is performed by the source and review and determination conducted by ecology.

(a) Basic RACT review and determination fees:

(i) Low complexity (the analysis addresses one type of emission unit) - one thousand dollars;

(ii) Moderate complexity (the analysis addresses two to five types of emissions units) - five thousand dollars;

(iii) High complexity (the analysis addresses more than five types of emission units) - ten thousand dollars.

(b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, a fee will be required for a RACT analysis and determination for an emission unit or multiple emissions units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - one thousand dollars.

(c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, the following fees will be required as applicable:

(i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - five hundred dollars; or

(ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - one thousand dollars.

(4) Fee schedule for reviews authorized under RCW 70.94.153 for the replacement or substantial alteration of control technology.

(a) Notice of construction application. Review and approval of notice of construction application (NOCA) for replacement or substantial alteration of control technology - three hundred fifty dollars.

(b) RACT analysis and determination. Review and approval of a RACT analysis and determination for affected emission unit - five hundred dollars.

(5) Fee schedule for categorical RACT determinations. Fees for categorical RACT determinations (for categories with more than three sources) shall be assessed as shown below. The fees described in (a) of this subsection shall be based on the most complex source within a category. Except as provided in (b) and (d) of this subsection, fees for individual sources in the category will be determined by dividing the total source category fee by the number of sources within the category.

(a) RACT analysis and determination (RACT analysis performed by ecology with assistance from sources):

(i) Low complexity source category (average source emissions of individual criteria pollutants are all less than twenty tons per year, average source emissions of individual toxic air pollutants are all less than two tons per year, or the analysis addresses one type of emission unit) - twenty-five thousand dollars;

(ii) Moderate complexity source category (average source emissions of one or more individual criteria pollutants are greater than twenty tons per year and less than one hundred tons per year, average source emissions of one or more individual toxic air pollutants are greater than two tons per year and less than ten tons per year, or the analysis addresses two to five types of emissions units) - fifty thousand dollars; or

(iii) High complexity source category (average source emissions of one or more individual criteria pollutants exceed one hundred tons per year, average source emissions of one or more individual toxic air pollutants exceed ten tons per year, or the analysis addresses more than five types of emission units) - one hundred thousand dollars.

(b) If an emission unit is being evaluated for more than one categorical RACT determination within a five-year period, ecology will charge the owner or operator of that emission unit one fee and the fee will reflect the higher complexity categorical RACT determination.

(c) Ecology may adjust the fee to reflect workload savings from source involvement in source category RACT determination.

(d) Ecology may approve alternate methods for allocating the fee among sources within the source category.

(6) Small business fee reduction. The RACT analysis and determination fee identified in subsections (2) through (5) of this section may be reduced for a small business.

(a) To qualify for the small business RACT fee reduction, a business must meet the requirements of "small business" as defined in RCW 43.31.025.

(b) To receive a fee reduction, the owner or operator of a small business must include information in an application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

(i) By an authorized corporate officer in the case of a corporation;

(ii) By an authorized partner in the case of a limited or general partnership; or

(iii) By the proprietor in the case of a sole proprietorship.

(c) Ecology may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, the RACT analysis and determination fee shall be reduced to the greater of:

(i) Fifty percent of the RACT analysis and determination fee; or

(ii) Two hundred fifty dollars.

(e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the RACT analysis and determination fees through to customers; and average annual profits. In no case will a RACT analysis and determination fee be reduced below one hundred dollars.

(7) Fee reductions for pollution prevention initiatives. Ecology may reduce RACT analysis and determination fees for an individual source if that source is using approved pollution prevention measures.

(8) Fee payments. Fees specified in subsection (4)(a) of this section shall be paid at the time a notice of construction applications is submitted to the department. Other fees specified in subsections (2) through (7) of this section shall be paid no later than thirty days after receipt of an ecology billing statement. For fees specified in subsection (5) of this section, a billing for one-half of the payment from each source will be mailed when the source category rule-making effort is commenced as noted by publication of the CR-101 form in the *Washington State Register*. A billing for the second half of the payment will be mailed when the proposed rule is published in the *Washington State Register*. No order of approval or other action approving or identifying a source to be at RACT will be issued by the department until all fees have been paid by the source. All fees collected under this regulation shall be made payable to the Washington department of ecology.

(9) Dedicated account. All control technology fees collected by the department from permit program sources shall be deposited in the air operating permit account created under RCW 70.94.015. All control technology fees collected by the department from nonpermit program sources shall be deposited in the air pollution control account.

(10) Tracking revenues, time, and expenditures. Ecology shall track revenues on a source-specific basis. For purposes of source-specific determinations under subsections (2) through (4) of this section, ecology shall track time and expenditures on the basis of source complexity categories. For purposes of categorical determinations under subsection (5) of this section, ecology shall track time and expenditures on a source-category basis.

(11) Periodic review. Ecology shall review and, as appropriate, update this section at least once every two years.

NEW SECTION

**WAC 173-455-110 Registration fees for sources emitting gas vapors.** Registration fees shall accompany the registration form outlined in WAC 173-491-030 and are as follows: Gasoline loading terminals: Five hundred dollars; bulk gasoline plants: Two hundred dollars; gasoline dispensing facilities: One hundred dollars, or a greater amount duly adopted by a local air pollution authority. The amount of the fees collected shall only be used to administer the registration program for facilities subject to this chapter.

NEW SECTION

**WAC 173-455-120 New source review fees.** (1) Applicability. Every person required to submit a notice of construction application to the department of ecology as authorized in RCW 70.94.152 for establishment of any proposed new source or emissions unit(s) shall pay fees as set forth in subsections (2) and (3) of this section. Persons required to submit a notice of construction application to a local air authority may be required to pay a fee as required by the local permitting authority. Persons required to submit a notice of construction application to a local air authority may be required to pay a fee to ecology to cover the costs of review pursuant to WAC 173-400-720, second tier analysis pursuant to WAC 173-460-090, and risk management decisions pursuant to WAC 173-460-100 as set forth in subsection (3) of this section. Fees assessed under this section shall apply without regard to whether an order of approval is issued or denied.

(2) Basic review fees. All owners or operators of proposed new sources are required to pay a basic review fee. The basic review fee covers the costs associated with preapplication assistance, completeness determination, BACT determination, technical review, public involvement and approval/denial orders. Complexity determination shall be based on the project described in the notice of construction application. The basic review fees are either (a) or (b) of this subsection:

(a) Basic new source review fees.

| Source type           | Clarifying criteria   | Fee    |
|-----------------------|---|--------|
| Basic Review Fees     |   |        |
| Low complexity source | Emissions increase of individual pollutants are all less than one-half of the levels established in the definition of "emission threshold" in WAC 173-400-030, or emissions increase of individual toxic air pollutants are all less than 2.0 tons/year | \$1250 |

| Source type         | Clarifying criteria   | Fee      |
|---------------------|---|----------|
| Moderate complexity | Emissions increase of one or more individual pollutants are greater than one-half of, and less than, the levels established in the definition of "emission threshold" in WAC 173-400-030, or emissions increase of one or more toxic air pollutants are greater than 2.0 tons/year and less than 10.0 tons/year | \$8000   |
| High complexity     | Emissions increase of one or more pollutants are greater than the levels established in the definition of "emission threshold" in WAC 173-400-030, or emissions increase of one or more toxic air pollutants are greater than 10.0 tons/year  | \$18,000 |

(b) New source review fees for specific source categories.

| Source type  | Clarifying criteria      | Fee   |
|--|--------------------------|-------|
| Dry cleaners   |                          | \$250 |
| Gasoline stations  |                          | \$250 |
| Storage tanks  |                          |       |
|  | < 20,000 gallons         | \$250 |
|  | 20,000 - 100,000 gallons | \$650 |
|  | > 100,000 gallons        | \$900 |
| Chromic acid plating and anodizing identified in WAC 173-460-060   |                          | \$250 |
| Solvent metal cleaners identified in WAC 173-460-060   |                          | \$250 |
| Abrasive blasting identified in WAC 173-460-060  |                          | \$250 |
| New emission units or activities that qualify as insignificant emission units under WAC 173-401-530 whether located at a chapter 173-401 WAC |                          | \$250 |

| Source type  | Clarifying criteria   | Fee    |
|--|---|--------|
| source or nonchapter 173-401 WAC source  |   |        |
| Application for coverage under a general order of approval                     | WAC 173-400-560 and criteria included in a specific general order of approval | \$500  |
| Nonroad engines  |   |        |
| Less than a total of 500 installed horsepower                                  |   | \$500  |
| More than 500 horsepower and less than a total of 2000 installed horsepower    |   | \$900  |
| More than 2000 horsepower and less than a total of 5000 installed horsepower   |   | \$2000 |
| More than 5000 horsepower and less than a total of 10,000 installed horsepower |   | \$4000 |
| More than a total of 10,000 installed horsepower                               |   | \$7500 |

(c) Additional units. An owner or operator proposing to build more than one identical emission unit shall be charged a fee for the additional units equal to one-third the basic review fee of the first unit.

(3) Additional charges. In addition to those fees required under subsection (2)(a) through (c) of this section, the following fees will be required as applicable:

(a) Major NSR actions under WAC 173-400-720 and 173-400-112.

| Activity   | Clarifying criteria  | Fee      |
|--|----------------------|----------|
| Prevention of significant deterioration review or increase in a PAL limitation | WAC 173-400-720      | \$15,000 |
| Establishing LAER and offset requirements                                      | WAC 173-400-112      | \$10,000 |
| Establishing or renewal of clean unit status                                   | Per 40 CFR 52.21(y)  | \$1500   |
| Pollution control project approval   | Per 40 CFR 52.21(z)  | \$1500   |
| Establishment of a PAL   | Per 40 CFR 52.21(aa) | \$4000   |
| Renewal of a PAL   | Per 40 CFR 52.21(aa) | \$4000   |
| Expiration of a PAL  | Per 40 CFR 52.21(aa) | \$12,000 |

| Activity                  | Clarifying criteria | Fee      |
|---------------------------|---------------------|----------|
| PSD permit revisions      |                     |          |
| All except administrative | WAC 173-400-750     | \$10,000 |
| Administrative revisions  | WAC 173-400-750     | \$1500   |

(b) Other actions.

| Activity   | Clarifying criteria                               | Fee  |
|--|---|--|
| Tier II toxic air pollutant impact review  |   | \$10,000   |
| Tier III toxic air pollutant impact review   |   | \$10,000   |
| Case-by-case MACT determinations   |   | \$12,500   |
| Fossil-fueled electric generating unit   | Applicability criteria found in chapter 80.70 RCW | Fees listed in rule implementing RCW 70.94.892 and chapter 80.70 RCW |
| Changes to existing orders of approval, Tier I review, Tier II review, or other action identified above. |   |  |
| Activity   |   | Fee  |
| Modification to order of approval  |   | 50% of the fee charged in WAC 173-455-120 (2)(a)                     |
| Modification of Tier II approval   |   | 50% of the fee charged in WAC 173-455-120 (2)(b)                     |

(4) Small business fee reduction. The new source review fee identified in subsections (2) and (3) of this section may be reduced for a small business.

(a) To qualify for the small business new source review fee reduction, a business must meet the requirements of "small business" as defined in RCW 19.85.020. In RCW 19.85.020, "small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(b) To receive a fee reduction, the owner or operator of a small business must include information in the application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

(i) By an authorized corporate officer in the case of a corporation;

(ii) By an authorized partner in the case of a limited or general partnership; or

(iii) By the proprietor in the case of a sole proprietorship.

(c) Ecology may verify the application information and, if the owner or operator has made false statements, deny the

fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, the new source review fee shall be reduced to the greater of:

(i) Fifty percent of the new source review fee; or

(ii) Two hundred fifty dollars.

(e) If, due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the new source review fees through to customers; and average annual profits. In no case will a new source review fee be reduced below one hundred dollars.

(5) Fee reductions for pollution prevention initiatives. Ecology may reduce the fees defined in subsections (2) and (3) of this section where the owner or operator of the proposed source demonstrates that approved pollution prevention measures will be used.

(6) Fee payments. Fees specified in subsections (2) through (5) of this section shall be paid at the time a notice of construction application is submitted to the department. A notice of construction application is considered incomplete until ecology has received the appropriate new source review payment. Additional charges assessed pursuant to subsection (3) of this section shall be due thirty days after receipt of an ecology billing statement. All fees collected under this regulation shall be made payable to the Washington department of ecology.

(7) Dedicated account. All new source review fees collected by the department shall be deposited in the air pollution control account.

(8) Tracking revenues, time, and expenditures. Ecology shall track revenues collected under this subsection on a source-specific basis. Ecology shall track time and expenditures on the basis of complexity categories.

(9) Periodic review. Ecology shall review and, as appropriate, update this section at least once every two years.

NEW SECTION

**WAC 173-455-130 Air pollution standards variance fee.** The department shall charge a fee of sixty-five dollars per hour to process a variance request in accordance with WAC 173-400-180.

NEW SECTION

**WAC 173-455-140 Portable and temporary source permit fee.** The department shall charge a fee of sixty-five dollars per hour to process and write a portable or temporary source permit issued under WAC 173-400-035.

**WSR 07-11-030**  
**PERMANENT RULES**  
**WASHINGTON STATE UNIVERSITY**

[Filed May 8, 2007, 8:38 a.m., effective June 8, 2007]

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

Purpose: Update current academic integrity procedures regarding the roles and expectations for students, faculty, staff, and administration and address violations of academic integrity.

Citation of Existing Rules Affected by this Order: Amending chapter 504-26 WAC.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 07-07-088 on March 16, 2007.

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 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 8, 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 4, 2007.

Ralph T. Jenks  
 Director, Procedures,  
 Records, and Forms  
 and University Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-010 Definitions.** (1) The term "accused student" means any student accused of violating the standards of conduct for students (this chapter).

(2) The term "appellate board" means any person or persons authorized by the vice-president for student affairs to consider an appeal from a student conduct board's determination as to whether a student has violated the standards of conduct for students or from the sanctions imposed by the student conduct officer.

(3) The term "cheating" includes, but is not limited to:

(a) Use of ~~((any))~~ unauthorized ~~((assistance))~~ materials in taking quizzes, tests, or examinations, or giving or receiving unauthorized assistance by any means, including talking, copying information from another student, using electronic devices, or taking an examination for another student.

(b) Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.

(c) Acquisition ~~((without permission,))~~ or possession of tests or other academic material belonging to a member of the

university faculty or staff when acquired without the permission of the university faculty or staff member.

(d) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes, but is not limited to:

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;

(ii) Counterfeiting a record of internship or practicum experiences;

(iii) Submitting a false excuse for absence or tardiness or a false explanation for failing to complete a class requirement or scheduled examination at the appointed date and time.

(e) Engaging in any behavior for the purpose of gaining an unfair advantage specifically prohibited by a faculty member in the course syllabus or class discussion.

(f) ~~((Research))~~ Scientific misconduct. Falsification, fabrication, plagiarism, or other forms of dishonesty in scientific and scholarly research are prohibited. Complaints and inquiries involving cases of ~~((research))~~ scientific misconduct are managed according to the university's policy for responding to allegations of scientific misconduct. A finding of ~~((research))~~ scientific misconduct is subject to sanctions by the office of student conduct. The policy for responding to allegations of scientific misconduct may be reviewed by contacting the vice-provost for research.

(g) Unauthorized collaboration on assignments.

(h) Intentionally obtaining unauthorized knowledge of examination materials.

(i) Plagiarism. Presenting the information, ideas, or phrasing of another person as the student's own work without proper acknowledgment of the source. This includes submitting a commercially prepared paper or research project or submitting for academic credit any work done by someone else. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(j) Unauthorized multiple submission of the same work.

(k) Sabotage of others' work.

(l) Tampering with or falsifying records.

(4) The term "complainant" means any person who submits a charge alleging that a student violated the standards of conduct for students.

(5) The term "faculty member" for purposes of this chapter, means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

(6) The term "gender identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to the person at birth.

(7) The term "may" is used in the permissive sense.

(8) The term "member of the university community" includes any person who is a student, faculty member, university official, or any other person employed by the univer-

sity. A person's status in a particular situation is determined by the vice-president for student affairs.

(9) The term "organization" means any number of persons who have complied with the formal requirements for university recognition.

~~(10) ((The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.~~

~~((11))~~ The term "policy" means the written regulations of the university as found in, but not limited to, the standards of conduct for students, residence life handbook, the university web page and computer use policy, and graduate/undergraduate catalogs.

~~((12))~~ (11) The term "shall" is used in the imperative sense.

~~((13))~~ (12) The term "student" includes all persons taking courses at the university, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the standards of conduct for students, who are not officially enrolled for a particular term but who have a continuing relationship with the university (including suspended students) or who have been notified of their acceptance for admission are considered "students" as are persons who are living in university residence halls, although not enrolled in this institution.

~~((14))~~ (13) The term "student conduct officer" means a university official authorized by the vice-president for student affairs to manage conduct complaints including the imposition of sanctions upon any student(s) found to have violated the standards of conduct for students.

~~((15))~~ (14) The term "university" means all locations of Washington State University.

~~((16))~~ (15) The term "university conduct board" means those persons who, collectively, have been authorized by the vice-president for student affairs to determine whether a student has violated the standards of conduct for students and to impose sanctions when a rules violation has been committed.

(16) The term "academic integrity hearing board" means those teaching faculty who, collectively, have been authorized by the university or college to review an instructor's determination that a student violated university academic integrity policies and whether or not the outcome proposed by the instructor is in keeping with the instructor's published policies.

(17) The term "university official" includes any person employed by the university, performing assigned administrative or professional responsibilities.

(18) The term "university premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

(19) The vice-president for student affairs is that person designated by the university president to be responsible for the administration of the standards of conduct for students.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-201 Misconduct—Rules and regulations.** Any individual or organization found to have committed, assisted, conspired, or ~~((to have))~~ attempted to commit the following misconduct (WAC 504-26-202 through 504-26-226) is subject to the disciplinary sanctions outlined in WAC 504-26-405.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-202 Acts of dishonesty.** Acts of dishonesty, include but are not limited to the following:

(1) ~~((Cheating, plagiarism, or other forms of academic dishonesty such as:~~

~~(a) Unauthorized collaborations on assignments;~~

~~(b) Facilitation of dishonesty, including not challenging academic dishonesty;~~

~~(c) Obtaining unauthorized knowledge of exam materials;~~

~~(d) Unauthorized multiple submission of the same work; and~~

~~(e) Sabotage of others' work.)) Academic integrity violations including, but not limited to, cheating as defined in WAC 504-26-010.~~

(2) Knowingly furnishing false information to any university official, faculty member, or office.

(3) Forgery, alteration, or misuse of any university document ~~((;))~~ or record, or instrument of identification whether issued by the university or other state or federal agency.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-203 Disruption or obstruction.** Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of others or disrupt the university's activities. Prohibited behavior includes: Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities, including its public service functions on or off campus, or of other authorized nonuniversity activities when the conduct occurs on university premises or is directed toward community members by any means including use of telephone, computer, or some other medium.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-210 Violation of law.** Conduct which would constitute violation of any federal, state, or local law.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-404 Procedure for academic integrity violations.** (1) Initial hearing.

(a) When a responsible instructor finds that a violation of academic integrity has occurred, the instructor shall assem-

ble((s)) the evidence and ((assigns a grade, or takes other appropriate action, considering the academic nature of the violation)), upon reasonable notice to the student of the date, time, and nature of the allegations, meet with the student suspected of violating academic integrity policies. If the student admits violating academic integrity policies, the instructor assigns an outcome in keeping with published course policies and notifies the office of student conduct in writing of the allegations, the student's admission, and the sanctions imposed.

~~((2) The instructor shall notify the office of student conduct of the violation.))~~ (b) If the instructor is unable to meet with the student or if the accused student disputes the allegation(s) and/or the outcome proposed by the instructor, the instructor shall make a determination as to whether the student did or did not violate the academic integrity policy. If the instructor finds that the student was in violation, the instructor shall provide the student and the office of student conduct with a written determination, the evidence relied upon, and the sanctions imposed. The student has twenty-one days to request review of the instructor's determination and/or sanction(s) to the academic integrity hearing board.

(2) Review.

(a) Upon timely request for review by a student who has been found by his or her instructor to have violated the academic integrity policy, the academic integrity hearing board shall make a separate and independent determination of whether or not the student is responsible for violating the academic integrity policy and/or whether or not the outcome proposed by the instructor is in keeping with the instructor's published course policies.

(b) The academic integrity hearing board is empowered to provide an appropriate remedy for a student including arranging a withdrawal from the course, having the student's work evaluated, or changing a grade where it finds that:

(i) The student is not responsible for violating academic integrity policies; or

(ii) The outcome imposed by the instructor violates the instructor's published policies.

(c) Students who appear before the academic integrity board shall have the same rights to notice and to conduct a defense as enumerated in WAC 504-26-403 except:

(i) Notice of hearing and written orders shall be sent to the address provided by the student in the student's request for review; and

(ii) The written decision of the academic integrity hearing board is the university's final order. There is no appeal from findings of responsibility or outcomes assigned by university or college academic integrity hearing boards.

(3) If the reported violation is ((a)) the student's first offense ((for the student)), the office of student conduct ((sends a warning letter to the student informing him or her that a conduct file has been created. The office of student conduct takes no additional action unless the violation is serious enough to warrant further action or the student denies the allegation(s) and requests a hearing)) ordinarily requires the student to attend a workshop separate from, and in addition to, any academic outcomes imposed by the instructor. A hold is placed on the student's record preventing registration or graduation until completion of the workshop.

(4) ~~((If the student has a prior academic integrity violation, the case is handled according to the normal conduct procedures. Hearing officers for academic integrity matters are teaching faculty trained as university conduct board members. Serious or multiple violations which may result in suspension or expulsion are referred to a university conduct board.))~~ If the reported violation is the student's second offense, the student is ordinarily required to appear before a university conduct board with a recommendation that the student be dismissed from the university.

(5) ~~((A student wishing to appeal a grade assigned by the instructor must follow academic regulation 104 in the university catalog. To view the catalog, go to the registrar's office web site at: <http://www.registrar.wsu.edu>))~~ If the instructor or academic integrity hearing board determines that the act of academic dishonesty for which the student is found responsible is particularly egregious in light of all attendant circumstances, the instructor or academic integrity hearing board may direct that the student's case be heard by the university conduct board with a recommendation for dismissal from the university even if it is the student's first offense.

(6) Because instructors and departments have a legitimate educational interest in the outcomes, reports of academic integrity hearing board and/or conduct board hearings shall be reported to the responsible instructor and the chair or dean.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-405 Sanctions.** (1) The following sanctions may be imposed upon any student found to have violated the standards of conduct for students:

(a) Warning. A notice in writing to the student that the student is violating or has violated institutional regulations.

(b) Probation. Formal action placing conditions upon the student's continued attendance at the university. Probation is for a designated period of time and warns the student that suspension or expulsion may be imposed if the student is found to violate any institutional regulation(s) or fails to complete his or her conditions of probation during the probationary period. A student on probation is not eligible to run for or hold an office in any student group or organization; she or he is not eligible for certain jobs on campus, including but not limited to resident advisor or orientation counselor, and she or he is not eligible to serve on the university conduct board.

(c) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Education. The university may require the student to complete an educational project designed to create an awareness of the student's misconduct.

(f) Community service. Imposition of service hours (not to exceed eighty hours per student or per member of an organization).

(g) Residence hall suspension. Separation of the student from the residence halls for a definite period of time, after

which the student is eligible to return. Conditions for readmission may be specified.

(h) Residence hall expulsion. Permanent separation of the student from the residence halls.

(i) University suspension. Separation of the student from the university for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. More than two violations of the standards of conduct for students involving alcohol or drugs may result in a suspension of one or more semesters.

(j) University expulsion. Permanent separation of the student from the university.

(k) Revocation of admission and/or degree. Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(l) Withholding degree. The university may withhold awarding a degree otherwise earned until the completion of the process set forth in this student conduct code, including the completion of all sanctions imposed, if any.

(m) Trespass. A student may be restricted from university property based on his or her misconduct.

(n) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. A fraternity or sorority may be prohibited from housing freshmen. Loss of recognition is defined as withholding university services or administrative approval from a student organization. Services and approval to be withdrawn include, but are not limited to, intramural sports (although individual members may participate), information technology services, university facility use and rental, campus involvement office organizational activities, and office of Greek life advising.

(o) Hold on transcript and/or registration. This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of the conditions of the sanction, the hold is released.

(p) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.

(2) More than one of the sanctions listed above may be imposed for any single violation.

(3) Other than university expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's permanent academic record, but shall become part of the student's disciplinary record.

(4) In cases heard by university conduct boards, sanctions are determined by that board. The student conduct officer has the authority to assign sanctions in conduct officer hearings or cases in which the accused student takes responsibility for violations of the standards of conduct for students.

(5) Academic integrity violations.

(a) No credit need be given for work that is not a student's own. Thus, in academic integrity violations, the responsible instructor has the authority to assign a grade and/or educational sanction in accordance with the expectations set forth in the relevant course syllabus. The instructor's choices may include, but are not limited to, assigning a grade of "F" for the assignment and/or assigning an educational

sanction such as extra or replacement assignments, quizzes, or tests, or assigning a grade of "F" for the course.

(b) Instructors do not have authority to suspend or dismiss a student from the university.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-407 Review of decision.** (1) A decision reached by the university conduct board or a sanction imposed by the student conduct officer may be appealed by the accused student(s) to an appellate board within twenty-one days of the date of the decision letter.

(a) The university president or designee, of his or her own initiative, may direct that an appeals board be convened to review a conduct board decision without notice to the parties. However, the appeals board may not take any action less favorable to the accused student(s), unless notice and an opportunity to explain the matter is first given to the accused student(s).

(b) The accused and the office of student conduct may explain their views of the matter to the appeals board in writing.

(c) The appeals board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing under the Administrative Procedure Act (chapter 34.05 RCW).

(2) Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the university conduct board hearing and supporting documents for one or more of the following purposes:

(a) To determine whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original student conduct board hearing.

(3) The university appeals board shall review the record and any briefing filed by the parties and make one of the following determinations:

(a) Affirm, reverse or modify the conduct board's decision;

(b) Affirm, reverse, or modify the sanctions imposed by the conduct board.

(4) The appeal board's decision is entered within twenty calendar days from the date of the appeal letter. By the close of the next business day following entry of the order, the decision is provided to the accused student(s) by personal delivery or deposited into the United States mail addressed to the last known address of the accused student(s). It is the student's responsibility to maintain a correct and updated address with the registrar. The university appeal board's decision letter is the final order and shall advise the student or student organization that judicial review may be available.

(5) The appeals board decision is effective as soon as the order is signed. A petition to delay the date that the order becomes effective (a "petition for stay") may be directed to the chair of the appeals board within ten days of the date the order was delivered to the student or placed in the U.S. mail. The chair shall have authority to decide whether to grant or deny the request.

(6) There is no further review beyond that of the findings of responsibility or outcomes assigned by university or college academic integrity hearing boards.

#### WSR 07-11-037

#### PERMANENT RULES

#### WASHINGTON STATE LOTTERY

[Filed May 8, 2007, 1:42 p.m., effective June 8, 2007]

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

Purpose: To revise chapter 315-30 WAC which will rename the existing chapter to draw game rules and eliminates the terminology of "on-line game rules." The changes also create a more clear category of what constitutes draw games and draw game rules.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Other Authority: RCW 67.70.040.

Adopted under notice filed as WSR 07-08-002 on March 21, 2007.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 9, 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 8, 2007.

Jana L. Jones  
Director of Legal Services

#### Chapter 315-30 WAC

#### ~~((ON-LINE))~~ DRAW GAMES—GENERAL RULES

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

**WAC 315-30-010** ~~((On-line))~~ Draw games—Authorized—Director's authority. The commission hereby authorizes the director to select and operate ~~((on-line))~~ draw games which meet the criteria set forth in this chapter.

(1) The director may contract for the development and operation of draw games, as determined necessary by the director.

(2) The director shall establish and approve the final draw game specifications, as executed in working papers or software requirement specifications, including the determination of winning tickets, prior to presentation of any new draw game proposal to the commission for a vote of the commission.

(3) New draw games shall not be made available for sale without approval of the commission.

(4) All draw game procedures and play criteria shall be made available to the public on the agency internet web site and on request.

AMENDATORY SECTION (Amending WSR 92-11-033, filed 5/15/92, effective 6/15/92)

**WAC 315-30-020 Definitions.** (1) ~~((On-line))~~ Draw game. A lottery game in which a player pays a fee to a lottery retailer and selects a combination of digits, numbers, or symbols; type and amount of play; and drawing date and receives a computer generated ticket with those selections printed on it; or pays for a ticket with predetermined numbers, symbols or characters selected by the lottery terminal; or pays for a raffle ticket. The lottery will conduct a drawing to determine the winning ticket or the winning combination(s) in accordance with the ~~((rules of the specific game being played))~~ specific draw game procedures and play criteria. Each ticket bearer whose valid ticket includes a winning combination, or is the winning ticket, shall be entitled to a prize if claim is submitted within the specified time period.

(2) ~~((On-line))~~ Draw game retailer. A lottery retailer authorized by the lottery to sell ~~((on-line))~~ draw game tickets. All ~~((on-line))~~ draw game retailers may also ~~((shall))~~ sell ~~((instant))~~ other lottery game tickets offered by the lottery and approved by the commission.

(3) ~~((On-line))~~ Draw game ticket. A computer-generated ticket issued by ~~((an on-line))~~ a lottery retailer to a player as a receipt for the combination(s) a player has selected, or as a receipt of the predetermined numbers, symbols or characters selected by the lottery terminal, or a raffle ticket. That ticket shall be the only acceptable evidence of the combination(s) of digits, numbers, or symbols selected. ~~((On-line))~~ Draw game tickets may be purchased only from ~~((on-line))~~ a lottery retailer(s) authorized to sell draw game tickets.

(4) ~~((Ticket distribution machine (TDM-)))~~ Lottery terminal. The computer hardware through which ~~((an on-line retailer enters the combination selected by a player and by~~

~~which on-line~~) tickets are generated and ~~((claims are))~~ validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred; or the random selection of a winning ticket occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether ~~((an on-line))~~ a ticket presented for payment is a winning ticket.

(9) Validation number. ~~((The twelve digit number printed on the front of each on-line ticket))~~ A unique number printed on each ticket, which is used ((for validation)) to determine whether the ticket is a winning ticket.

(10) Ticket bearer. The person who has signed the ~~((on-line))~~ ticket or who has possession of an unsigned ticket.

(11) ~~((Metropolitan area Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.))~~ Raffle. A draw game variation in which the player receives a computer generated ticket with the numbers, symbols, or characters predetermined on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the specific raffle game procedures and criteria. All raffle draw game tickets issued during a specific raffle draw game shall be entered into the drawing for that game. Each ticket bearer whose valid raffle draw game ticket includes a winning combination shall be entitled to a prize if the claim is submitted within the specified time period.

AMENDATORY SECTION (Amending WSR 94-03-020, filed 1/7/94, effective, see WAC 315-04-180)

**WAC 315-30-030 ~~((On-line))~~ Draw games criteria.**

(1) The base price of ~~((an on-line))~~ a play shall not be less than \$.50 and not more than ~~(((\$5.00))~~ \$20.00.

(2) On the average the total of all prizes available to be won in ~~((an on-line))~~ a draw game shall not be less than forty-five percent of the ~~((on-line))~~ game's projected revenue.

(3) The manner and frequency of drawings may vary with the type of ~~((on-line))~~ game, except that no draw game shall have a drawing more than once in a twenty-four hour period.

(4) The times, locations, and drawing procedures shall be determined by the director.

(5) A ticket bearer claiming a prize shall submit the apparent winning ticket as specified by the director. The ticket must be validated pursuant to WAC 315-30-050 by the lottery or ~~((an on-line))~~ a lottery retailer through use of the validation number and any other means as specified by the director.

(6) Procedures for claiming ~~((on-line))~~ prizes are as follows:

(a) To claim ~~((an on-line))~~ a game prize of \$600.00 or less, the claimant shall present the winning ~~((on-line))~~ ticket to any ~~((on-line))~~ lottery retailer authorized to sell draw game tickets or to the lottery.

(i) If the ~~((claim))~~ ticket is presented to ~~((an on-line))~~ a lottery retailer authorized to sell draw game tickets, the ~~((on-line))~~ retailer shall validate the ~~((claim))~~ ticket and, if determined to be a winning ticket, may make payment of the amount due the claimant. If the ~~((on-line))~~ retailer cannot validate the ~~((claim))~~ ticket, the claimant may submit the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall ~~((present or mail a check to the claimant in payment of the amount due))~~ pay the prize. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. ~~((Nonwinning tickets will not be returned to the claimant.))~~

(ii) If the ~~((claim))~~ ticket is presented to the lottery, the claimant shall submit the ~~((apparent winning))~~ ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall ~~((present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code))~~ pay the prize. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. ~~((Nonwinning tickets will not be returned to the claimant.))~~

(b) To claim ~~((an on-line))~~ a prize of more than \$600.00, the claimant shall obtain and complete a claim form or otherwise provide necessary information, as provided in WAC 315-06-120, and submit it with the ~~((apparent winning))~~ ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall ~~((present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code))~~ pay the prize. Prizes greater than \$600.00 are subject to federal income tax withholding requirements according to the Internal Revenue Service publications for state lotteries. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. ~~((Nonwinning tickets will not be returned to the claimant.))~~

AMENDATORY SECTION (Amending WSR 92-11-033, filed 5/15/92, effective 6/15/92)

**WAC 315-30-040 Drawings and end of sales prior to drawings.** (1) Drawings shall be conducted in a location and at days and times designated by the director. Each ~~((on-line))~~ drawing script shall contain the statement, "Digits/numbers/symbols drawn are not official until validated."

(2) The director shall announce for each type of ~~((on-line))~~ game the time for the end of sales prior to the drawings. ~~((TDMs))~~ Lottery terminals will not process orders for ~~((on-line))~~ tickets for that drawing after the time established by the director.

(3) The director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of ~~((on-line))~~ game.

(4) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be certified until all checks are completed. No prizes shall be paid until after the drawing is certified.

(5) The director shall establish procedures governing the conduct of drawings for each type of ~~((on-line))~~ game. The procedures shall include provisions for deviations which include but are not limited to: (a) Drawing equipment malfunction before validation of the winning combination; (b) video and/or audio malfunction during the drawing; (c) fouled drawing; (d) delayed drawing; and (e) other equipment, facility and/or personnel difficulties.

(6) In the event a deviation occurs, the drawing will be completed under lottery supervision. If the drawing was to be broadcast, the drawing shall be video taped for later broadcast, if broadcast time is available. The drawing shall be certified and the deviation documented on the certification form. The winning combination will be provided to the television network for dissemination to the public.

(7) If during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all digits, numbers, or symbols, a "foul" shall be called by the lottery drawing official. Any digit/number/symbol drawn prior to a "foul" being called will stand and be deemed official after passing lottery validation tests.

(8) The director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing certified. If the drawing is not certified, another drawing will be conducted to determine the actual winner.

AMENDATORY SECTION (Amending Order 116, filed 6/1/89)

**WAC 315-30-050 Validation requirements.** (1) To be a valid winning on-line ticket, all of the following conditions must be met:

(a) All printing on the ticket shall be present in its entirety, be legible, and correspond, using the computer validation file, to the combination and date printed on the ticket.

(b) The ticket shall be intact.

(c) The ticket shall not be mutilated, altered, or tampered with in any manner.

(d) The ticket shall not be counterfeit or an exact duplicate of another winning ticket.

(e) The ticket must have been issued by an authorized on-line retailer in an authorized manner.

(f) The ticket must not have been stolen.

(g) The ticket must not have been ~~((cancelled))~~ canceled or previously paid.

(h) The ticket shall pass all other confidential security checks of the lottery.

(2) Any ticket failing any validation requirement listed in WAC 315-30-050(1) is invalid and ineligible for a prize. Provided, if a court of competent jurisdiction determines that a

claim based on a ticket which has failed to validate solely because of subsection (1)(g) of this section is valid, the claim shall be paid as a prize pursuant to WAC 315-06-120, 315-30-030, and the rules for that specific type of game. The agent that cancelled or paid such ticket shall indemnify the lottery for payment of the prize and from any other claim, suit, or action based on that ticket.

(3) The director may replace an invalid ~~((on-line))~~ ticket with ~~((an on-line))~~ a ticket for a future drawing of the same game. The director may pay the prize for a ticket that is partially mutilated or is not intact if the ~~((on-line))~~ ticket can still be validated by the other validation requirements.

(4) In the event a ticket is issued in error or a defective ~~((on-line))~~ ticket is purchased, the only responsibility or liability of the lottery, its vendors or the ~~((on-line))~~ lottery retailer shall be the replacement of the erroneous or defective ~~((on-line))~~ ticket with another ~~((on-line))~~ ticket for a future drawing of the same game.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-30-060 Payment of prizes by ~~((on-line))~~ lottery retailers.** (1) ~~((An on-line))~~ A lottery retailer ~~((shall))~~ authorized to sell draw games may pay to the ticket bearer ~~((on-line game))~~ prizes of \$600.00 or less for any validated claims presented to that ~~((on-line))~~ lottery retailer regardless of where the ~~((on-line))~~ ticket was purchased. These prizes ~~((shall))~~ may be paid during all normal business hours of that ~~((on-line))~~ lottery retailer, provided, the ~~((on-line))~~ draw game system is operational and claims can be validated. The ~~((on-line))~~ lottery retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the lottery retailer's account.

(2) ~~((An on-line))~~ A lottery retailer may pay prizes in cash or by business check, certified check, or money order. ~~((An on-line))~~ A lottery retailer that pays a prize with a check which is dishonored may be subject to suspension or revocation of its license, pursuant to WAC 315-04-200.

AMENDATORY SECTION (Amending Order 116, filed 6/1/89)

**WAC 315-30-070 Retailer settlement.** (1) Each ~~((on-line))~~ lottery retailer authorized to sell draw games shall establish an account for deposit of ~~((monies))~~ moneys derived from ~~((on-line))~~ draw games with a financial institution that has the capability of electronic funds transfer (EFT). Funds generated from the sale of ~~((on-line))~~ draw game tickets shall be held in trust by the retailer for the lottery.

(2) Each ~~((on-line))~~ lottery retailer shall make a deposit to that account at least once each week. The amount deposited shall be sufficient to cover ~~((monies))~~ moneys due the lottery for that weekly accounting period. The lottery will withdraw by EFT the amount due the lottery on the day specified by the director. In the event the day specified for withdrawal falls on a legal holiday, withdrawal will be accomplished on the following business day.

AMENDATORY SECTION (Amending Order 116, filed 4/10/89)

**WAC 315-30-075 ((On-line)) Lottery retailer agreement.** Each ((on-line)) lottery retailer shall enter into an agreement with the lottery containing such terms and conditions as the director may require pursuant to WAC 315-30-080. Failure to enter into such an agreement may result in denial of a ((TDM)) lottery terminal; immediate discontinuance of a ((TDM's)) lottery terminal operation, or removal of a ((TDM)) lottery terminal from an on-line location.

AMENDATORY SECTION (Amending WSR 98-20-013, filed 9/25/98, effective 10/26/98)

**WAC 315-30-080 ((On-line)) Retailer selection criteria.** (1) The selection and distribution of ((on-line)) draw game retailers throughout the state will be based on:

(a) The number of licensed retailers in each of the regions identified in WAC 315-12-030, and then;

(b) The potential for revenue generation, demographics, and public accessibility within that region.

(2) ((An on-line license endorsement shall be issued only to)) Only a person who possesses a valid provisional or general license((, provided, the director may issue an on-line endorsement to a lottery retailer who possesses a valid provisional license if that retailer is a new owner of a previously established on-line location)) may be authorized by the director to sell draw game tickets.

(3) In addition, the director ((shall)) may consider the following factors in the selection of ((on-line)) lottery retailers authorized to sell draw games.

(a) Business and security considerations which include but are not limited to: (i) Instant game accounts receivable record, (ii) criminal history of owners and officers, (iii) history of criminal activity at the business establishment, (iv) past security problems, (v) credit rating as defined in WAC 315-04-095, (vi) licensing requirements, and (vii) history of administrative or regulatory actions.

(b) Marketing considerations which include but are not limited to: (i) Instant ticket sales history, (ii) outside vehicle traffic, (iii) retail customer count, (iv) access to location, and (v) management attitude and willingness to promote lottery products.

(4) The director shall determine the total number of ((TDM's)) lottery terminals to be installed throughout the state and shall establish procedures for ((on-line)) draw game site selection. In determining the order in which TDMs will be installed within a given geographic area, an on-line site selection survey will be completed in which, the factors considered will include but not be limited to:

- (a) General information;
- (b) Description of proposed site;
- (c) Proposed ((TDM)) lottery terminal location;
- (d) Products sold;
- (e) Services available;
- (f) Store's hours;
- (g) Estimated ((on-line)) draw game sales;
- (h) Instant sales per week;
- (i) Nearest four ((on-line agents')) draw game lottery retailer sales per week;

(j) District sales representative's assessment; and

(k) Regional sales manager's assessment.

(5) The director may, after a ((TDM)) lottery terminal has been in operation for six months, order the removal of a ((TDM)) lottery terminal from a low producing ((on-line)) retailer location after considering marketing factors which include but are not limited to:

(a) Sales volume not increasing at statewide average;

(b) Weekly sales volume below that of similar businesses with similar market potential;

(c) Sales volume below \$5,000 per week in metropolitan areas;

(d) Public is adequately served by other ((on-line agent)) draw game retailer locations; and

(e) Failure to generate sufficient sales volume to cover the lottery's administrative costs.

(6) The director may immediately discontinue a ((TDM's)) lottery retailer operation, order removal of a ((TDM)) lottery terminal from ((an on-line)) a draw game lottery retailer location, or take any other action authorized under WAC 315-04-200 in the event that the ((on-line agent)) lottery retailer authorized to sell draw game tickets:

(a) Fails to comply with any rule established by the commission, any instruction issued by the director;

(b) Tamper with or attempts to tamper with the ((TDM or on-line system)) lottery terminal;

(c) Fails to make payment of a prize;

(d) Makes payment with a business check and the check is dishonored for any reason; or

(e) Fails to enter into the uniform agreement with the lottery as required in WAC 315-30-075.

## WSR 07-11-039

### PERMANENT RULES

### DEPARTMENT OF ECOLOGY

[Order 06-03—Filed May 8, 2007, 3:54 p.m., effective June 8, 2007]

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

Purpose: The purpose of this rule change was to update the rule in accordance with changes to the federal program.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-030, 173-400-075, 173-400-105, 173-400-110, 173-400-115, 173-400-171, 173-400-710, and 173-400-720.

Statutory Authority for Adoption: RCW 70.94.395 and 70.94.331.

Adopted under notice filed as WSR 07-03-184 on January 24, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 8, 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 8, 2007.

Jay J. Manning  
Director

AMENDATORY SECTION (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-030 Definitions.** Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

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

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

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

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

(2) **"Adverse impact on visibility"** is defined in WAC 173-400-117.

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

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

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

(a) The applicable standards as in 40 CFR Part 60, 61, 62, or 63;

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

(c) The emissions rate specified as a federally enforceable approval condition, including those with a future compliance date.

(6) **"Ambient air"** means the surrounding outside air.

(7) **"Ambient air quality standard"** means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) **"Approval order"** is defined in "order of approval."

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

(10) **"Authority"** means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

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

(12) **"Best available control technology (BACT)"** means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

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

may reasonably be anticipated to result from the use of such technology.

(14) **"Bubble"** means a set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and WAC 173-400-120.

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

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

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

(17) **"Combustion and incineration units"** means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes outdoor burning.

(18)(a) **"Commence"** as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

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

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

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

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

(20) **"Criteria pollutant"** means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

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

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

(23) **"Ecology"** means the Washington state department of ecology.

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

(25) **"Emission reduction credit (ERC)"** means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(26) **"Emission standard"** and **"emission limitation"** means a requirement established under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW.

(27) **"Emission threshold"** means an emission of a listed air contaminant at or above the following rates:

| Air Contaminant  | Annual Emission Rate                                |
|--|---|
| Carbon monoxide:                                       | 100 tons per year (tpy)                             |
| Nitrogen oxides:                                       | 40 tpy  |
| Sulfur dioxide:  | 40 tpy  |
| Particulate matter (PM):                               | 25 tpy of PM emissions<br>15 tpy of PM-10 emissions |
| Volatile organic compounds:                            | 40 tpy  |
| Fluorides:   | 3 tpy   |
| Lead:  | 0.6 tpy   |
| Sulfuric acid mist:                                    | 7 tpy   |
| Hydrogen sulfide (H <sub>2</sub> S):                   | 10 tpy  |
| Total reduced sulfur (including H <sub>2</sub> S):     | 10 tpy  |
| Reduced sulfur compounds (including H <sub>2</sub> S): | 10 tpy  |

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

(29) **"Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard.

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

(31) **"Existing stationary facility (FACILITY)"** is defined in WAC 173-400-151.

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

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

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

(34) "**Federal land manager**" means the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior - National Park Service, the U.S. Department of the Interior - U.S. Fish and Wildlife Service, the U.S. Department of Agriculture - Forest Service, and/or the U.S. Department of the Interior - Bureau of Land Management.

(35) "**Federally enforceable**" means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, 62 and 63, requirements established within the Washington SIP, requirements within any approval or order established under 40 CFR 52.21 or under a SIP approved new source review regulation, and emissions limitation orders issued under WAC 173-400-091.

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

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

(38) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

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

(40) "**Good engineering practice (GEP)**" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

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

(42) "**In operation**" means engaged in activity related to the primary design function of the source.

(43) "**Lowest achievable emission rate (LAER)**" means for any source that rate of emissions which reflects the more stringent of:

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

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

In no event shall the application of this term allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable New Source Performance Standards.

(44) "**Mandatory Class I federal area**" means any area defined in Section 162(a) of the Federal Clean Air Act. The following areas are the mandatory Class I federal areas in Washington state:

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

(45) "**Masking**" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor.

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

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

(48) "**National Ambient Air Quality Standard (NAAQS)**" means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

(49) "**National Emission Standards for Hazardous Air Pollutants (NESHAPS)**" means the federal rules in 40 CFR Part 61.

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

(51) "**Natural conditions**" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

(52) "**New source**" means:

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

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

(53) "**New Source Performance Standards (NSPS)**" means the federal rules in 40 CFR Part 60.

(54) "**Nonattainment area**" means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(55) "**Nonroad engine**" means:

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

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and perform-

ing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

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

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

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

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

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

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

(56) "**Notice of construction application**" means a written application to allow construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

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

(58) "**Outdoor burning**" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wig-wam burners is not considered outdoor burning.

(59) "**Order**" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, 70.94.154, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

(60) "**Order of approval**" or "**approval order**" means a regulatory order issued by a permitting authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

(61) "**Ozone depleting substance**" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

(62) "**Particulate matter**" or "**particulates**" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

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

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

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

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

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

(68) "**PM-10 emissions**" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the SIP.

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

(70) "**Prevention of significant deterioration (PSD)**" means the program in WAC 173-400-700 to 173-400-750.

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

(72) "**Reasonably attributable**" means attributable by visual observation or any other technique the state deems appropriate.

(73) "**Reasonably available control technology (RACT)**" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the

source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(74) **"Regulatory order"** means an order issued by ecology or permitting authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

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

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

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

(76) **"Source"** means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products.

(77) **"Source category"** means all sources of the same type or classification.

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

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

(80) **"Standard conditions"** means a temperature of 20° (68° F) and a pressure of 760 mm (29.92 inches) of mercury.

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

(82) **"Stationary source"** means any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216(11) of the Federal Clean Air Act.

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

(84) **"Synthetic minor"** means any source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or approval condition.

(85) **"Temporary source"** is a source of emissions (such as a nonroad engine) which is operated at a particular site for a limited period of time. A temporary source may or may not be a stationary source or a source as defined in subsections ~~((78))~~ (76) and ~~((83))~~ (82) of this section, respectively.

(86) **"Total reduced sulfur (TRS)"** means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 in Appendix A to 40 CFR Part 60 or an EPA approved equivalent method and expressed as hydrogen sulfide.

(87) **"Total suspended particulate"** means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

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

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

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

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

(92) **"Volatile organic compound (VOC)"** means any carbon compound that participates in atmospheric photochemical reactions.

(a) Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a);

1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); methyl acetate and perfluorocarbon compounds that fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

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

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

**AMENDATORY SECTION** (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants.** (1) National emission standards for hazardous air pollutants (NESHAPs). 40 CFR Part 61 and Appendices in effect on ~~((July 1, 2004))~~ October 1, 2006, is adopted by reference. The term "administrator" in 40 CFR Part 61 includes the permitting authority.

(2) The permitting authority may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Parts 61, 62, 63 and/or 65 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants must conform with the requirements of 40 CFR Parts 61, 62, 63 and/or 65.

(4) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(5) Where EPA has delegated to the permitting authority, the authority to receive reports under 40 CFR Parts 61 or 63, from the affected facility in lieu of providing such report to EPA, the affected facility is required to provide such reports only to the permitting authority unless otherwise requested in writing by the permitting authority or EPA.

(6) **Maximum achievable control technology (MACT) standards.** MACT standards are officially known as National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) Adopt by reference.

40 CFR Part 63 and Appendices in effect on October 1, ~~((2004))~~ 2006, is adopted by reference. Exceptions are listed in (6)(b) of this section.

The following list of subparts to 40 CFR 63 which are shown as blank or reserved as of the date listed above, is provided for informational purposes only: Subparts K, P, V, Z, FF, NN, ZZ, AAA, BBB, FFF, KKK, SSS, WWW, YYY, ZZZ, BBBB, ~~((DDDD, NNNN))~~ LLLL, and OOOO.

(b) Exceptions to adopting 40 CFR Part 63 by reference.

(i) The term "administrator" in 40 CFR Part 63 includes the permitting authority.

(ii) The following subparts of 40 CFR Part 63 are not adopted by reference:

(A) Subpart C: List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List.

(B) Subpart E: Approval of State Programs and Delegation of Federal Authorities.

(C) Subpart M: National Perchloroethylene Emission Standards for Dry Cleaning Facilities as it applies to nonmajor sources.

~~((6))~~ (7) **Consolidated requirements for the synthetic organic chemical manufacturing industry.** 40 CFR Part 65, in effect on ~~((July 1, 2004))~~ October 1, 2006, is adopted by reference.

~~((7))~~ (8) **Emission standards for perchloroethylene dry cleaners.**

(a) **Applicability.**

(i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 regulatory source categories by the type of equipment they use and the volume of PCE purchased. Each dry cleaning system must follow the applicable requirements in Table 1:

TABLE 1. PCE Dry Cleaner Source Categories

| Dry cleaning facilities with:             | Small area source purchases less than: | Large area source purchases between: | Major source purchases more than: |
|---|--|--------------------------------------|-----------------------------------|
| (1) Only Dry-to-Dry Machines              | 140 gallons PCE/yr                     | 140-2,100 gallons PCE/yr             | 2,100 gallons PCE/yr              |
| (2) Only Transfer Machines                | 200 gallons PCE/yr                     | 200-1,800 gallons PCE/yr             | 1,800 gallons PCE/yr              |
| (3) Both Dry-to-Dry and Transfer Machines | 140 gallons PCE/yr                     | 140-1,800 gallons PCE/yr             | 1,800 gallons PCE/yr              |

(ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, 2001).

**(b) Operations and maintenance record.**

(i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.

(ii) The information in the operations and maintenance record must be kept on-site for five years.

(iii) The operations and maintenance record must contain the following information:

(A) Inspection: The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed.

(B) Repair: The date, time, and result of each repair of the dry cleaning system.

(C) Refrigerated condenser information. If you have a refrigerated condenser, enter this information:

(I) The air temperature at the inlet of the refrigerated condenser;

(II) The air temperature at the outlet of the refrigerated condenser;

(III) The difference between the inlet and outlet temperature readings; and

(IV) The date the temperature was taken.

(D) Carbon adsorber information. If you have a carbon adsorber, enter this information:

(I) The concentration of PCE in the exhaust of the carbon adsorber; and

(II) The date the concentration was measured.

(E) A record of the volume of PCE purchased each month must be entered by the first of the following month;

(F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;

(G) All receipts of PCE purchases; and

(H) A record of any pollution prevention activities that have been accomplished.

**(c) General operations and maintenance requirements.**

(i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.

(ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.

(iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.

(iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.

(v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.

(vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.

(vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

| Small area source   | Large area source                        | Major source   |
|---|--|--|
| Refrigerated condenser for all machines installed after September 21, 1993. | Refrigerated condenser for all machines. | Refrigerated condenser with a carbon adsorber for all machines installed after September 21, 1993. |

**(d) Inspection.**

(i) The owner or operator must inspect the dry cleaning system at a minimum following the requirements in Table 3:

TABLE 3. Minimum Inspection Frequency

| Small area source   | Large area source | Major source     |
|---------------------|-------------------|------------------|
| Once every 2 weeks. | Once every week.  | Once every week. |

(ii) An inspection must include an examination of these components for condition and perceptible leaks:

(A) Hose and pipe connections, fittings, couplings, and valves;

(B) Door gaskets and seatings;

(C) Filter gaskets and seatings;

(D) Pumps;

(E) Solvent tanks and containers;

(F) Water separators;

(G) Muck cookers;

(H) Stills;

(I) Exhaust dampers; and

(J) Cartridge filter housings.

(iii) The dry cleaning system must be inspected while it is operating.

(iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.

**(e) Repair.**

(i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.

(ii) If repair parts are unavailable, they must be ordered within two working days of detecting the leak.

(iii) Repair parts must be installed as soon as possible, and no later than five working days after arrival.

(iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

(v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.

**(f) Requirements for systems with refrigerated condensers.** A dry cleaning system using a refrigerated condenser must meet all of the following requirements:

(i) Outlet air temperature.

(A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.

(B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.

(C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.

(D) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2°F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC outlet."

(ii) Inlet air temperature.

(A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.

(B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.

(C) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2°F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C).

(IV) The air temperature sensor must be labeled "RC inlet."

(ii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:

(A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.

(B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).

(C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.

(iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;

(v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and

(vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

**(g) Requirements for systems with carbon adsorbers.** A dry cleaning system using a carbon adsorber must meet all of the following requirements:

(i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.

(ii) The concentration of PCE must be written in the operations and maintenance record each time the concentration is checked.

(iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.

(iv) The colorimetric tube must meet these requirements:

(A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.

(B) The colorimetric tube must be accurate to within 25 parts per million.

(C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.

(v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:

(A) The sampling port must be easily accessible;

(B) The sampling port must be located 8 stack or duct diameters downstream from a bend, expansion, contraction or outlet; and

(C) The sampling port must be 2 stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.

**AMENDATORY SECTION** (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-105 Records, monitoring, and reporting.** The owner or operator of a source shall upon notification

by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) **Emission inventory.** The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory will include stack and fugitive emissions of particulate matter, PM-10, PM-2.5, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, ammonia, and other contaminants. The format for the submittal of these inventories will be specified by the permitting authority or ecology. When submittal of emission inventory information is requested, the emissions inventory shall be submitted no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards. Emission estimates used in the inventory may be based on the most recent published EPA emission factors for a source category, or other information available to the owner(s) or operator(s), whichever is the better estimate.

(2) **Monitoring.** Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) **Source testing.** To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR parts 51, 60, 61 and 63 (in effect on ((July 1, 2004)) October 1, 2006), or procedures contained in "*Source Test Manual - Procedures for Compliance Testing*," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) **Continuous monitoring and recording.** Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) **Sulfuric acid plants.** Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this subsection shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5 (in effect on July 1, 2004).

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any equipment subject to: Continuous emissions monitoring requirement imposed by standard or requirement under 40 CFR Parts 60, 61, 62, 63, or 75 or a permitting authority's adoption by reference of such federal standards.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of the permitting authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program. Any change or series of changes in raw material or fuel which will

result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by subsection (1) of this section shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

(7) No person shall make any false material statement, representation or certification in any form, notice or report required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(8) No person shall render inaccurate any monitoring device or method required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

**AMENDATORY SECTION** (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-110 New source review (NSR).** In lieu of filing a notice of construction application under this section, the owner or operator may apply for coverage under an applicable general order of approval issued under WAC 173-400-560. Coverage under a general order of approval satisfies the requirement for new source review under RCW 70.94.-152.

**(1) Applicability.**

(a) This section, WAC 173-400-112 and 173-400-113 apply statewide except where an authority has adopted its own new source review rule.

(b) This section applies to sources as defined in RCW 70.94.030(21), but does not include nonroad engines. Non-road engines are regulated under WAC 173-400-035.

**(2) Projects subject to NSR - notice of construction application.**

(a) A notice of construction application must be filed by the owner or operator and an order of approval issued by the permitting authority prior to the establishment of any new source, except for the following:

(i) Those sources exempt under subsection (4) or (5) of this section; and

(ii) A source regulated under WAC 173-400-035.

For purposes of this section "establishment" shall mean to begin actual construction, as that term is defined in WAC 173-400-030, and "new source" shall include any modification to an existing stationary source, as defined in WAC 173-400-030.

(b) Regardless of any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the permitting authority prior to establishment of any of the following new sources:

(i) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards),

except Part AAA, Wood stoves (in effect on February 20, 2001);

(ii) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants) (in effect on July 1, 2004), except for asbestos demolition and renovation projects subject to 40 CFR 61.145, and except from sources or emission units emitting only radionuclides, which are required to obtain a license under WAC 246-247-060, and are subject to 40 CFR Part 61, subparts H and/or I;

(iii) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories) (in effect on ~~(July 1, 2004)~~ October 1, 2006);

(iv) Any project that qualifies as a new major stationary source, or a major modification to a major stationary source subject to the requirements of WAC 173-400-112;

(v) Any modification to a stationary source that requires an increase either in a plant-wide cap or in a unit specific emission limit.

(c) An applicant filing a notice of construction application for a project described in WAC 173-400-117(2), Special protection requirements for Class I areas, must send a copy of the application to the responsible federal land manager.

(3) **Modifications.** New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification; provided, however, that review of a major modification must comply with WAC 173-400-112 and/or 173-400-720, as applicable.

**(4) Emission unit and activity exemptions.**

Except as provided in subsection (2) of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a notice of construction application.

(a) Maintenance/construction:

(i) Cleaning and sweeping of streets and paved surfaces;

(ii) Concrete application, and installation;

(iii) Dredging wet spoils handling and placement;

(iv) Paving application and maintenance, excluding asphalt plants;

(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(vi) Plumbing installation, plumbing protective coating application and maintenance activities;

(vii) Roofing application;

(viii) Insulation application and maintenance, excluding products for resale;

(ix) Janitorial services and consumer use of janitorial products.

(b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks. Ecology strongly recommends that an owner or operator contact the permitting authority to determine the exemption status of storage tanks prior to their installation.

(i) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

(iv) Process and white water storage tanks;

(v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

(vi) Operation, loading and unloading of storage tanks,  $\leq$  1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21°C;

(vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

(viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

(c) A project with combined aggregate heat inputs of combustion units,  $\leq$  all of the following:

(i)  $\leq$  500,000 Btu/hr using coal with  $\leq$  0.5% sulfur or other fuels with  $\leq$  0.5% sulfur;

(ii)  $\leq$  500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

(iii)  $\leq$  400,000 Btu/hr wood waste or paper;

(iv)  $<$  1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with  $\leq$  0.05% sulfur;

(v)  $\leq$  4,000,000 Btu/hr using natural gas, propane, or LPG.

(d) Material handling:

(i) Continuous digester chip feeders;

(ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;

(iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is  $\leq$  10%;

(iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(e) Water treatment:

(i) Septic sewer systems, not including active wastewater treatment facilities;

(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

(ii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(iv) Process water filtration system and demineralizer vents;

(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(vi) Demineralizer tanks;

(vii) Alum tanks;

(viii) Clean water condensate tanks.

(f) Environmental chambers and laboratory equipment:

(i) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(iii) Installation or modification of a single laboratory fume hood;

(iv) Laboratory calibration and maintenance equipment.

(g) Monitoring/quality assurance/testing:

(i) Equipment and instrumentation used for quality control/assurance or inspection purpose;

(ii) Hydraulic and hydrostatic testing equipment;

(iii) Sample gathering, preparation and management;

(iv) Vents from continuous emission monitors and other analyzers.

(h) Miscellaneous:

(i) Single-family residences and duplexes;

(ii) Plastic pipe welding;

(iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(iv) Comfort air conditioning;

(v) Flares used to indicate danger to the public;

(vi) Natural and forced air vents and stacks for bathroom/toilet activities;

(vii) Personal care activities;

(viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

(ix) Tobacco smoking rooms and areas;

(x) Noncommercial smokehouses;

(xi) Blacksmith forges for single forges;

(xii) Vehicle maintenance activities, not including vehicle surface coating;

(xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);

(xiv) Wax application;

(xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

(xvi) Ozone generators and ozonation equipment;

(xvii) Solar simulators;

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

(xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;

(xx) Pulse capacitors;

(xxi) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

- (xxii) Fire suppression equipment;
- (xxiii) Recovery boiler blow-down tank;
- (xxiv) Screw press vents;
- (xxv) Drop hammers or hydraulic presses for forging or metal working;
- (xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- (xxvii) Kraft lime mud storage tanks and process vessels;
- (xxviii) Lime grits washers, filters and handling;
- (xxix) Lime mud filtrate tanks;
- (xxx) Lime mud water;
- (xxxi) Stock cleaning and pressurized pulp washing down process of the brown stock washer;
- (xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- (xxxiii) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;
- (xxxiv) Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (xxxv) Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- (xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

**(5) Exemptions based on emissions.**

- (a) Except as provided in subsection (2) of this section and in this subsection:
  - (i) A new emissions unit that has a potential to emit below each of the levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.
  - (ii) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.
- (b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with the permitting authority prior to beginning actual construction on the project. If the permitting authority determines that the project will have more than a de minimus impact on air quality, the permitting authority may require the filing of a notice of construction application. The permitting authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the levels listed below.
- (c) The owner/operator may begin actual construction on the project thirty-one days after the permitting authority receives the summary, unless the permitting authority notifies the owner/operator within thirty days that the proposed new source requires a notice of construction application.

(d) Exemption level table:

| POLLUTANT   | LEVEL (TONS PER YEAR)                |
|---|--------------------------------------|
| (a) Total Suspended Particulates                                  | 1.25                                 |
| (b) PM-10   | 0.75                                 |
| (c) Sulfur Oxides   | 2.0                                  |
| (d) Nitrogen Oxides   | 2.0                                  |
| (e) Volatile Organic Compounds, total                             | 2.0                                  |
| (f) Carbon Monoxide   | 5.0                                  |
| (g) Lead  | 0.005                                |
| (h) Ozone Depleting Substances (in effect on July 1, 2000), total | 1.0                                  |
| (i) Toxic Air Pollutants  | As specified in chapter 173-460 WAC. |

**(6) Application processing - completeness determination.**

- (a) Within thirty days after receiving a notice of construction application, the permitting authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.
- (b) For a project subject to the Special protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).

**(7) Final determination.**

- (a) Within sixty days of receipt of a complete notice of construction application, the permitting authority shall either issue a final decision on the application or for those projects subject to public notice under WAC 173-400-171(1), initiate notice and comment on a proposed decision, followed as promptly as possible by a final decision.
- (b) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under chapter 173-401 WAC and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC and must also comply with WAC 173-400-171.
- (c) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority.
- (d) If the new source is a major stationary source or the change is a major modification subject to the requirements of WAC 173-400-112, the permitting authority shall:
  - (i) Submit any control technology determination included in a final order of approval for a major source or a major modification to a major stationary source in a nonattainment area to the RACT/BACT/LAER clearinghouse maintained by EPA; and
  - (ii) Send a copy of the final approval order to EPA.

(8) **Appeals.** Any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. The permitting authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

(9) **Construction time limitations.** Approval to construct or modify a stationary source becomes invalid if ~~((the applicant does not begin))~~ construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The permitting authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. The extension of a project that is either a major stationary source in a nonattainment area or a major modification in a nonattainment area must also require LAER as it exists at the time of the extension. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commence construction date.

(10) **Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an approval order and the permitting authority may approve the request provided the permitting authority finds that:

(i) The change in conditions will not cause the source to exceed an emissions standard;

(ii) No ambient air quality standard will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of ecology or the authority to determine compliance with an emissions standard;

(iv) The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER; and

(v) The revised order meets the requirements of WAC 173-400-110, 173-400-112, 173-400-113 and 173-400-720, as applicable.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

(c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a notice of construction application, that application must be acted upon using the timelines found in subsections (6) and (7) of this section. The fee schedule found in WAC 173-400-116 shall also apply to requests filed as notice of construction applications.

(11) **Enforcement.** All persons who receive an order of approval must comply with all approval conditions contained in the order of approval.

AMENDATORY SECTION (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-115 Standards of performance for new sources. NSPS.** Standards of performance for new sources are called New Source Performance Standards, or NSPS.

(1) **Adoption by reference.**

(a) 40 CFR Part 60 and Appendices in effect on ~~((July 1, 2004))~~ October 1, 2006, is adopted by reference. Exceptions are listed in subsection (1)(b) of this section.

The following list of subparts to 40 CFR Part 60 which are shown as blank or reserved in the Code of Federal Regulations as of the date listed above, is provided for informational purposes only:

40 CFR Part 60, subparts FF, II, JJ, OO, YY, ZZ, CCC, EEE, MMM, XXX, YYY, ZZZ, GGGG, JJJJ, Appendix E, and Appendix H.

(b) Exceptions to adopting 40 CFR Part 60 by reference.

(i) The term "administrator" in 40 CFR Part 60 includes the permitting authority.

(ii) The following sections and subparts of 40 CFR Part 60 are not adopted by reference:

(A) 40 CFR 60.5 (determination of construction or modification);

(B) 40 CFR 60.6 (review of plans);

(C) 40 CFR Part 60, subpart B (Adoption and Submittal of State Plans for Designated Facilities), and subparts C, Cb, Cc, Cd, Ce, BBBB, ~~((and))~~ DDDD, FFFF, HHHH (emission guidelines); and

(D) 40 CFR Part 60, Appendix G, Provisions for an Alternative Method of Demonstrating Compliance With 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company.

(2) Where EPA has delegated to the permitting authority, the authority to receive reports under 40 CFR Part 60, from the affected facility in lieu of providing such report to EPA, the affected facility is required to provide such reports only to the permitting authority unless otherwise requested in writing by the permitting authority or EPA.

Note: Under RCW 80.50.020(14), larger energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and QQQ are regulated by the energy facility site evaluation council (EFSEC).

AMENDATORY SECTION (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-171 Public involvement. (1) Internet notification of receipt of an application.**

(a) For applications and actions not subject to a mandatory public notice and comment period per subsection (2)(a) of this section, the permitting authority will either:

(i) Post on the permitting authority's internet web site an announcement of the receipt of notice of construction applications and other proposed actions; or

(ii) Follow the public involvement process found in subsection (3) of this section.

(b) For internet notification, notice shall remain on the permitting authority's web site for a minimum of fifteen consecutive days. The internet posting shall include notice of the

receipt of the application, the type of proposed action, and a statement that the public may request a public comment period on the proposed action.

(c) Requests for a public comment period shall be submitted to the permitting authority in writing via letter, fax, or electronic mail within fifteen days of its internet posting. A public notice and comment period shall be provided pursuant to subsections (3) and (4) of this section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement at the end of the fifteen-day comment period.

(d) Any application or proposed action that automatically requires a public comment period pursuant to subsection (2) of this section or for which the agency proposes to have a public comment period does not have to be announced on the permitting authorities' internet web site.

**(2) Actions subject to public notice and comment.**

(a) The permitting authority must provide public notice and a public comment period before approving or denying any of the following types of applications or other actions:

(i) Notice of construction application for any new or modified source, including the initial application for operation of a portable source, if an increase in emissions of any air pollutant at a rate above the emission threshold rate (defined in WAC 173-400-030) or any increase in a pollutant regulated under chapter 173-460 WAC which will increase above the small quantity emission rate listed in WAC 173-460-080 (2)(e) would result; or

(ii) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (in effect on ~~(July 1, 2004)~~ October 1, 2006) as part of review under WAC 173-400-110, 173-400-112, 173-400-113, 173-400-117, or 173-400-720; or

(iii) Any order to determine RACT; or

(iv) An order to establish a compliance schedule or a variance; or

(v) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(vi) An order to authorize a bubble; or

(vii) Any action to discount the value of an ERC issued to a source per WAC 173-400-136(6); or

(viii) Any regulatory order to establish BART for an existing stationary facility; or

(ix) Notice of construction application or regulatory order used to establish a creditable emission reduction; or

(x) An order issued under WAC 173-400-091 that establishes limitations on a source's potential to emit; or

(xi) The original issuance and the issuance of all revisions to a general order of approval issued under WAC 173-400-560; or

(xii) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area; or

(xiii) Exception. PSD actions, ~~((including actions taken to avoid PSD applicability.))~~ under WAC 173-400-730 and 173-400-740 are not required to follow the procedures in this section. The public involvement for these projects shall fol-

low the procedures in WAC 173-400-730(4) and 173-400-740.

(b) Ecology must provide notice on the following ecology only actions:

(i) A Washington state recommendation that will be submitted by the director of ecology to EPA for approval of a SIP revision, including plans for attainment, maintenance, and visibility protection; or

(ii) A Washington state recommendation to EPA for designation or redesignation of an area as attainment, nonattainment, or unclassifiable; or

(iii) A Washington state recommendation to EPA for a change of boundaries of an attainment or nonattainment area; or

(iv) A Washington state recommendation to EPA for redesignation of an area under WAC 173-400-118.

(c) The permitting authority will provide public notice before approving or denying any application or other action for which the permitting authority determines there is substantial public interest.

(d) A notice of construction application designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines. A project designated for integrated review that includes a notice of construction application for a major modification in a nonattainment area, or a notice of construction application for a major stationary source in a nonattainment area must also comply with public notice requirements in this section. A project designated for integrated review that includes a PSD permit application must also comply with the requirements in WAC 173-400-730 and 173-400-740.

(3) **Public notice.** Public notice shall be made only after all information required by the permitting authority has been submitted and after applicable preliminary determinations, if any, have been made. The applicant or other initiator of the action must pay the cost of providing public notice. Public notice shall include:

(a) Availability for public inspection. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality, must be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and chapter 173-03 WAC.

(i) For a redesignation of a class II area under WAC 173-400-118, ecology must make available for public inspection at least thirty days before the hearing the explanation of the reasons for the proposed redesignation.

(ii) For a revision of the SIP subject to subsection (2)(b)(iii) of this section, ecology must make available for public inspection the information related to the action at least thirty days before the hearing.

(b) Newspaper publication. Public notice of the proposed project must be published in a newspaper of general circulation in the area of the proposed project and must include:

(i) The name and address of the owner or operator and the facility;

(ii) A brief description of the proposal;

(iii) The location of the documents made available for public inspection;

(iv) A thirty-day period for submitting written comment to the permitting authority;

(v) A statement that a public hearing may be held if the permitting authority determines within a thirty-day period that significant public interest exists or for those actions listed in WAC 173-400-171 (5)(b) with a mandatory public hearing requirement, the time, date, and location of the public hearing.

(vi) The length of the public comment period in the event of a public hearing;

(vii) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), public notice shall either explain the permitting authority's decision or state that an explanation of the decision appears in the support document for the proposed order of approval; and

(viii) For a redesignation of an area under WAC 173-400-118, public notice shall state that an explanation of the reasons for the proposed redesignation is available for review at the public location.

(c) Notifying EPA. A copy of the public notice will be sent to the EPA Region 10 regional administrator.

(d) Additional public notice requirements for a SIP revision. For a revision to the SIP that is submitted by the director of ecology, ecology must publish the public notice required by subsection (3)(b) of this section in the *Washington State Register* in advance of the date of the public hearing.

**(4) Public comment.**

(a) The public comment period must be at least the thirty-day period for written comment specified in the public notice.

(b) If a public hearing is held, the public comment period must extend through the hearing date.

(c) The permitting authority shall make no final decision on any application or action of any type described in subsection (1) of this section until the public comment period has ended and any comments received during the public comment period have been considered.

**(5) Public hearings.**

(a) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty-day public comment period. A request must indicate the interest of the entity filing it and why a hearing is warranted. The permitting authority may hold a public hearing if it determines significant public interest exists. The permitting authority will determine the location, date, and time of the public hearing.

(b) Ecology must hold a hearing on the following ecology only actions:

(i) A Washington state recommendation to EPA that will be submitted by the director of ecology for approval of a SIP revision;

(ii) A Washington state recommendation to EPA for a change of boundaries of an attainment or nonattainment area;

(iii) A Washington state recommendation to EPA for designation of an area as attainment, nonattainment, or unclassifiable; and

(iv) A Washington state recommendation to EPA to redesignate an area under WAC 173-400-118.

(c) Ecology must provide at least thirty days prior notice of a hearing required under subsection (4)(b) of this section.

(6) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section.

AMENDATORY SECTION (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-710 Definitions.** (1) The definitions in WAC 173-400-030 are to be used in WAC 173-400-700 through 173-400-750 unless:

(a) A term is defined differently in WAC 173-400-710 for use in the major source permitting requirements in WAC 173-400-700 through 173-400-750; or

(b) A term is defined differently in the federal program requirements adopted by reference in WAC 173-400-720.

(2) All usage of the term "source" in WAC 173-400-710 through 173-400-750 and in 40 CFR 52.21 as adopted by reference is to be interpreted to mean "stationary source" as defined in 40 CFR 52.21 (b)(5) (~~as modified by section 302(z) of the Federal Clean Air Act~~). A stationary source (or source) does not include emissions resulting directly from an internal combustion engine for transportation purposes from a nonroad engine or nonroad vehicle as defined in section 216 of the Federal Clean Air Act.

AMENDATORY SECTION (Amending Order 03-07, filed 1/10/05, effective 2/10/05)

**WAC 173-400-720 Prevention of significant deterioration (PSD).** (1) No major stationary source or major modification to which the requirements of this section apply shall begin actual construction without having received a PSD permit.

(2) **Early planning encouraged.** In order to develop an appropriate application, the source should engage in an early planning process to assess the needs of the facility. An opportunity for a preapplication meeting with ecology is available to any potential applicant.

(3) **Enforcement.** Ecology or the permitting authority with jurisdiction over the source under chapter 173-401 WAC, the Operating permit regulation, shall:

(a) Receive all reports required in the PSD permit;

(b) Enforce the requirement to apply for a PSD permit when one is required; and

(c) Enforce the conditions in the PSD permit.

**(4) Applicable requirements.**

(a) A PSD permit must assure compliance with the following requirements:

(i) Allowable emissions from the proposed major stationary source or major modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed major stationary source or the projected impact of the increase in allowable emissions from the proposed major modification at any location within a nonattainment area does not exceed the

following levels for the pollutants for which the area has been designated nonattainment:

| Pollutant        | Annual Average        | 24-Hour Average     | 8-Hour Average        | 3-Hour Average       | 1-Hour Average       |
|------------------|-----------------------|---------------------|-----------------------|----------------------|----------------------|
| CO-              | -                     | -                   | 0.5 mg/m <sup>3</sup> | -                    | 2 mg/m <sup>3</sup>  |
| SO <sub>2</sub>  | 1.0 µg/m <sup>3</sup> | 5 µg/m <sup>3</sup> | -                     | 25 µg/m <sup>3</sup> | 30 µg/m <sup>3</sup> |
| PM <sub>10</sub> | 1.0 µg/m <sup>3</sup> | 5 µg/m <sup>3</sup> | -                     | -                    | -                    |
| NO <sub>2</sub>  | 1.0 µg/m <sup>3</sup> | -                   | -                     | -                    | -                    |

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(ii) WAC 173-400-117 - Special protection requirements for federal Class I areas;

(iii) WAC 173-400-730 - Prevention of significant deterioration application processing;

(iv) WAC 173-400-740 - Prevention of significant deterioration public involvement requirements; and

(v) The following subparts of 40 CFR 52.21, in effect on ~~(July 2, 2004)~~ **October 1, 2006**, which are adopted by reference. Exceptions are listed in (b)(i), (ii), and (iii) of this subsection:

| Section            | Title   |
|--------------------|---|
| 40 CFR 52.21(a)(2) | Applicability Procedures.   |
| 40 CFR 52.21 (b)   | Definitions.  |
| 40 CFR 52.21 (c)   | Ambient air increments.   |
| 40 CFR 52.21 (d)   | Ambient air ceilings.   |
| 40 CFR 52.21 (h)   | Stack heights.  |
| 40 CFR 52.21 (i)   | Review of major stationary sources and major modifications - source applicability and exemptions.   |
| 40 CFR 52.21 (j)   | Control technology review.  |
| 40 CFR 52.21 (k)   | Source impact analysis.   |
| 40 CFR 52.21 (l)   | Air quality models.   |
| 40 CFR 52.21 (m)   | Air quality analysis.   |
| 40 CFR 52.21 (n)   | Source information.   |
| 40 CFR 52.21 (o)   | Additional impact analysis.   |
| 40 CFR 52.21 (r)   | Source obligation.  |
| 40 CFR 52.21 (v)   | Innovative control technology.  |
| 40 CFR 52.21 (w)   | Permit rescission.  |
| 40 CFR 52.21 (x)   | <del>((Clean unit test for emission units subject to BACT or LAER.))</del> <u>Vacated by federal Court Decision.</u>                                |
| 40 CFR 52.21 (y)   | <del>((Clean unit test for emission units that achieve an emission limitation comparable to BACT.))</del> <u>Vacated by federal Court Decision.</u> |
| 40 CFR 52.21 (z)   | <del>((Pollution Control Project exclusion.))</del> <u>Vacated by federal Court Decision.</u>   |

40 CFR 52.21 (aa) Actuals Plantwide Applicability Limitation.  
 40 CFR 52.21 (bb) Severability clause.  
 40 CFR 52.21 (cc) ~~((Equipment replacement provisions.))~~ Vacated by federal Court Decision.

(b) Exceptions to adopting 40 CFR 52.21 by reference.  
 (i) Every use of the word "administrator" in 40 CFR 52.21 means ecology except for the following:

(A) In 40 CFR 52.21 (b)(17), the definition of federally enforceable, "administrator" means the EPA administrator.

(B) In 40 CFR 52.21 (l)(2), air quality models, "administrator" means the EPA administrator.

(C) In 40 CFR 52.21 (b)(43) the definition of prevention of significant deterioration program, "administrator" means the EPA administrator.

(D) In 40 CFR 52.21 (b)(48)(ii)(c) related to regulations promulgated by the administrator, "administrator" means the EPA administrator.

(E) In 40 CFR 52.21 (b)(50)(i) related to the definition of a regulated NSR pollutant, "administrator" means the EPA administrator.

(ii) Each reference in 40 CFR 52.21(i) to "paragraphs (j) through (r) of this section" is amended to state "paragraphs (j) through (o) of this section, paragraph (r) of this section, WAC 173-400-117, 173-400-720, and 173-400-730."

(iii) The following paragraphs replace the designated paragraphs of 40 CFR 52.21:

(A) In 40 CFR 52.21 (b)(1)(i)(a) and (b)(1)(iii)(h), the size threshold for municipal waste incinerators is changed to 50 tons of refuse per day.

(B) 40 CFR 52.21 (b)(23)(i) After the entry for municipal solid waste landfills emissions, add Ozone Depleting Substances: 100 tpy.

(C) 40 CFR 52.21 (r)(6) "The provisions of this paragraph (r)(6) apply to projects at an existing emissions unit at a major stationary source (other than projects at a Clean Unit or at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs 40 CFR 52.21 (b)(41)(ii)(a) through (c) for calculating projected actual emissions.

(i) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) A description of the project;

(B) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph 40 CFR 52.21 (b)(41)(ii)(c) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(ii) The owner or operator shall submit a copy of the information set out in paragraph 40 CFR 52.21 (r)(6)(i) to the

permitting authority before beginning actual construction. This information may be submitted in conjunction with any NOC application required under the provisions of WAC 173-400-110. Nothing in this paragraph (r)(6)(ii) shall be construed to require the owner or operator of such a unit to obtain any PSD determination from the permitting authority before beginning actual construction.

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph 40 CFR 52.21 (r)(6)(i)(b); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

(iv) The owner or operator shall submit a report to the permitting authority within 60 days after the end of each year during which records must be generated under paragraph 40 CFR 52.21 (r)(6)(iii) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(v) The owner or operator shall submit a report to the permitting authority if the annual emissions, in tons per year, from the project identified in paragraph 40 CFR 52.21 (r)(6)(i), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph 40 CFR 52.21 (r)(6)(i)(c)), by a significant amount (as defined in paragraph 40 CFR 52.21 (b)(23)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph 40 CFR 52.21 (r)(6)(i)(c). Such report shall be submitted to the permitting authority within 60 days after the end of such year. The report shall contain the following:

(a) The name, address and telephone number of the major stationary source;

(b) The annual emissions as calculated pursuant to paragraph (r)(6)(iii) of this section; and

(c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection)."

(D) 40 CFR 52.21 (r)(7) The owner or operator of the source shall submit the information required to be documented and maintained pursuant to paragraphs 40 CFR 52.21 (r)(6)(iv) and (v) annually within 60 days after the anniversary date of the original analysis. The original analysis and annual reviews shall also be available for review upon a request for inspection by the permitting authority or the general public pursuant to the requirements contained in 40 CFR 70.4 (b)(3)(viii).

(E) ~~((40 CFR 52.21 (y)(7) Procedures for designating emissions units as Clean Units. Ecology shall designate an emissions unit a Clean Unit only by issuing a regulatory order issued under the authority of WAC 173-400-091 or (when requested by the applicant as part of its NOC application) in an order of approval issued under WAC 173-400-110, including requirements for public notice of the proposed Clean Unit designation and opportunity for public comment and when~~

WAC 173-400-091 is used to designate a Clean Unit, a demonstration that the ambient air quality impact limitations of WAC 173-400-113 (1) through (3) will be required. Such permit must also meet the requirements in paragraph 40 CFR 52.21 (y)(8).

~~(F) 40 CFR 52.21 (z)(5) Permit process for unlisted projects. Before an owner or operator may begin actual construction of a PCP project that is not listed in paragraphs 40 CFR 52.21 (b)(32)(i) through (vi), the project must be approved by ecology and included in an order of approval issued by ecology pursuant to the requirements in WAC 173-400-110, and/or WAC 173-400-091, following opportunity for public comment as provided for in those sections. When WAC 173-400-091 is used to approve a PCP, a demonstration that the ambient air quality impact limitations of WAC 173-400-112(2) and/or WAC 173-400-113 (1) through (3) will be required.~~

~~(G) 40 CFR 52.21 (z)(6)(iii) Permit requirements. The owner or operator must comply with any provisions in the order of approval or other order issued for the project related to use and approval of the PCP exclusion.~~

(H)) 40 CFR 52.21 (aa)(2)(ix) PAL permit means the PSD permit, an ecology issued order of approval issued under WAC 173-400-110, or regulatory order issued under WAC 173-400-091 issued by ecology that establishes a PAL for a major stationary source.

((H)) (F) 40 CFR 52.21 (aa)(5) Public participation requirements for PALs. PALs for existing major stationary sources shall be established, renewed, or expired through the public participation process in WAC 173-400-171. A request to increase a PAL shall be processed in accordance with the application processing and public participation process in WAC 173-400-730 and 173-400-740.

((H)) (G) 40 CFR 52.21 (aa)(9)(i)(b) Ecology, after consultation with the permitting authority, shall decide whether and how the PAL allowable emissions will be distributed and issue a revised order, order of approval or PSD permit incorporating allowable limits for each emissions unit, or each group of emissions units, as ecology determines is appropriate.

((K)) (H) 40 CFR 52.21 (aa)(14) Reporting and notification requirements. The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the permitting authority in accordance with the requirements in chapter 173-401 WAC. The reports shall meet the requirements in paragraphs 40 CFR 52.21 (aa)(14)(i) through (iii).

((L)) (I) 40 CFR 52.21 (aa)(14)(ii) Deviation report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to WAC 173-401-615 (3)(b) and within the time limits prescribed shall satisfy this reporting requirement. The reports shall contain the information found at WAC 173-401-615(3).

**WSR 07-11-041A**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 9, 2007, 8:10 a.m., effective June 9, 2007]

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

Purpose: This order clarifies sections regarding phenoxys, the term "restricted use" pesticide, the definition of "home and garden use" pesticides, and modifies the April and May cut off dates for the application of Bromoxynil. There are also several housekeeping changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-230-620 and 16-230-862; and amending chapters 16-228, 16-230, 16-231, and 16-232 WAC.

Statutory Authority for Adoption: Chapters 17.21, 15.58, and 34.05 RCW.

Adopted under notice filed as WSR 07-07-04 [07-07-049] on March 13, 2007.

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 151, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 39, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 152, 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 190, Repealed 2.

Date Adopted: May 9, 2007.

Valoria Loveland  
 Director

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1010 What are the definitions that apply to this chapter?** The definitions in this section apply throughout this chapter, unless the context requires otherwise:

(1) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Authorized agent" is any individual who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(3) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized individuals and nonpest domestic animals from gaining access to the bait. Baits placed in industrial, commercial or other areas that are

accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

(4) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(5) "Blossoming plants" means:

(a) When there are five or more open blooms per square yard on average in a given field; or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard; or

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, hops, peas (*Pisum sp.*), pears (second bloom) and potatoes). For the purposes of this definition, "bloom" means a flower head, raceme or spike with one or more open flowers.

(6) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(8) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant or a system maintenance compound applied with irrigation water.

(9) "Commercial vineyard" means a parcel of land from which the grape crop is intended to be sold to a processor or for the commercial fresh market.

(10) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

~~((H))~~ (11) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

~~((H))~~ (12) "Controlled disposal site" means any place where solid or liquid waste is disposed of: Provided that the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency. The site must be fenced, barricaded or otherwise enclosed or attended by some person in charge to control the access of domestic animals, pets, and unauthorized persons.

~~((H))~~ (13) "Department" means the Washington state department of agriculture.

~~((13))~~ (14) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to the application rate for adequate coverage (such as water).

~~((14))~~ (15) "Director" means the director of the department or a duly authorized representative.

~~((15))~~ (16) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

~~((16))~~ (17) "EPA" means the United States Environmental Protection Agency.

~~((17))~~ (18) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

~~((18))~~ (19) "Fertilizer" as included in this chapter means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

~~((19))~~ (20) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

~~((20))~~ (21) "Floor level" means the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

~~((21))~~ (22) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

~~((22))~~ (23) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

~~((23))~~ (24) "High volatile esters" are phenoxy hormone-type herbicides with five or less carbon atoms in the ester group, such as, but not limited to, methyl, ethyl, isopropyl, n-butyl, isobutyl and n-pentyl.

(25) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation or dermal toxicity.

~~((24))~~ (26) "Landscape application" means an application by a certified applicator of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

~~((25))~~ (27) "Low volatile esters" are phenoxy hormone-type herbicides with more than five carbon atoms in the ester group.

(28) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((26))~~ (29) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such a violation.

~~((27))~~ (30) "Pollen shedding corn" means that stage of growth when ten percent or more of the corn plants in any one quarter portion of the field are showing spike anthers.

~~((28))~~ (31) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are: A driver's license, a passport, a military ID card or an immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

~~((29))~~ (32) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((30))~~ (33) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((31))~~ (34) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

~~((32))~~ (35) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW.

~~((33))~~ (36) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

~~((34))~~ (37) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((35))~~ (38) "Use restricted pesticide" means any pesticide determined by the director to need further state restrictions on use under the authority of chapters 17.21 and 15.58 RCW. This designation does not change federal or state restricted use classifications.

(39) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

**AMENDATORY SECTION** (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1125 When can the department revoke or deny a license?** (1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

- (a) The penalty schedule allows for revocation; and/or
- (b) One or more aggravating factors are present; and/or
- (c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters 15.58 and 17.21 RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW 43.05.110. The appropriate period of suspension shall be determined from the penalty schedule.

**AMENDATORY SECTION** (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1200 What are the restrictions on pesticide distribution, transportation, application, storage and disposal?** (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where

leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo, portable and permanent tanks used for transporting, storage and application of pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip or the pesticides are secured in a proper storage. Signed delivery slips shall be maintained as required by WAC 16-228-1300 for records.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The same "checkstand" or food packaging area may not be used for the distribution of highly toxic pesticides and food for human consumption.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of health by the department.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured, illegible or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and the registered pesticide label is affixed to the container.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Envi-

ronmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1231 What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only?** (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or to their duly authorized agents. The certified applicator must have a valid certification, license or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) All formulations ~~(, except for low volatile esters, of dicamba and)~~ of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) ~~(, and dicamba when distributed in (quantities larger than one gallon in))~~ counties located east of the crest of the Cascade Mountains ~~(,~~

~~(c) Low volatile ester formulations of dicamba and phenoxy hormone-type herbicides (e.g., 2,4-D, MCPA, MCPP) distributed in quantities of one gallon or larger in counties located east of the crest of the Cascade Mountains.~~

~~(d)) except as listed below:~~

~~(i) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;~~

~~(ii) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.~~

(c) Strychnine and its salts.

~~((e))~~ (d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water except as provided in subsection (2) of this section.

~~((f) Pesticides containing the following active ingredients and their isomers are hereby declared state restricted use pesticides for the protection of ground water:~~

~~atrazine  
bromacil  
depa  
disulfoton  
diuron  
hexazinone  
metolachlor  
metribuzin  
picloram  
prometon  
simazine  
tebuthiuron)~~

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the

following aquatic uses shall be exempt from the requirements of this section:

- (a) Swimming pools
- (b) Wholly impounded ornamental pools or fountains
- (c) Aquariums
- (d) Closed plumbing and sewage systems
- (e) Enclosed food processing systems
- (f) Air conditioners, humidifiers, and cooling towers
- (g) Industrial heat exchange, air washing and similar industrial systems
- (h) Disinfectants
- (i) Aquatic environments in states other than Washington
- (j) Animal pets
- (k) Use within wholly enclosed structures (with floors) or fumigation chambers.

Greenhouses are not considered as wholly enclosed structures for the purposes of this section

(l) Home and garden control of mosquito larvae.

~~(3) ((Products listed in subsection (1)(f) of this section which are)) Pesticides containing the following active ingredients and their isomers are declared state restricted use pesticides for the protection of ground water except when labeled and intended only for home and garden use ((are exempt from the requirements of this section)).~~

~~atrazine  
bromacil  
depa  
disulfoton  
diuron  
hexazinone  
metolachlor  
metribuzin  
picloram  
prometon  
simazine  
tebuthiuron~~

~~(4) ((Dry formulations of dicamba, 2,4-D, MCPA, MCPP and other phenoxy hormone-type herbicides labeled and intended only for home and garden use or turf, are exempt from the requirements of this section.~~

~~(5))~~ Distribution of pesticides bearing combined labeling of uses onto or into water plus nonaquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it will not be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and ~~((/or))~~ EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

~~((6))~~ (5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator to the dealer at the time of purchase. At the time of purchase by an authorized

agent the pesticide dealer shall require the certified applicator's name and license number and positive identification of the authorized agent.

~~((7))~~ (6) Pesticide dealers must positively identify unknown purchasers of restricted use pesticides. Positive identification may be annually at the time of verification of the certified applicator's license number or for each individual purchase if the applicator is unknown to the dealer. Dealers must verify the identification of unknown purchasers of restricted use pesticides for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

AMENDATORY SECTION (Amending WSR 03-05-033, filed 2/11/03, effective 3/14/03)

**WAC 16-228-1262** **When are pesticides containing the active ingredient thiamethoxam (~~(restricted)~~) use restricted pesticides?** Pesticides containing the active ingredient thiamethoxam are declared to be (~~(restricted)~~) use restricted pesticides when labeled for use on pome fruits, including apples and pears.

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1300** **What are the recordkeeping requirements for pesticide dealers?** Pesticide dealers shall keep and furnish records to the director immediately upon request on the distribution of any pesticide except those (~~(labeled only for)~~) determined by the department to be "home and garden use only" products. Records shall be kept for a period of seven years from the date of distribution. General use distribution requests shall be limited to records necessary for investigations of suspected violations, damage complaints, inspections, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. The records shall contain the following information:

- (1) Full name and address of purchaser;
- (2) Full name and address of certified applicator (if different from subsection (1) of this section for restricted use pesticides);
- (3) Certified applicator's pesticide license number (for restricted use pesticides);
- (4) Full name of authorized agent for restricted use pesticides;
- (5) Brand and specific pesticide name and EPA registration number;
- (6) Number of pounds or gallons of the pesticide distributed;
- (7) Date of distribution;
- (8) Crop and/or site to which pesticide will be applied (for restricted use pesticides).

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1320** **What are the recordkeeping requirements for pesticide applicators?** (1) Certified applicators and all persons applying pesticides to more than one

acre of agricultural land in a calendar year including public entities engaged in roadside spraying, and all persons making landscape applications of pesticides to types of property listed in RCW 17.21.410 (1), (b), (c), (d) and (e) shall keep records for each application which shall include the following:

(a) The full name and full address of the person for whom the pesticide was applied.

(b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the adopted form. Location of agricultural land shall be made using section, township and range, geographical positioning system coordinates, or by irrigation block and farm unit numbers.

(c) The year, month, day and start and stop time the pesticide was applied.

(d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: Provided that this subsection (e) shall not apply to applications of baits in bait stations, pesticide applications within structures and drip or subsurface irrigation applications. Wind and temperature readings shall be obtained in close proximity to the application site.

(f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as, but are not limited to, amount of product per one hundred gallons of liquid spray, gallons per acre of output volume, ppm, percent product in tank mix (e.g., 1%). For chemigation applications record "inches of water applied" or other appropriate measure.

(i) The pests to be controlled (for PCO classification only).

(j) Specific crop or site to which pesticide was applied.

(k) Apparatus license plate number.

(l) The licensed applicator's full name, certified pesticide applicator license number, complete address, telephone number, and the full name (~~(and license number(s) if applicable)~~) of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(n) For commercial applications, the full name and complete address of the commercial firm.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of seven years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records immediately by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-1320(1).

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be provided upon request on the appropriate page of the pesticide record form (figures 1-8): Provided that computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided that the following criteria are met:

(a) The pesticide application recordkeeping system is computerized;

(b) The pesticide application recordkeeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, humans, desirable plants and animals, from subsequent applications.

(8) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: Provided that this inspection is made at the site of application or where the apparatus is located.

(9) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

(10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(11) All containers used for (~~prepared~~) pesticide mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate (~~cautions~~) restrictions and precautions.

State of Washington  
Department of Agriculture  
Olympia, Washington 98504

**PESTICIDE APPLICATION RECORD (Version 1)**

**NOTE:** This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1. Date of Application - Year: ..... Month: ..... Day: ..... Start Time: .....  
Stop Time: .....

2. Name of person for whom the pesticide was applied: .....  
Firm Name (if applicable): .....  
Street Address: ..... City: ..... State: ..... Zip: .....

3. Licensed Applicator's Name (if different from #2 above): ..... License No.: .....  
Firm Name (if applicable): ..... Tel No.: .....  
Street Address: ..... City: ..... State: ..... Zip: .....

4. Name of person(s) who applied the pesticide (if different from #3 above): .....  
License No(s). If applicable: .....

5. Application Crop or Site: .....

6. Total Area Treated (acre, sq. ft., etc.): .....

7. Was this application made as a result of a WSDA Permit?  No  Yes (If yes, give Permit No.) # .....

8. Pesticide Information (please list all information for each pesticide, including adjuvants (buffer, surfactant, etc.), in the tank mix):

| a) Full Product Name | b) EPA Reg. No. | c) Total Amount of Pesticide Applied in Area Treated | d) Pesticide Applied/Acre (or other measure) | e) Concentration Applied |
|----------------------|-----------------|--|--|--------------------------|
|                      |                 |  | /  |                          |
|                      |                 |  | /  |                          |
|                      |                 |  | /  |                          |
|                      |                 |  | /  |                          |
|                      |                 |  | /  |                          |

9. Address *or exact location* of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Wind direction and estimated velocity (mph) during the application: .....

- 11. Temperature during the application: .....
- 12. Apparatus license plate number (if applicable): .....
- 13.  Air                                     Ground                                     Chemigation
- 14. Miscellaneous Information:

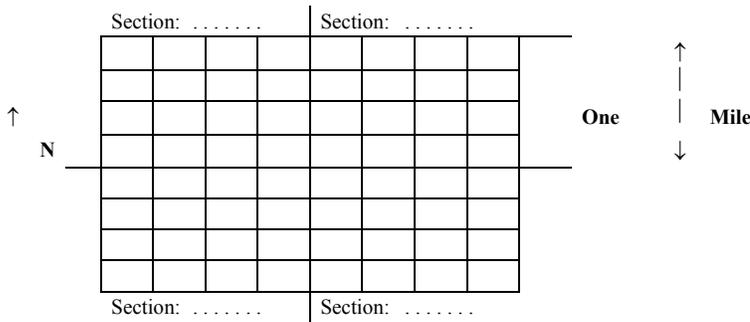
AGR 4226 (Rev. ((5/03)) 4/07)

**Location of Application:** If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: ..... N  
 Range: E OR W (please indicate:) .....  
 Section(s): .....  
 Block: ..... Farm Unit: .....  
 or GPS: .....  
 County: .....

**PLEASE NOTE:**

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 1) AGR 4226 (Rev. ((5/03)) 4/07)

1. Date may be spelled out or indicated numerically. Time must be indicated as start and stop times.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Include first and last name(s).
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.

INSTRUCTIONS

- 8.a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, ((dye)) etc.).
- b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
- c) Indicate the amount of pesticide formulation (product) applied to the total area listed on line 6.
- d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.
- e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.

INSTRUCTIONS

- 9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
- 10. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
- 11. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during application.) Temperature readings shall be obtained in close proximity to the application site.

INSTRUCTIONS

- 12. This does not apply to private applicators or public agencies.
- 13. Check one.
- 14. Depth of application/inches of water (chemigation).
- 15. This space is available for any additional information you may wish to include.

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State of Washington  
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 Olympia, Washington 98504

**PESTICIDE APPLICATION RECORD (Version 2)**

**NOTE:** Application information must be completed same day as the application and must be retained for seven years (Ref. chapter 17.21 RCW)

|   |  |
|---|--|
| 1. Name & Address of Person for Whom Pesticide was Applied<br>.....<br>.....<br>..... | 2. Applicator Name and Address (if different from # 1)<br>.....<br>.....<br>.....<br>Tel. No. .... Lic. No. .... |
|---|--|

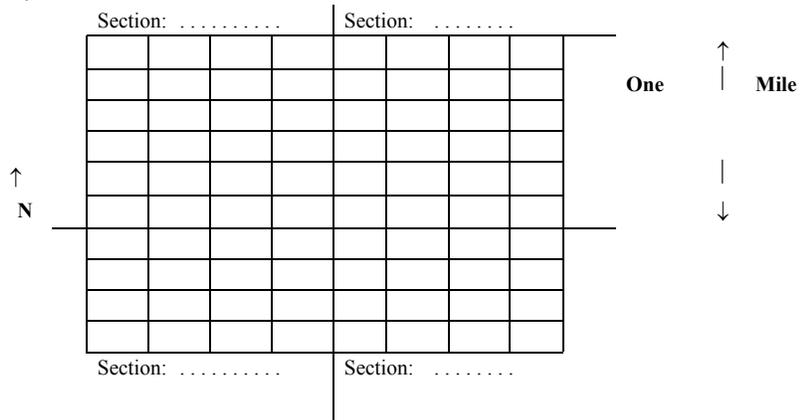
|  |                |
|--|----------------|
| 3. Full, complete address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form) | 4. Misc. Info: |
|--|----------------|

| 5. Date and Time of Application (Start and Stop) | 6. Crop or Site Treated   | 7. Acres Treated (or other measure) | 8. FULL PRODUCT NAME | 9. EPA Registration Number | 10. Amount of Product Applied    |                       | 11. Concentration | 12. Weather Conditions (wind direction, velocity, temperature). Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide |
|--|---|-------------------------------------|----------------------|----------------------------|----------------------------------|-----------------------|-------------------|---|
|  |   |                                     |                      |                            | Rate per acre (or other measure) | Total Product Applied |                   |   |
|  | <input type="checkbox"/> Air<br><input type="checkbox"/> Ground<br><input type="checkbox"/> Chemigation |                                     |                      |                            |                                  |                       |                   |   |
|  | <input type="checkbox"/> Air<br><input type="checkbox"/> Ground<br><input type="checkbox"/> Chemigation |                                     |                      |                            |                                  |                       |                   |   |
|  | <input type="checkbox"/> Air<br><input type="checkbox"/> Ground<br><input type="checkbox"/> Chemigation |                                     |                      |                            |                                  |                       |                   |   |
|  | <input type="checkbox"/> Air<br><input type="checkbox"/> Ground<br><input type="checkbox"/> Chemigation |                                     | .....                | .....                      | .....                            | .....                 | .....             | .....   |

AGR 4235 (Rev. (~~5/03~~) 4/07)

**Location of Application** (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: ..... N  
Range: E OR W (please indicate) ..  
Section(s): .....  
Block: ..... Farm Unit: ....  
or GPS: .....  
County: .....



**PLEASE NOTE:**

*The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.*

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INSTRUCTIONS

Pesticide Application Record (Version 2) AGR 4235 (Rev. ((~~5/03~~)) 4/07)

1. Include first and last name.
2. If the person's name is the same as No. 1, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
3. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
4. This space is available for any additional information you may wish to include.
5. Date may be spelled out or indicated numerically. Application start and stop times must be indicated.
6. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
7. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
8. Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, etc.).
9. This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.

INSTRUCTIONS

10. Rate per acre: Other measures may include amount/sq. ft., amount/linear ft., etc. Specify the term to which the number refers. Total product applied is the total product applied between start and stop times.
11. This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
12. Weather conditions must include the direction from which the wind is blowing, measure velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Temperature must also be indicated in degrees Fahrenheit and may be listed as the range encountered during the application. Wind and temperature readings shall be obtained in close proximity to the application site.  
The apparatus license plate number does not apply to private applicators or public agencies.  
Include first and last name(s) of person(s) who applied the pesticide. Include license number(s) if applicable.

State of Washington  
 Department of Agriculture  
 Olympia, Washington 98504

**PESTICIDE APPLICATION RECORD (Version 3)**

**NOTE:** This form must be completed same day as the application and it must be retained for 7 years  
 (Ref. chapter 17.21 RCW)

1. Date of Application - Year: ..... Month: ..... Day(s): .....
2. Name of person for whom the pesticide was applied: .....  
 Firm Name (if applicable): .....  
 Street Address: ..... City: ..... State: ..... Zip: .....
3. Licensed Applicator's Name (if different from #2 above): ..... License No.: .....  
 Firm Name (if applicable): ..... Tel. No.: .....  
 Street Address: ..... City: ..... State: ..... Zip: .....
4.  Air  Ground  Chemigation
5. Application Crop or Site: .....
6. Total Area Treated (acre. sq. ft., etc.) .....
7. Was this application made as a result of a WSDA Permit?  No  Yes (If yes, give Permit No.) # .....
8. Pesticide Information (list all information for each pesticide including adjuvants in the tank mix):

| a) Full Product Name | b) EPA Reg. No. | c) Total Amount of Pesticide Applied in Area Treated | d) Pesticide Applied/Acre (or other measure) | e) Concentration Applied | f) Depth of Application (Chemigation) |
|----------------------|-----------------|--|--|--------------------------|---------------------------------------|
|                      |                 |  | /  |                          |                                       |
|                      |                 |  | /  |                          |                                       |
|                      |                 |  | /  |                          |                                       |
|                      |                 |  | /  |                          |                                       |

9. Address *or exact location* of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

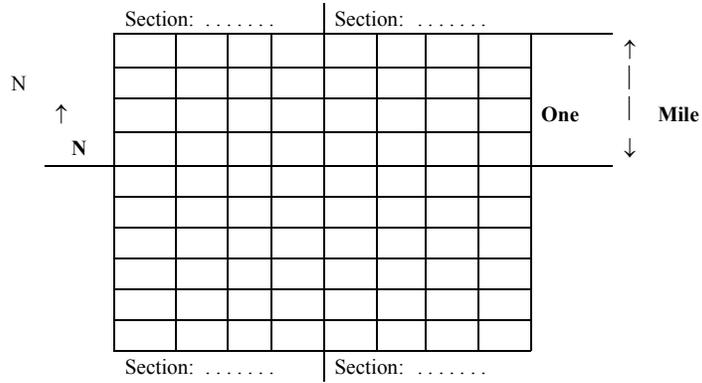
| 10. Date | 11. Name of person(s) making the application | 12. License No. | 13. Apparatus Lic. Plate No. | 14. Time |      | 15. Acres Completed | 16. Wind |            | 17. Temp |
|----------|--|-----------------|------------------------------|----------|------|---------------------|----------|------------|----------|
|          |  |                 |                              | Start    | Stop |                     | Dir.     | Vel. (mph) |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |

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| 10. Date | 11. Name of person(s) making the application | 12. License No. | 13. Apparatus Lic. Plate No. | 14. Time |      | 15. Acres Completed | 16. Wind |            | 17. Temp |
|----------|--|-----------------|------------------------------|----------|------|---------------------|----------|------------|----------|
|          |  |                 |                              | Start    | Stop |                     | Dir.     | Vel. (mph) |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |
|          |  |                 |                              |          |      |                     |          |            |          |

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only.

Township:
Range: E OR W (please indicate):
Section(s):
Block: Farm Unit:
or GPS:
County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 3) AGR 4236 (Rev. ((5/03)) 4/07)

- 1. Date may be spelled out or indicated numerically.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Check one.
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet or cubic feet. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
8.a) Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, ((eye)) etc.).
b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, surfactant, etc.) write "adjuvant" in this space and add the state registration number.
c) Indicate the amount of pesticide formulation (product/adjuvant) applied to the total area listed on line 6.
d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.

INSTRUCTIONS

- e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
f) Depth of application (chemigation).
9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
10. List the date of application.
11. Indicate first and last name(s).
12. List license number(s) if applicable.
13. This does not apply to private applicators or public agencies.
14. Application start and stop times must be indicated. Indicate a.m. or p.m.
15. The total of all entries in this column should equal the total listed on line 6.
16. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
17. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during the application.) Temperature readings shall be obtained in close proximity to the application site.

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 4)
NOTE: This form must be completed same day as the application
and it must be retained for 7 years (Ref. chapter 17.21 RCW)

- A. Date of Application - Year: Month: Day:
B. Firm Name: Telephone No.:
Commercial Applicator's Name: License No.:
Street Address: City: State: Zip:
C. Name of person(s) who applied the pesticide:
License No(s):
D. Pesticide Information (list all information for each pesticide including spray adjuvants (buffer, surfactant, dye, etc.) in the tank mix):

Table with 3 columns: Full Product Name, EPA Reg. No., Concentration. Concentration header: Amount: (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified.

- E. Application crop or site:
F. Apparatus License Plate No.

G. Record the following information for the specific conditions during each application:

Table with 6 columns: CUSTOMER (a) full name (b) complete address, AMOUNT APPLIED (gals. of mix), AREA TREATED (sq. ft., etc.), START AND STOP TIME, TEMP (F°), WIND DIR VEL (mph). Rows 1-9 with sub-headers a) and b).

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INSTRUCTIONS

Pesticide Application Record (Version 4) AGR 4234 (Rev. ((5/03)) 4/07)

This form may only be used for commercial residential ornamental and lawn applications. It may not be used to satisfy the application record requirements for agricultural applications.

- A. Date may be spelled out or indicated numerically.
B. Include first and last name of the commercial applicator.
C. Include first and last name(s).
D. Product name: Brand name found on the pesticide label including adjuvants (buffer, spreader, sticker, surfactant, (dye,)) etc.).

INSTRUCTIONS

- E. Indicate type of land treated, not location. Examples: Rights of way, lawn, trees and shrubs, driveways, etc.
F. List the number of the license plate affixed to the apparatus.
G. Customer's name and application information should be listed on line A. Street address should be listed on line B, including city. Additional pages may be added for additional customers on the same day, so long as the information in A through F remains the same.

DAILY PESTICIDE APPLICATION RECORD (Version 5)
For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years (Ref. chapter 17.21 RCW)

- A. FIRM NAME AND ADDRESS:
B. APPLICATOR NAME:
C. PERSON MAKING APPLICATION:
D. DATE:
E. APPARATUS LICENSE NO:

Table with 5 columns: CUSTOMER (a) FULL NAME, (b) FULL ADDRESS OR LOCATION OF APPLICATION, (c) TARGET PEST; (a) EPA REG. NO./FULL PRODUCT NAME(S), (b) CONCENTRATION, (c) TOTAL AMOUNT USED; (a) TIME (IN/OUT), (b) TEMP., (c) WIND DIR./VELOCITY; APPLICATION SITE (C&C, SPOT, VOID, INJECTIONS, ETC.); PESTICIDE APPLIED/ACRE OR OTHER MEASURE. Includes rows 1-7 with sub-rows a, b, c.

AGR 4237 (Rev. ((5/03)) 4/07) OPTIONAL: MILEAGE START MILEAGE END

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

WAC 16-228-1400 What are the requirements for pesticide labels? (1) In addition to the requirements set forth in (2) through (5) below, pesticide labeling shall meet the standards or criteria of FIFRA.

(2) Any pesticide exempted from registration under the provisions of section 18 of FIFRA must be labeled as follows:

(a) Pesticides distributed under section 18 of FIFRA must be accompanied by a label approved by the department prior to distribution. All conditions set forth in the document granting the emergency exemption and all other requirements determined to be necessary by the department must be included on the label.

(b) In situations where a label cannot be developed and approved prior to the intended use period, the department may allow the use of the document granting the emergency exemption in lieu of labeling. Conditions set forth as part of the granting document, and any attached or associated documentation from the department shall be considered labeling for purposes of enforcement.

(3) Labels for spray adjuvants must include the following:

- (a) The product brand name.
(b) The type or function of principal functioning agents. Terms used to describe adjuvant functions must be consistent with ((American Society for Testing and Materials (ASTM) Standard)) ASTM International Standards E 1519 and/or E 609, unless ASTM International has not defined a term. In the absence of an ASTM International definition, the department will determine the appropriate term(s). Functions claimed must be consistent with the principal functioning agents. If two or more functions are claimed, then the functions must be listed in descending order (starting with the primary function).
(c) An ingredient statement that shall include the following:
(i) "Principal functioning agents." The principal functioning agents must be listed by chemical name in descending order of composition with either individual or total percentage(s). If more than 3 functioning agents are present, only the 3 principal agents need to be listed;
(ii) The percentage of "Constituents ineffective as spray adjuvants," and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and recommended use rates.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children."

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data; and

(iii) A statement prohibiting aquatic use, unless the registrant provides data to demonstrate that the proposed use will not cause unreasonable adverse effects to fish and aquatic invertebrates.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The spray adjuvant label may also include an exemption from tolerance statement (if applicable), an unsulfonated residue (UR) value (if applicable), the Washington registration number and a label identification code (such as the revision date).

(4) Special local need (SLN) labels issued under section 24c of FIFRA must include the following:

(a) A federal or state Restricted Use Pesticide (RUP) designation statement (when applicable).

(b) The statement "FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF WASHINGTON."

(c) The product brand name.

(d) The EPA and SLN registration numbers of the product.

(e) The statement: "It is a violation of federal law to use this product in a manner inconsistent with its labeling."

(f) The statement: "This labeling must be in the possession of the user at the time of application."

(g) One of the following statements:

(i) For agricultural use SLN labels the statement: "Follow all applicable directions, restrictions, worker protection standard requirements, and precautions on the EPA registered label"; or

(ii) For nonagricultural use SLN labels the statement: "Follow all applicable directions, restrictions, and precautions on the EPA registered label."

(h) Directions for use that must include the following: crop or site to be treated, pest(s) to be controlled, application rate and concentration, method of application, frequency and timing of application, and pre-harvest interval.

(i) All restriction or precaution statements (e.g. pollinator protection, herbicide drift, aquatic toxicity, chemigation, seed crop requirements) applicable to the use.

(j) An expiration date statement such as: "This label for (Product name) expires and must not be distributed or used in

accordance with this SLN registration after December 31, (Fifth year)." Fifth year means the fifth year after issuance of the SLN label.

(k) The name and address of the SLN registrant.

(l) A label identification code (such as the revision date).

(m) Any other applicable information required by the EPA or the department.

(n) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(o) Optional information: The SLN label may also include a waiver of liability statement (if applicable). The waiver of liability statement must be consistent with EPA requirements.

(5) Labels for minimum risk pesticides exempted from federal registration under section 25(b) of FIFRA must include the following:

(a) The product brand name.

(b) The product function. The function(s) claimed must be consistent with product ingredients.

(c) An ingredient statement that shall include the following:

(i) "Active ingredients." These ingredients must be listed by name (in descending order of composition) with individual percentage(s). Only active ingredients listed in 40 CFR 152.25(g) are permitted;

(ii) "Inert ingredients" or "Other ingredients." These ingredients must be listed by name with the cumulative percentage of all inert ingredients stated on the label. Only inert ingredients on EPA Inerts List 4A (40 CFR 180.950) are permitted; and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and use rates. The label must not bear claims either to control or mitigate microorganisms that pose a threat to human health.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children," and

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The minimum risk pesticide label may also include the Washington registration number and a label identification code (such as the revision date).

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1410 What pesticides are considered home and garden use only pesticides?** For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged ~~((and))~~, labeled ~~((solely for))~~ and marketed in a manner that clearly indicates the product is intended for personal use by the general public in and around a residence. In making this determination, the department ~~((shall))~~ will consider, but not be limited to, the following criteria:

- (a) Packaging;
- (b) Package size;
- (c) Label instructions;
- (d) Application method;
- (e) Equipment to be used;
- (f) Rates of application.

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1520 What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)?** (1) A commercial pesticide applicator's license shall not be issued until a ~~((properly executed))~~ financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

- (a) Name of insured (identical to name on application form)
- (b) Address of insured
- (c) Policy number
- (d) Aircraft number(s) covered by the insurance (if applicable)
- (e) Effective period
- (f) Amount of insurance. Minimum requirements are:
- (i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or
- (ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.
- (iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.
- (g) List of any pesticides or group of pesticides not covered by the policy.
- (h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a ~~((properly executed))~~ surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

**WAC 16-230-010 ~~((Restricted use pesticides))~~ What are the restrictions on insecticides used on blossoming**

**alfalfa, clover and mint**~~((—Area under order.))~~<sup>2</sup> ~~((+))~~  
For the purposes of WAC 16-230-010 through 16-230-079, the following ~~((agricultural))~~ pesticides ~~((are declared to be restricted use pesticides in all counties of the state of Washington.))~~ have additional statewide use restrictions when applied to blossoming alfalfa, clover and mint.

| COMMON CHEMICAL NAME         | ALSO KNOWN AS*                        |
|------------------------------|---------------------------------------|
| acephate                     | Orthene                               |
| azinphos-methyl              | Guthion                               |
| carbaryl                     | Sevin                                 |
| carbofuran                   | Furadan                               |
| <del>((carbophenothion</del> | <del>Trithion))</del>                 |
| chlorpyrifos                 | Lorsban                               |
| <del>((demeton</del>         | <del>Systox))</del>                   |
| diazinon                     |                                       |
| dimethoate                   | Cygon <del>((, Rebelate))</del>       |
| disulfoton                   | Di-Syston                             |
| endosulfan                   | Thiodan                               |
| <del>((fenthion</del>        | <del>Baytex))</del>                   |
| fluvalinate                  | Spur                                  |
| formetanate hydrochloride    | Carzol                                |
| malathion                    | <del>((Cythion))</del> <u>Fyfanon</u> |
| methidathion                 | Supracide                             |
| methomyl                     | Lannate, Nudrin                       |
| methoxychlor                 | Marlate                               |
| methyl parathion             |                                       |
| <del>((mevinphos</del>       | <del>Phosdrin))</del>                 |
| naled                        | Dibrom                                |
| oxamyl                       | Vydate                                |
| oxydemeton-methyl            | Metasystox-R                          |
| <del>((parathion))</del>     |                                       |
| phorate                      | Thimet                                |
| phosmet                      | Imidan                                |
| trichlorfon                  | Dylox                                 |

\* This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

~~((2)) Area under order. All counties of the state of Washington.~~

AMENDATORY SECTION (Amending Order 1818, filed 4/10/84)

**WAC 16-230-015 ~~((Definition.))~~ What definitions apply to this section?** (1) The term "blossoming alfalfa, mint or clover" as used in WAC 16-230-010 through 16-230-083 shall ~~((be))~~ apply when there are five or more blooms per square yard on the average in a given field: Provided, That following the first cutting the bloom count shall be taken only on the current crop. For the purpose of this rule, a "bloom" on clover or alfalfa is defined as any alfalfa raceme or clover head containing one or more open flowers. A "bloom" on

mint is defined as any head or spike with one or more open (florets) flowers.

(2) The time of sunrise and sunset shall be that of the official tables, U.S. Weather Bureau, Yakima, Washington.

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

**WAC 16-230-030 ~~What are the use restrictions for alfalfa and clover~~(~~—Chemical restrictions—~~) pesticide applications?** (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides (~~(shall be)~~) is prohibited on blossoming alfalfa and clover crops within seven days to blossoming: Provided, That methidathion (Supracide) when used in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon (~~(or Rebelate)~~))
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), (~~(mevinphos (Phosdrin))~~) wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion (Fyfanon) and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides (~~(shall be)~~) is prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion (~~(dust and)~~) (Fyfanon) ULV and dust
- (e) Methyl parathion
- (f) (~~(Mevinphos (Phosdrin) dust~~) (~~(g))~~) Naled (Dibrom) dust
- (~~((h))~~) ~~Parathion~~
- (~~(i))~~) (g) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: Provided, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: Provided further, That the application of the following (~~(restricted)~~) use restricted pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning at

sunset and ending at two hours after midnight the following morning:

- (a) (~~(Carbophenothion (Trithion~~) (~~(b))~~) Formetanate hydrochloride (Carzol)
- (~~((c))~~) ~~Demethon (Systox)~~
- (~~(d))~~) (b) Naled (Dibrom) emulsifiable concentrate
- (~~((e))~~) (c) Disulfoton (Di-Syston)
- (~~((f))~~) (d) Endosulfan (Thiodan)
- (~~((g))~~) (e) Oxydemeton-methyl (Metasystox-R)
- (~~((h))~~) (f) Methomyl (Lannate or Nudrin)
- (~~((i))~~) (g) Methoxychlor (Marlate)
- (~~((j))~~) (h) Phorate (Thimet) granular
- (~~((k))~~) (i) Trichlorfon (Dylox)
- (~~((l))~~) (j) Oxamyl (Vydate)
- (~~((m))~~) (k) Fluvalinate (Spur)

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

**WAC 16-230-075 ~~What are the restrictions for blossoming mint~~(~~—Chemical restrictions—~~) pesticide applications?** The use or application of malathion dust on blossoming mint is prohibited. The use or application of malathion (Fyfanon) liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day.

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

**WAC 16-230-076 (~~(Pesticide use on blossoming alfalfa, clover and mint—)~~) What are the boundaries and restrictions for Area 1(~~(?)~~)?** (1) Area 1 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Washington-Oregon border and the Rainville Road; thence north along the Rainville Road to the Frog Hollow Road; thence west along the Frog Hollow Road to the McDonald Road; thence north along the McDonald and Bridge Road to State Highway 12; thence west along Highway 12 to the Woodward Canyon Road; thence north and west along the Woodward Canyon Road to the northeast corner of Section 24, T7N, R33E; thence west along the section lines to the northwest corner of Section 23, T7N, R32E; thence south along the section lines to the Walla Walla River; thence southerly along the Walla Walla River to its intersection with the west section line of Section 7, T6N, R33E; thence south along the section lines to the Washington-Oregon border; thence east along the border to the point of beginning.

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, (~~(shall be)~~) is prohibited after May 23 of each year, and the use or application of dimethoate (Cygon (~~(or~~

~~Rebelate~~)) on alfalfa and clover crops (~~shall be~~) is prohibited after May 30 of each year.

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

**WAC 16-230-078 What are the boundaries and restrictions for Area 2((+))?** (1) Area 2 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Rainville Road and the Washington-Oregon border; thence north to the Frog Hollow Road; thence east along the Frog Hollow Road to the Valley Chapel Road; thence south along the Valley Chapel Road to the Washington-Oregon border; thence west along the border to the point of beginning.

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, (~~shall be~~) is prohibited after May 30 of each year, and the use or application of dimethoate (Cygon (~~or Rebelate~~)) on alfalfa and clover crops (~~shall be~~) is prohibited after June 6 of each year.

AMENDATORY SECTION (Amending Order 1971, filed 4/4/88)

**WAC 16-230-079 Can the department issue special permits((+))?** The department may issue a permit upon receipt of a written request to apply (~~restricted~~) use restricted pesticides listed in WAC 16-230-010 in variation of any restrictions listed in WAC 16-230-015, 16-230-030, and 16-230-075 through 16-230-078. The department (~~shall~~) will consider the hazard to pollinating insects before a permit is issued.

AMENDATORY SECTION (Amending Order 1819, filed 4/10/84)

**WAC 16-230-082 What are the use restrictions on pesticides used on pollen shedding corn((—Restricted use pesticides—Area under order-))?** (1) The term "pollen shedding corn" as used in WAC 16-230-082 through 16-230-088 shall be that stage of growth when ten percent or more of the corn plants in any one quarter portion of a field are showing spike anthers.

(2) The insecticides\* carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion (Fyfanon), methomyl (Lannate or Nudrin), methyl parathion, parathion, and permethrin (Ambush or Pounce) are by this order declared to be (~~restricted~~) use restricted insecticides. Such insecticides are restricted in their use in Areas 1, 2 and 3 in eastern Washington.((\*)

(3) Area under order. Area 1 - Yakima County; Area 2 - Franklin, Adams and Grant counties; Area 3 - Area within Area 2 in Grant County.

\*Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

AMENDATORY SECTION (Amending Order 1819, filed 4/10/84)

**WAC 16-230-084 What are the restrictions in Areas 1 and 2((+))?** (1) Area 1 description - Yakima County. This area includes all of the irrigable lands encompassed by a line beginning at the southwest corner of Section 18, T8N, R21E; thence north nine miles more or less to the southeast corner of Section 36, T10N, R20E; thence fifteen miles west more or less to the southwest corner of Section 34, T10N, R18E; thence north fifteen miles more or less to the northwest corner of Section 22, T12N, R18E; thence east four miles more or less to the Northern Pacific Railroad tracks; thence following the tracks southeast to the Oldenway Road; thence north along the Oldenway Road and section lines to the Yakima River; thence southeast along the Yakima River to Highway 22 north of Toppenish; thence north along Highway 22 to Highway 12 at Buena; thence southeasterly along Highway 12 to the southern section line of Section 31, T11N, R21E; thence south one-quarter mile more or less to the Yakima River; thence southeast along the Yakima River to the Sunnyside-Mabton Road; thence south one mile to the Boundary Road; thence southwest along the Boundary Road and the Yakima Indian reservation boundary to the northern section line of Section 22, T8N, R22E; thence west nine miles more or less to the point of beginning.

(2) Area 2 description - Franklin, Adams and Grant counties. This area includes all of the irrigable lands encompassed by a line beginning at Highway 12 and the Columbia River; thence north and west following the river the length of Franklin County and into Grant County to the junction of Grant-Douglas County line; thence north on Grant-Douglas County line to the fifth standard parallel north; thence east twenty-five miles more or less to Highway 17; thence southeast seventeen miles more or less on Highway 17 to Highway 90; thence east twelve miles more or less to Grant-Adams County line; thence south on county line twelve miles more or less to the southeast corner of Section 36, T17N, R30E (southeast corner of Grant County); thence south twelve miles more or less (in Adams County) along east boundary of Section 1, 12, 13, 24, 25, 36, T16N, R30E; thence south along east boundary of Sections 1, 12, 13, 24, 25, 36, T15N, R30E continuing south into Franklin County along east boundary of Section 1 and 12, T14N, R30E to southeast corner of said Section 12; thence west one mile to Highway 17 (Franklin County); thence south on Highway 17 seventeen miles more or less to junction with Highway 395; thence south on Highway 395 fifteen miles more or less to Highway 12; thence west and south four miles more or less to Columbia River to the point of beginning.

(3) Area 1 and 2 restrictions.

(a) On and after August 1 to October 1 of any given year, application of carbaryl (Sevin) (except Sevin XLR), (~~parathion~~) methyl parathion and malathion dust in any combination on pollen shedding corn is prohibited.

(b) On and after August 1 to August 15 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 7:00 a.m. and 2:00 p.m.

(c) On and after August 15 to September 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion (Fyfanon) liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 8:30 a.m. and 3:30 p.m.

(d) On and after September 1 to October 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion (Fyfanon) liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(e) The application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

AMENDATORY SECTION (Amending Order 1819, filed 4/10/84)

**WAC 16-230-086 What are the restrictions in Area 3((?))?** (1) Area 3 description - area within Area 2 in Grant County. This area includes all of the irrigable lands encompassed by a line beginning at the junction of West 645 wasteway and White Trail Road and proceeding east four miles more or less on White Trail Road to Winchester wasteway; thence southeast four miles more or less along Winchester wasteway to I-90; thence east on I-90 nine miles more or less to Potholes Reservoir; thence following the west shoreline southeast to the Frenchmen Hills wasteway; thence west along Frenchmen Hills wasteway fourteen miles more or less to its junction with West 645 wasteway; thence northwest and north fourteen miles more or less along West 645 wasteway to junction with White Trail Road, the point of beginning.

(2) Area 3 restriction. This area is unrestricted as to the use of carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion (Fyfanon), methomyl (Lannate or Nudrin), methyl parathion(~~(-parathion)~~), and permethrin (Ambush or Pounce) on pollen shedding corn: Provided, That the application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

AMENDATORY SECTION (Amending Order 1819, filed 4/10/84)

**WAC 16-230-088 May a permit((?)) be issued for a variance from restrictions?** Upon receipt of a written request and justification for a variance, the director of the Washington state department of agriculture may issue a permit granting a variance from restrictions pertaining to pollen shedding corn.

AMENDATORY SECTION (Amending Order 2081, filed 4/2/91, effective 5/3/91)

**WAC 16-230-150 (~~(Area)~~) What areas are under order((—Restricted)) for use restricted desiccants and**

**defoliant((?))?** (1) Area under order: All counties located east of the crest of the Cascade Mountains.

(2) (~~(Restricted)~~) Use restricted desiccants and defoliants: The following desiccants and defoliants are declared to be (~~(restricted)~~) use restricted desiccants and defoliants in the area under order: Diquat; Paraquat; and Endothall.

(3) Additional restrictions (~~(shall)~~) apply for certain areas of Walla Walla County (see WAC 16-230-190).

AMENDATORY SECTION (Amending Order 2081, filed 4/2/91, effective 5/3/91)

**WAC 16-230-160 Desiccants and defoliants—Ground equipment—Nozzle and pressure requirements for the entire area under order.** The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Nozzle requirements - a minimum orifice diameter of .052 inches shall be used for application of all (~~(restricted)~~) use restricted desiccants and defoliants: Provided, That a RD-2 Raindrop nozzle shall be allowed.

(2) Pressure requirements - maximum pressure at the nozzles for all applications of (~~(restricted)~~) use restricted desiccants and defoliants shall be 30 psi.

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply (~~(restricted)~~) use restricted desiccants and defoliants within the area as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives, and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(4) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

AMENDATORY SECTION (Amending Order 2081, filed 4/2/91, effective 5/3/91)

**WAC 16-230-170 Desiccants and defoliants—Aerial equipment—Boom length, pressure, nozzle requirement, nozzle height of discharge and smoke device requirements for the entire area under order.** The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying (~~(restricted)~~) use restricted desiccants and defoliants.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of (~~(restricted)~~) use restricted desiccants and defoliants shall be 25 psi.

(3) Nozzle requirements for applications of (~~(restricted)~~) use restricted desiccants and defoliants:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: Provided, That the RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of .075 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of ~~((restricted))~~ use restricted desiccants and defoliant: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying ~~((restricted))~~ use restricted desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply ~~((restricted))~~ use restricted desiccants and defoliant within the area under order as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(7) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliant.

(8) Aerial applications of desiccants and defoliant are prohibited within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated city or town comprised of ten or more inhabited, closely grouped residences.

AMENDATORY SECTION (Amending Order 2081, filed 4/2/91, effective 5/3/91)

**WAC 16-230-180 (~~Desiccants and defoliant~~)**  
**What are the weather and evening cutoff requirements(-) for desiccants and defoliant?** The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Weather conditions: ~~((Restricted))~~ Use restricted desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: Provided, That aircraft applications of Paraquat

shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening cutoff: All applications of ~~((restricted))~~ use restricted desiccants and defoliant ~~((shall be))~~ are prohibited from three hours prior to sunset to one hour after sunrise the following morning: Provided, That ground applications in Area 2 of Walla Walla County may begin at sunrise: Provided further, That ground applications may be allowed at other times by obtaining a written permit from the department.

AMENDATORY SECTION (Amending Order 5071, filed 6/30/95, effective 7/31/95)

**WAC 16-230-190 What are the restrictions on the use of desiccants and defoliant in Walla Walla County(-)?** The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, R36E; thence east along section lines approximately twenty miles to the southeast corner of Section 1, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately fifteen miles to point of beginning.

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial application of ~~((restricted))~~ use restricted desiccants and defoliant ~~((shall))~~ must have prior approval by obtaining a written permit from the Washington state department of agriculture.

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

During the period of February 15 through November 1 of any year, any aerial application of Paraquat or any mixture containing Paraquat ~~((shall))~~ must have prior approval by obtaining a written permit from the Washington state department of agriculture.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is ~~((hereby))~~ restricted to ground apparatus only.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-400 (~~Restricted use herbicides~~)**  
**What is the area under order for use restricted herbicides in Spokane County(~~Area under order~~)?** (1) The area under order (~~shall~~) includes all lands lying within the borders of Spokane County. WAC 16-230-410 through 16-230-470 (~~shall apply~~) applies to the area under order.

(2) The distribution, use, and application of (~~restricted~~) use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to (~~restricted~~) use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-410 (~~Restricted~~) What are use herbicides(~~Area~~) in Spokane County(~~Area~~)?** All formulations of (~~Dicamba (Banvel) and all formulations of~~) phenoxy hormone-type herbicides, (~~including~~) (e.g., 2,4-D (~~and~~), 2,4-DB, 2,4-DP (dichlorprop), MCPA (~~are hereby declared to be restricted use herbicides~~), MCPB, MCPP (mecoprop) and dicamba are declared as use restricted herbicides except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 1678, filed 2/20/80)

**WAC 16-230-420 What are the boundaries and restrictions for Area 2(~~Area~~)?** (1) This area includes all lands lying within a boundary line starting at the intersection of state Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road; thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence southerly one mile more or less along the Cheney-Spokane Highway to the common boundary line between

Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 15, ground applications of (~~restricted~~) use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For roadside and right of way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of (~~restricted~~) use restricted herbicides is prohibited from May 1 through October 15: Provided, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of (~~restricted~~) use restricted herbicides is prohibited from three hours prior to sunset to sunrise the next day: Provided, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of (~~restricted~~) use restricted herbicides is prohibited within Area 2: Provided, That the department may issue a special permit, upon written request, for special weed control.

(f) (~~Restricted~~) Use restricted herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

(g) Ground applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 1678, filed 2/20/80)

**WAC 16-230-430 What are the boundaries and restrictions for Area 3(~~Area~~)?** (1) An area within a distance of two-thirds of a mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 restrictions(~~Area~~).

(a) The aerial application of (~~restricted~~) use restricted herbicides is prohibited within Area 3: Provided, That the department, upon written request, may issue a permit to allow aerial applications of nonvolatile formulations of (~~restricted~~) use restricted herbicides up to one-half mile of the city limits of incorporated towns and cities and up to one-half mile of the center of any unincorporated towns com-

prised of ten or more inhabited ~~((f,))~~ closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the danger area restrictions (see WAC 16-230-675).

(c) Ground applications of ~~((restricted))~~ use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(d) Ground applications of ~~((restricted))~~ use restricted herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-440 ~~((Restricted use herbicides—Spokane County—Area 4))~~ What are the boundaries and restrictions for Area 4?** (1) Area 4 description. All remaining lands in Spokane County not included in WAC 16-230-420 and 16-230-430.

(2) Area 4 restrictions.

(a) On and after May 1 through October 15, ground applications of ~~((restricted))~~ use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(c) Ground applications of ~~((restricted))~~ use restricted herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: Provided, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-450 ~~((Restricted use herbicides—Spokane County—Farm operator to notify.))~~ What information does an aerial applicator need from the landowner?** The landowner or person in charge of the farming operation shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which ~~((restricted))~~ use restricted herbicides are to be applied in the area under order (see WAC 16-230-400).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-460 ~~((Restricted use herbicides—Spokane County—Commercial greenhouse notification.))~~ Does a commercial greenhouse need to be notified?** The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least forty-eight hours prior to the application of allowable ~~((restricted))~~ use restricted herbicides to be applied within one-half mile of the above greenhouses.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-470 ~~((Restricted))~~ When is the application of use restricted herbicides ~~((—Spokane County—))~~ prohibited due to wind conditions ~~((:))~~?** The use or application of ~~((restricted))~~ use restricted herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of ~~((restricted))~~ use restricted herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

**WAC 16-230-600 Can high volatile ester and dust formulations be used in Washington and what are the areas under order ~~((:))~~ for use restricted herbicides?** (1) The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides ~~((shall be))~~ are prohibited throughout the state.

(2) WAC 16-230-605 through 16-230-675 ~~((shall))~~ apply to all counties located east of the crest of the Cascade Mountains.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-605 ~~((Specific))~~ Can additional county rules ~~((—Eastern Washington.))~~ be applied to herbicides?** The rules in WAC 16-230-600 through 16-230-675 shall not preclude any additional restrictions on the application of ~~((restricted))~~ use restricted herbicides provided for in the rules for specific counties located east of the Cascade Mountains.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-610 ~~((Restricted))~~ What are use restricted herbicides ~~((and definitions—))~~ in Eastern Washington ~~((:))~~ ~~((+))~~?** ~~((+))~~ All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ~~((and)), 2,4-DB, 2,4-DP (dichlorprop), MCPA~~ ~~((are declared to be restricted use herbicides in all counties located east of the crest of the Cascade Mountains.~~

(2) High and low volatile esters mean those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms, such as but not limited to methyl, ethyl, isopropyl, n butyl, isobutyl, and n pentyl.

(3) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market ~~(()), MCPB, MCPP (mecoprop))~~.

and dicamba except as listed below are use restricted herbicides.

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending WSR 00-22-045, filed 10/26/00, effective 11/26/00)

**WAC 16-230-615 (~~(Restricted use herbicides—Eastern Washington—)~~) What are the restrictions on sale and distribution(=) of use restricted phenoxy-hormone type herbicides and dicamba in Eastern Washington?** (~~Liquid formulations of restricted use herbicides distributed in quantities larger than one gallon in counties located east of the crest of the Cascade Mountains~~) Phenoxy-hormone type herbicides and dicamba shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except those listed in WAC 16-230-610 (1) and (2).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-625 (~~(Restricted use herbicides—Eastern Washington—)~~) What are the restrictions on mixing and loading(=) use restricted herbicides?** The mixing of (~~restricted~~) use restricted herbicides, the loading and decontamination of equipment used to apply (~~restricted~~) use restricted herbicides, and aircraft entering on to and exiting from landing sites shall be done in a manner as not to cause possible damage to susceptible crops.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

**WAC 16-230-630 What are the restrictions for storage(=) of use restricted herbicides?** (~~Restricted~~) Use restricted herbicides shall not be stored in areas where their use is prohibited unless they are in a sealed container (tight screw-type bungs, tightly closed lids or packages), and the outside of the containers not contaminated with the (~~restricted~~) use restricted herbicide.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

**WAC 16-230-635 What are the restrictions on petroleum and vegetable oil(=type) carriers(=emulsifiers,) and (spreader-stickers) spray adjuvants?** (~~Oil-type~~) Petroleum and vegetable oil carriers(=emulsifiers) and (~~spreader-stickers~~) spray adjuvants may be used when not in excess of one pint per acre: Provided, That oil-type carriers in excess of one pint per acre may be used with invert systems: Provided further, That invert systems may be used on aircraft by written permit only.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-230-640 (~~(Restricted)~~) Use restricted herbicides—Eastern Washington—Weather and temperature conditions.** (~~Restricted~~) Use restricted herbicides shall not be applied on and after April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85°F. temperature cutoff requirement: Provided further, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

**WAC 16-230-645 (~~(Restricted use herbicides—Eastern Washington—)~~) What is the evening cutoff(=) for use restricted herbicides?** On and after May 1 through October 31 of each year, the application of (~~restricted~~) use restricted herbicides (~~shall be~~) is prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of (~~restricted~~) use restricted herbicides (~~shall be~~) is allowed in Areas 3 and 4 up to one hour prior to sunset in all counties as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

**WAC 16-230-650 Can a permit be issued for the application of certain use restricted (use) herbicides(—Eastern Washington—Application permit)?** The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain (~~restricted~~) use restricted herbicides for purposes of critical weed control when such activities are restricted by rule. The director may consider recommendations of the 2,4-D committee for the county in question: Provided, That the 2,4-D committee is kept current for each county.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-230-655 (~~(Restricted)~~) Use restricted herbicides—Eastern Washington—Ground equipment pressure requirements.** Pressure shall not exceed twenty-five pounds per square inch at the nozzles: Provided, That pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system: Provided further, That when using a LP 8002 nozzle instead of a

regular 8004 or equivalent, the maximum pressure shall be fifteen pounds per square inch at the nozzle.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

**WAC 16-230-660 (~~(Turning and low flying of)~~) Can an aircraft(±) turn or fly low over cities and towns?** Aircraft carrying (~~(restricted)~~) use restricted herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard or susceptible crop is involved.

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

**WAC 16-230-665 (~~(Restricted use herbicides—Eastern Washington—Aircraft)~~) What are the restrictions on aerial applications near vineyards(±)?** Aerial application of (~~(restricted)~~) use restricted herbicides (~~(shall be)~~) is prohibited within one mile of any commercial vineyard: Provided, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of (~~(restricted)~~) use restricted herbicides that may be applied to lands located one-half to one mile from commercial vineyards: Provided further, That no distance restrictions shall apply to aerial applications of (~~(restricted)~~) use restricted herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County restrictions.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-670 (~~(Restricted)~~) Use restricted herbicides—Eastern Washington—Aircraft boom length and pressure requirements.** In all Areas 1 and 2, of all counties restricted by rule the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: Provided, That helicopters shall be allowed to use up to 35 psi in Areas 3 and 4 of all counties restricted by rule: Provided further, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

**WAC 16-230-673 (~~(Restricted)~~) Use restricted herbicides—Eastern Washington—Application through irrigation systems.** (~~(Restricted)~~) Use restricted herbicides

applied through irrigation systems (~~(shall be)~~) are subject to the same requirements as ground applications of (~~(restricted)~~) use restricted herbicides except for nozzle size and pressure requirements.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-230-675 (~~(Restricted)~~) Use restricted herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application.** Minimum nozzle orifice and core plate sizes shall be as listed in the dormant season, caution, warning, and danger area restrictions.

(1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

(i) Area 2 of all counties restricted by rule -

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 of all counties restricted by rule -

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

## (b) Helicopter -

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) No flat fan nozzles shall be allowed.

## (4) DANGER AREA

## (a) Fixed wing - minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

## (b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-800** (~~(Application of pesticides in)~~) **What is the area under order for Benton County**(~~(Area under order)~~)? The area under order (~~(shall)~~) includes:

All lands lying within the boundaries of Benton County.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-810** **What are the restrictions on the application of certain pesticides in Benton County**(~~(Restricted use pesticides)~~)? For the purposes of WAC 16-230-800 through 16-230-870, the following pesticides are declared to be (~~(restricted)~~) use restricted pesticides:

(1) (~~(Restricted)~~) Use restricted herbicides:\*

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)

(b) Desiccants and defoliant (such as Paraquat, Diquat, Endothal)

(c) Glyphosate (such as Roundup, Landmaster)

(d) Phenoxy hormone-type herbicides (such as 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop))

(e) Dicamba (such as Banvel)

(f) Bromoxynil (~~(such as Brominal, Buetril, Bronate)~~) except that the cutoff date of April 5 does not apply.

(2) (~~(Restricted)~~) Use restricted insecticides:

(a) (~~(Aerial)~~) Aerial applications of category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;

(b) (~~(Additionally, all)~~) Aerial applications of category I insecticides, except granular and pellet formulations(~~(are declared to be restricted use)~~) in Area 1 and Area 1A (~~(as described in WAC 16-230-835)~~).

\*Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-813** (~~(Application of pesticides in Benton County—Oil type carriers)~~) **When are oil-type carriers prohibited in Benton County?** On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-815** (~~(Application of pesticides in Benton County—Paraquat and diquat)~~) **Can Paraquat and Diquat be applied by air in Benton County?** Aerial application of Paraquat (~~(and)~~) or Diquat is prohibited in the entire area under order listed in WAC 16-230-800.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-820** (~~(Application of pesticides in Benton County—Sulfonylurea herbicides)~~) **Can sulfonylurea herbicides be applied by air in Benton County?** Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-825** (~~(Application of pesticides)~~) **What are the conditions applying to permits in Benton County**(~~(Permits)~~)? The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. First Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all

relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-830 (~~(Application of pesticides in Benton County—Emergency clause.)~~ Can use restricted pesticides be applied in an emergency?)** In the event of an emergency, as declared by the director, the department may issue permits for the use of ~~((restricted))~~ use restricted pesticides in variation of any restrictions contained in the area under order as defined in WAC 16-230-800. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-835 (~~(Application of pesticides in Benton County—Area 1.)~~ What are the boundaries and restrictions for Area 1?)** (1) Area 1 description (North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately two miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles

along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of ~~((restricted))~~ use restricted pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset restrictions.

#### NEW SECTION

**WAC 16-230-836 What are the boundaries and restrictions in Area 1A?** (1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N,

R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation District (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N, R26E; thence west one mile along section lines to the northwest corner of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That phenoxy hormone-type sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-840 (~~(Application of pesticides in Benton County—Area 2.)~~ What are the boundaries and restrictions for Area 2?)**

(1) Area 2 description. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence northwesterly along the Columbia River until its intersection with the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of (~~restricted~~) use restricted pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of (~~restricted~~) use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the (~~restricted~~) use restricted herbicides (~~shall be~~) are exempt from the sunset and sunrise restrictions: Provided further, That (~~persons licensed to perform~~) applications of (~~restricted~~) use restricted herbicides on small experimental plots for research

purposes (~~(shall be)~~) are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-845 (~~(Application of pesticides in Benton County — Area 3.)~~) What are the boundaries and restrictions for Area 3?** (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approxi-

mately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of (~~(restricted)~~) use restricted herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of (~~(restricted)~~) use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of (~~(restricted)~~) use restricted herbicides (~~(shall be)~~) are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of (~~(restricted)~~) use restricted herbicides (~~(shall be)~~) are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the (~~(restricted)~~) use restricted herbicides (~~(shall be)~~) are exempt from the sunset and sunrise restrictions: Provided further, That (~~(persons licensed to perform)~~) applications of the (~~(restricted)~~) use restricted herbicides on small experimental plots for research purposes (~~(shall be)~~) are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-850 (~~(Application of pesticides in Benton County — Area 4.)~~) What are the boundaries and restrictions for Area 4?** (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence

north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of ~~((restricted))~~ use restricted pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides is prohibited. Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applica-

tions of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of the ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-855 (~~(Application of pesticides in Benton County—Area 5.)~~ What are the boundaries and restrictions for Area 5?)** (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E;

thence south approximately five miles to the Washington Oregon border; thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of (~~restricted~~) use restricted herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of (~~restricted~~) use restricted herbicides (~~shall be~~) is prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the (~~restricted~~) use restricted herbicides (~~shall be~~) are exempt from the sunset and sunrise restrictions: Provided further, That (~~persons licensed to perform~~) applications of the (~~restricted~~) use restricted herbicides on small experimental plots for research purposes (~~shall be~~) are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-860 (~~Application of pesticides in Benton County—Area 6:~~) What are the boundaries and restrictions for Area 6?** (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of (~~restricted~~) use restricted herbicides (~~shall be~~) is prohibited on and after April 5 through October 31 of each year: Provided, That phenoxy hormone-type sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year all applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the (~~restricted~~) use restricted herbicides (~~shall be~~) are exempt from the sunset restrictions: Provided further, That (~~persons licensed to perform~~) applications of (~~restricted~~) use restricted herbicides on small experimental

plots for research purposes (~~shall be~~) are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-861 (~~Application of pesticides in Benton County—Wind conditions:~~) What are the restrictions on applications due to wind conditions?** The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of (~~restricted~~) use restricted pesticides defined in WAC 16-230-810 as well as applications made to structures (~~shall be~~) are exempt from the wind restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-863 Application of pesticides in Benton County—(~~Restricted~~) Use restricted herbicides ground apparatus nozzle requirements.** Ground applications of (~~restricted~~) use restricted herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only (~~restricted~~) use restricted herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply (~~restricted~~) use restricted herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such

herbicide applications shall be exempt from nozzle requirements.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-864 Application of pesticides in Benton County—~~((Restricted))~~ Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements.** The aerial application of ~~((restricted))~~ use restricted herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-866 Application of pesticides in Benton County—~~((Restricted))~~ Use restricted herbicides—Temperature conditions.** All phenoxy compounds and ~~((Banvel))~~ dicamba shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-230-868 ~~((Application of pesticides in Benton County—Restricted use herbicide weather conditions-))~~ What are the restrictions due to weather?** ~~((Restricted))~~ Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are

such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

|                |   |
|----------------|---|
| WAC 16-230-620 | Low volatile.                                       |
| WAC 16-230-862 | Application of pesticides in Benton County—Area 1A. |

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-100 ~~((Restricted))~~ What are the restrictions for pesticide use ~~((herbicides—))~~ in Franklin County~~((—Area under order-))~~?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Franklin County. WAC 16-231-110 through 16-231-183 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use ~~((herbicides))~~ restricted pesticides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-680.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-105 ~~((Restricted))~~ What are use restricted herbicides~~((s))~~ in Franklin County?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D, ~~((2,4,5-T and))~~ 2,4-DB, 2,4-DP (dichlorprop), MCPA ~~((in Areas 1, 1A, 2, 3, and 4 are by this order declared to be restricted use herbicides))~~, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending WSR 03-11-097, filed 5/21/03, effective 6/21/03)

**WAC 16-231-107 ~~((Application of))~~ What are use restricted pesticides in certain areas of Franklin County~~((—Restricted use pesticides-))~~?** The following pesticides are declared to be ~~((restricted))~~ use restricted pesticides in Areas 2A, 4A, and 6:

(1) ~~((Restricted))~~ Use restricted herbicides\*:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothal);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil (~~((such as Brominal, Buetril, Bronate)))~~  
except that the cutoff dates of April 5, April 15 and May 16 do not apply.

\* This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) (~~(Restricted use insecticides:))~~

All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

**WAC 16-231-110 When are oil-type carriers((-)) prohibited?** On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-115 (~~(Restricted)) What are the boundaries and restrictions for use restricted herbicides—Franklin County—Area 1((-))?~~** (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines twelve miles more or less to the southeast corner of Section 1, T10N, R30E; thence west two miles along section lines to the southeast corner of Section 3, T9N, R30E; thence north one mile along section lines to the northeast corner of Section 3, T9N, R30E; thence west along section lines three miles to the southeast corner of Section 31, T10N, R30E; thence north two miles along Highway 395 to the intersection with the Selph Landing Road near the northeast corner of Section 30, T10N, R30E; thence seven miles west along Selph Landing Road to the northwest corner of Section 30, T10N, R29E; thence north along section lines and portions of Fraser Drive until the intersection with Road 68, thence northwesterly along Road 68 until its intersection with the Esquatzel Channel; thence west along the Esquatzel Channel until its intersection with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin

County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of (~~(restricted))~~ use restricted herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of (~~(restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of (~~(restricted))~~ use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of (~~(restricted))~~ use restricted herbicides (~~(shall be))~~ are prohibited except by written permit issued by the department: Provided, That on and after November 1 through April 4 of the following year, aircraft applications of (~~(restricted))~~ use restricted herbicides (~~(shall be))~~ are allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of (~~(restricted))~~ use restricted herbicides (~~(shall be))~~ are prohibited within one mile of any commercial vineyard: Provided, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: Provided further, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-231-119 (~~(Restricted)) What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 1A((-))?~~** (1) Area 1A description. This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E; thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

## (2) Area 1A restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of ~~((restricted))~~ use restricted herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-125 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 2((s))?** (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section 23, T9N, R31E; thence northerly along section lines approximately two miles until the intersection with the Pasco Kahlotus Road at the northeast corner of Section 11, T9N, R31E; thence west approximately five miles along section lines and a portion of the Pasco Kahlotus Road to the intersection of the southeast corner of Section 1, T9N, R30E; thence north along the section lines twelve miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

## (2) Area 2 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 5 through October 31 of each year.

(b) On and after April 5 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1973, filed 4/12/88)

**WAC 16-231-130 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 3((s))?** (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

## (2) Area 3 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

**WAC 16-231-135 What are the boundaries and restrictions on use restricted herbicides in Area 4((s))?** (1) Area 4 description. (Dry land area.) All of the remaining lands in Franklin County lying east of Area 3.

## (2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be

made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-140 What are the restrictions on mixing or loading aircraft**~~(?)~~? The loading and/or mixing of ~~((restricted))~~ use restricted herbicides in Areas 1, 1A, 2, 3, and 4 is restricted to those formulations which may be applied in the area in which the airstrip is located.

AMENDATORY SECTION (Amending Order 1973, filed 4/12/88)

**WAC 16-231-145 ~~((Restricted))~~ What are the wind restrictions for use restricted herbicides—Franklin County**~~((—Wind conditions:))~~? The use or application of ~~((restricted))~~ use restricted herbicides shall be prohibited in Areas 1, 1A, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: Provided further, That applications of ~~((restricted))~~ use restricted herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used and allowed by the label. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-149 ~~((Restricted))~~ What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 2A**~~(?)~~? (1) Area 2A description. An area including all lands lying in a boundary line beginning at the Columbia River and Interstate 182 near the east section line of Section 13, T9N, R28E; thence along Interstate 182 until its intersection with U.S. Highway 12; thence southeasterly along Highway 12 until its intersection with the Snake River in Section 35, T9N, R30E; thence southwesterly along the Snake River until its intersection with the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 2A restrictions.

(a) Application by air of ~~((restricted))~~ use restricted pesticides as defined in WAC 16-231-107 is prohibited.

(b) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides

~~((shall be))~~ are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-153 ~~((Restricted))~~ What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 4A**~~(?)~~? (1) Area 4A description. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly along the power line until its intersection with the Snake River near the east line of Section 25, T9N, R30E; thence southwesterly along the Snake River until its intersection with U.S. Highway 12 in Section 35, T9N, R30E; thence northwesterly along Highway 12 until its intersection with Interstate 182; thence westerly along Interstate 182 until its intersection with the Columbia River along the east section line of Section 13, T9N, R28E; thence northerly along the Columbia River to the point of beginning.

(2) Area 4A restrictions.

(a) Application by air of ~~((restricted))~~ use restricted pesticides as defined in WAC 16-231-107 may be made by written permit only.

(b) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions: Provided further, That ~~((persons~~

~~licensed to perform~~) applications of the ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-156 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Franklin County—Area 6((=))?** (1) Area 6 description. An area including all lands lying within a boundary line beginning at the northwest corner of Section 30, T10N, R29E; thence east seven miles along Selph Landing Road until its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E; thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E; thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E; thence south one mile along section lines to the southeast corner of Section 3, T9N, R30E; thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road until its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E; thence southerly approximately two miles along section lines until the intersection with the Snake River; thence southwesterly along the Snake River until its intersection with the Bonneville Power Administration power line in Section 25, T9N, R30E; thence northwesterly along the power line until its intersection with Foster Wells Road in Section 4, T9N, R30E; thence west approximately eight and one-half miles along section lines and portions of the Foster Wells Road to the southwest corner of Section 6, T9N, R29E; thence north along section lines approximately three miles to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-159 ((Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Paraquat and diquat.)) Can Paraquat or Diquat be applied by air in Franklin County?** Aerial application of Paraquat and Diquat is prohibited in Areas 2A, 4A, and 6.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-162 ((Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Sulfonylurea herbicides.)) Can sulfonylurea herbicides be applied in Franklin County?** Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in Areas 2A, 4A, and 6.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-165 ((Application of pesticides in Franklin County—Areas 2A, 4A, and 6—Permits.)) What are conditions applying to permits in Franklin County?** The following conditions will apply to all permits issued in Areas 2A, 4A, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-168 ((Application of)) Can use restricted pesticides ((in Franklin County—Areas 2A, 4A, and 6—)) be applied in an emergency clause((=))?** In the event of an emergency, as declared by the director, the department may issue permits for the use of ~~((restricted))~~ use restricted pesticides in variation of any restrictions contained in Areas 2A, 4A, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substan-

tially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-171** (~~(Application of pesticides)~~) What are the restrictions on applications in Franklin County~~(—Areas 2A, 4A, and 6—)~~ due to wind ~~((conditions))~~? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in Areas 2A, 4A, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of ~~((restricted))~~ use restricted pesticides defined in WAC 16-231-107 as well as applications made to structures ~~((shall be))~~ are exempt from the wind restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-174** Application of pesticides in Franklin County—Areas 2A, 4A, and 6—~~((Restricted))~~ Use restricted herbicides ground apparatus nozzle requirements. Ground applications of ~~((restricted))~~ use restricted herbicides in Areas 2A, 4A, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only ~~((restricted))~~ use restricted herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply ~~((restricted))~~ use restricted herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-177** Application of pesticides in Franklin County—Areas 2A, 4A, and 6—~~((Restricted))~~ Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of ~~((restricted))~~ use restricted herbicides in Areas 2A, 4A, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-180** (~~(Application)~~) What are the restrictions on applications of pesticides in Franklin County—Areas 2A, 4A, and 6—~~((Restricted))~~ Use restricted herbicides~~((—))~~ due to temperature conditions~~((—))~~? All phenoxy compounds and ~~((Banvel shall))~~ dicamba must not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches ~~((shall be))~~ is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-231-183** What are the restrictions on application of pesticides in Franklin County~~((—Restricted use herbicide))~~ due to weather conditions~~((—))~~? ~~((Restricted))~~ Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops,

and plantings through physical drift or volatilization: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-200 ~~((Restricted use herbicides — Yakima County — Area under order.))~~ What are the restrictions for herbicide use in Yakima County?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Yakima County. WAC 16-231-205 through 16-231-235 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-205 ~~((Restricted))~~ What are use restricted herbicides~~((—))~~ in Yakima County~~((:))~~?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ~~((and))~~, 2,4-DB, 2,4-DP (dichlorprop), MCPA ~~((are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-200)),~~ MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-210 ~~((Restricted use herbicides — Yakima County — Oil-type carriers.))~~ When are oil-type carriers prohibited in Yakima County?** On and after April 5 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

**WAC 16-231-215 ~~((Restricted use herbicides — Yakima County — Area 1.))~~ What are the boundaries and restrictions for Area 1 in Yakima County?** (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of

Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 5 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of ~~((restricted))~~ use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited on and after April 5 through October 31: Provided, That hormone sprays may be applied to orchards to prevent fruit drop: Provided further, That aircraft applications ~~((shall be))~~ are allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35 and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

**WAC 16-231-220 What are the boundaries and restrictions for Area 1A~~((:))~~ in Yakima County?** (1) Area 1A description. (Tieton-Naches Area.) That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sec-

tions 35 and 36 lying southeast of the Tieton and Naches rivers.

(2) Area 1A restrictions. On and after April 15 through October 31, the use and application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited. On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed using the warning area restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-231-225 ~~((Restricted use herbicides—Yakima County—Area 2:))~~ What are the boundaries and restrictions for Area 2 in Yakima County?** (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

**WAC 16-231-230 What are the restrictions on mixing ~~((and))~~ or loading ~~((:))~~ for aircraft?** The mixing and/or loading of ~~((restricted))~~ use restricted herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of ~~((restricted))~~ use restricted herbicides is prohibited.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-235 ~~((Restricted use herbicides—Yakima County—Wind conditions:))~~ What are the restrictions due to wind conditions?** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such application ~~((shall be))~~ are prohibited in Areas 1 and 1A on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: Provided further, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-300 ~~((Restricted use herbicides—Adams County—Area under order:))~~ What are the restrictions for herbicide use in Adams County?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Adams County. WAC 16-231-305 through 16-231-340 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order ~~((shall))~~ must comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-305 ~~((Restricted))~~ What are use restricted herbicides ~~((—))~~ in Adams County ~~((:))~~?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ~~((and)), 2,4-DB, 2,4-DP (dichlorprop), MCPA ~~((are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-300)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:~~~~

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-310 ~~((Restricted use herbicides—Adams County—Oil type carriers:))~~ When are oil-type carriers prohibited in Adams County?** On and after May 16 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

**WAC 16-231-315 What are the boundaries and restrictions for Area 1 ~~((:))~~?** (1) Area 1 description. (Lands generally lying within the Columbia Basin irrigation project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Section 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest

corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of ~~((restricted))~~ use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

**WAC 16-231-320 What are the boundaries and restrictions for Area 2((s))?** (1) Area 2 description. (Buffer area east of Area 1.) Beginning at the Grant-Adams County line Section 6, T18N, R31E; thence east six miles more or less along the Burlington Northern Railroad tracks to Kulm Road; thence south three miles more or less along Kulm Road to Franz Road; thence east one mile along Franz Road to Roxboro Road; thence south fourteen miles along the Roxboro Road to Cunningham Road; thence southeasterly one mile more or less along Cunningham Road to Lind-Hatton Road; thence southerly three miles more or less along Lind-Hatton Road to Roxboro Road; thence southerly three miles more or less to the Adams-Franklin County line; thence west seven miles more or less along Adams-Franklin County line to the East Low Canal; thence northwesterly along the East Low Canal to the Grant-Adams County line; thence east five miles more or less and three miles north more or less along the Grant-Adams County line to the East Low Canal; thence northeasterly along East Low Canal to the Grant-Adams County line; thence north two miles more or less along Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be

made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

**WAC 16-231-325 What are the boundaries and restrictions for Area 3((s))?** (1) Area 3 description. An area starting at the northwest corner of Section 6, T20N, R31E, on the Lincoln-Adams County line; thence east twenty-three miles more or less on the Davis Road to Paha-Packard Road; thence south seventeen miles more or less along the Paha-Packard Road to the intersection of Paha-Packard Road and SR 395; thence southwesterly twenty-six miles more or less along SR 395 to the Adams-Franklin County line; thence west one mile more or less along Muse Road to the Roxboro Road; thence northerly and westerly thirty-one miles more or less along the east and north boundary of Area 2 to the Grant-Adams County line; thence north twelve miles more or less along the Grant-Adams County line to the point of beginning.

(2) Area ~~((2))~~ 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-330 ~~((Restricted use herbicides—Adams County—Area 4.))~~ What are the boundaries and restrictions for Area 4?** (1) Area 4 description. Outlying area east of Area 3.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications or ~~((restricted))~~ use restricted herbicides shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

**WAC 16-231-335 ~~((Aerial))~~ What are the restrictions on applications near vineyards((s))?** Aerial applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of ~~((restricted))~~ use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-340** (~~(Restricted use herbicides—Adams County—Wind conditions.)~~) **What are the restrictions on applications due to wind conditions?** (1) Area 1 and 2.

(a) The use or application of (~~restricted~~) use restricted herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of (~~restricted~~) use restricted herbicides (~~shall be~~) is prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: Provided, That application of allowable (~~restricted~~) use restricted herbicides (~~shall be~~) is exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of (~~restricted~~) use restricted herbicides (~~shall be~~) is prohibited when the mean sustained wind velocity is over twelve miles per hour: Provided, That ground applications of (~~restricted~~) use restricted herbicides are allowed when using No. 2RD or 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: Provided further, That application of allowable (~~restricted~~) use restricted herbicides (~~shall be~~) is exempt from these wind restrictions when applying fifty gallons or more per acre: And provided further, That applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval (~~shall~~) will be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-400** (~~(Restricted)~~) **Use restricted herbicides—Columbia County—Area under order.** (1) The area under order (~~shall~~) includes all lands lying within the boundaries of Columbia County. WAC 16-231-405 through 16-231-425 (~~shall apply~~) applies to the area under order.

(2) The distribution, use, and application of (~~restricted~~) use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to (~~restricted~~) use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-405** (~~(Restricted)~~) **What are use restricted herbicides(—) in Columbia County(=)?** All formulations of (~~Dicamba (Banvel) and all formulations of~~) phenoxy hormone-type herbicides (~~including~~) (e.g., 2,4-D (~~and~~), 2,4-DB, 2,4-DP (dichlorprop), MCPA (~~are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-400~~), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-410** (~~(Restricted use herbicides—Columbia County—Oil type carriers.)~~) **When are oil-type carriers prohibited in Columbia County?** On and after May 1 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1849, filed 3/15/85)

**WAC 16-231-413** **What are the boundaries and restrictions for Area 1(=) in Columbia County?** (1) Area 1 description. That area within a distance of one-half mile of the city limits of Dayton.

(2) Area 1 restrictions. Aircraft applications of (~~restricted~~) use restricted herbicides are prohibited on and after April 5 through October 31: Provided, That upon written request to the Washington state department of agriculture, aircraft applications by permit shall be considered for purposes of critical weed control.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

**WAC 16-231-415** **What are the boundaries and restrictions for Area 2(=) in Columbia County?** (1) Area 2 description. (Huntsville, Dayton, Baileysburg, and vicinity.) Sections 1 through 12, T9N, R38E; Sections 24, 25, 26 and 30 through 36, T10N, R38E; Sections 19, 20 and 28 through 33, T10N, R39E; Sections 2 through 11, 15 through 17, 21 and 22 and that portion of Section 20 lying east of the Payne Hollow Road in T9N, R39E in Columbia County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of (~~restricted~~) use restricted herbicides (~~shall be~~) is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of (~~restricted~~) use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches. On and after November 1 through April 30, ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of (~~restricted~~) use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675). On and after November 1 through April 30, aircraft applications of (~~restricted~~) use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-420** (~~(Restricted use herbicides—Columbia County—Area 4.)~~) **What are the boundaries and restrictions for Area 4 for Columbia County?** (1) Area 4 description. This area includes all remaining lands in Columbia County not included in WAC 16-231-413 and 16-231-415.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-425** (~~(Restricted use herbicides—Columbia County—Wind conditions.)~~) **What are the use restrictions due to wind conditions for Columbia County?**

The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited in Area 2 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such application ~~((shall be))~~ is prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-500** (~~(Restricted use herbicides—Whitman County—Area under order.)~~) **What are restrictions for herbicide use in Whitman County?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Whitman County. WAC 16-231-505 through 16-231-530 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-505** (~~(Restricted)~~) **What are use restricted herbicides(—) in Whitman County(=)?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ~~((and)), 2,4-DB, 2,4-DP (dichlorprop), MCPA ((are declared~~

~~to be restricted use herbicides in the area under order as listed in WAC 16-231-500)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:~~

~~(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less:~~

~~(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.~~

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-510** (~~(Restricted use herbicides—)~~) **What are the boundaries and restrictions for Whitman County—Area 1(=)?** (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: Provided, That the area under this section shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited throughout the year: Provided, That the low volatile formulation of MCPA ~~((shall be))~~ is allowed on and after November 1 through April 15 of each year.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

**WAC 16-231-515** **What are the boundaries and restrictions for Whitman County Area 3(=)?** (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

(2) Area 3 restrictions.

(a) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be

made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

**WAC 16-231-520 What are the boundaries and restrictions for Whitman County Area 4((:))?** (1) Area 4 description. (Outlying area west of Area 3.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-525 ~~((Restricted))~~ What are the notification requirements of farm operators for use restricted herbicides((—)) in Whitman County((—Farm operator to notify-))?** The landowner or person in charge of farming operations shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which ~~((restricted))~~ use restricted herbicides are to be applied in the area under order.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-530 ~~((Restricted use herbicides—Whitman County—Wind restrictions.))~~ What are restrictions due to wind conditions?** (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of ~~((restricted))~~ use restricted herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: Provided, That ground applications of ~~((restricted))~~ use restricted herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less and allowed by the label.

(3) All areas. Applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-600 ~~((Restricted use herbicides—))~~ What are restrictions for herbicide use in Klickitat County((—Area under order-))?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Klickitat County. WAC 16-231-605 through 16-231-620 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-605 ~~((Restricted))~~ What are use restricted herbicides((—)) in Klickitat County((:))?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ((and)), 2,4-DB, 2,4-DP (dichlorprop), MCPA ((are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-600)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-610 ~~((Restricted use herbicides—Klickitat County—))~~ When are oil-type carriers((:)) prohibited in Klickitat County?** On and after May 1 through September 30, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1849, filed 3/15/85)

**WAC 16-231-613 What are the boundaries and restrictions for Area 2((:))?** (1) Area 2 description. (South-east corner of Klickitat County.) Sections 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, Township 5 north, Range 23 east; Sections 21, 22, south half of Section 23, Sections 26, 27, 28, 33, 34, west half of Section 35, Township 5 north, Range 22 east; Sections 1, 2, 11, 12, Township 4 north, Range 23 east.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after April 15 through October 31: Provided, That upon written request to the Washington state department of agriculture, a permit may be issued for purposes of critical weed control.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675): Provided, That aircraft applications shall be prohibited within one mile of commercial vineyards and within one-half mile of other susceptible crops: Provided further, That upon written request to the Washington state department of agriculture, aircraft applications from one-half mile to one mile of commercial vineyards and within one-half mile of other susceptible crops by permit shall be considered for purposes of critical weed control. On and after November 1 through April 14 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-615 ~~((Restricted use herbicides—Klickitat County—))~~ What are the boundaries and restrictions for Area 3(±) in Klickitat County?** (1) Area 3 description. All remaining lands within the boundaries of Klickitat County not included in WAC 16-231-613.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after May 1 through September 30 of each year: Provided, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of ~~((restricted))~~ use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-620 ~~((Restricted use herbicides—Klickitat County—))~~ What are restrictions due to wind conditions(±)?** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-700 ~~((Restricted use herbicides—))~~ What are restrictions for herbicide use in Okanogan County(~~—Area under order.~~)?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Okanogan County. WAC 16-231-705 through 16-231-725 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-705 ~~((Restricted))~~ What are use restricted herbicides(—) in Okanogan County(±)?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ((and), 2,4-DB, 2,4-DP (dichlorprop), MCPA ((are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-700)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

**WAC 16-231-710 What are the boundaries and restrictions for Okanogan County Area 1(±)?** (1) Area 1 description. (Okanogan County) An area starting at the intersection of the east boundary line of Section 24, T29N, R25E, and the Columbia River; thence north 19 miles more or less to the southwest corner of Section 7, T32N, R26E; thence east three miles to the southeast corner of Section 9; thence north two miles to the northeast corner of Section 4; thence east three miles more or less to the southeast corner of Section 36, T33N, R26E; thence north four miles to the southwest corner of Section 7, T33N, R27E; thence east two miles to the southeast corner of Section 8; thence north six miles to the northeast corner of Section 17, T34N, R27E; thence west eight miles to the northwest corner of Section 18, T34N, R26N; thence south four miles to the southwest corner of Section 31; thence west three miles to the northwest corner of Section 3, T33N, R25E; thence south four miles to the southwest corner of Section 22, T33N, R25E; thence west three miles to the northwest corner of Section 30; thence south two miles to the southwest corner of Section 31; thence west two miles to the northwest corner of Section 2, T32N, R24E; thence south ten miles to the southwest corner of Section 23, T31N, R24E; thence west four miles to the northwest corner of Section 30; thence south seven miles more or less to the

north bank of the Columbia River; thence easterly along the north bank of the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after April 15 through October 31 of each year.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aerial applications of ~~((restricted))~~ use restricted herbicides shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-715 ~~((Restricted use herbicides))~~ What are the boundaries and restrictions for Okanogan County~~((--))~~Area 4~~((--))~~? (1) Area 4 description. This area includes all remaining lands in Okanogan County not included in WAC 16-231-710.**

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-720 ~~((Restricted use herbicides—Okanogan County—Wind conditions))~~ What are the restrictions due to wind conditions?** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

**WAC 16-231-725 What are the restrictions on mixing or loading aircraft~~((--))~~?** The loading and/or mixing of ~~((restricted))~~ use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-800 ~~((Restricted use herbicides))~~ What are restrictions for herbicide use in Douglas and Chelan counties~~((--Area under order--))~~?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Douglas and Chelan counties. WAC 16-231-

805 through 16-231-840 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-805 ~~((Restricted))~~ What are use restricted herbicides~~((--))~~ in Douglas and Chelan counties~~((--))~~? All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides, ~~((including))~~ (e.g., 2,4-D ~~((and))~~, 2,4-DB, 2,4-DP (dichlorprop), MCPA ~~((are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-800))~~, MCPB, MCPP (mecoprop)) and dicamba except as listed below:**

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

**WAC 16-231-810 What are the boundaries and restrictions for Area 1~~((--))~~?** (1) Area 1 description - Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right of way of the Malaga Road; thence along and including the Malaga Road right of way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description - Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23, thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right of way of State Road 28; thence northwest along the highway right of way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aerial applications of ~~((restricted))~~ use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

**WAC 16-231-815 What are the boundaries and restrictions for Area 2((+))?** (1) Area 2 description. (Buffer area — a protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County - those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County - (Moses-Coulee and Bridgeport area.) Section 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

**WAC 16-231-820 What are the boundaries and restrictions for Area 3((+))?** (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-825 ~~((Restricted-use herbicides—Douglas and Chelan counties—)) What are the boundaries and restrictions for Area 4((+))?~~** (1) Area 4 description. All remaining lands in Douglas County not included in WAC 16-231-810, 16-231-815 and 16-231-820.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

**WAC 16-231-830 What are the restrictions on mixing and loading aircraft((+))?** The loading and/or mixing of ~~((restricted))~~ use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

**WAC 16-231-835 What are restrictions for aerial applications near vineyards((+))?** Aerial application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of ~~((restricted))~~ use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards ~~((shall))~~ will be considered through written request to the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-840 ~~((Restricted-use herbicides—Douglas and Chelan counties—)) What are restrictions due to wind conditions((+))?~~** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-900** (~~(Restricted use herbicides— Grant County Area under order.)~~) **What are restrictions for herbicide use in Grant County?** (1) The area under order (~~shall~~) includes all lands lying within the boundaries of Grant County. WAC 16-231-905 through 16-231-935 (~~shall apply~~) applies to the area under order.

(2) The distribution, use, and application of (~~restricted~~) use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to (~~restricted~~) use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-905** (~~(Restricted)~~) **What are use restricted herbicides(—) in Grant County(—)?** All formulations of (~~Dicamba (Banvel) and all formulations of~~) phenoxy hormone-type herbicides (~~(including)~~) (e.g., 2,4-D (~~and~~), 2,4-DB, 2,4-DP (dichlorprop), MCPA (~~are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-900~~), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

**WAC 16-231-910** (~~(Restricted use herbicides—)~~) **What are the boundaries and restrictions for Grant County(—)Area 1(—)?** (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic

energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of (~~restricted~~) use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of (~~restricted~~) use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of (~~restricted~~) use restricted herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of (~~restricted~~) use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of (~~restricted~~) use restricted herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of (~~restricted~~) use restricted herbicides (~~shall be~~) are prohibited within one mile of any commercial vineyard: Provided, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: Provided further, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-231-912** (~~(Restricted use herbicides—)~~) **What are the boundaries and restrictions for Grant County(—)Area 1A(—)?** (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of (~~restricted~~) use restricted herbicides is prohibited on and after April 5 through October 31: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of ~~((restricted))~~ use restricted herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 5 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

**WAC 16-231-915 What are the boundaries and restrictions for Grant County Area 2((-))?** (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

**WAC 16-231-920 What are the boundaries and restrictions for Grant County Area 3((-))?** (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north

nineteen miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks fourteen miles more or less to the point of beginning.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited.

(b) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

**WAC 16-231-925 What are the boundaries and restrictions for Grant County Area 4((-))?** (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

**WAC 16-231-930 What are the restrictions on ((air-strips-)) mixing and loading aircraft?** The loading and/or mixing of ~~((restricted))~~ use restricted herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-231-935 ~~((Restricted use herbicides— Grant County—)) What are restrictions due to wind conditions((-)?~~** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: Provided, That applications of allowable ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an

approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-001 ~~((Restricted use herbicides—))~~ What are restrictions for pesticide use in Walla Walla County~~((—Area under order.))~~**? (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through 16-232-077 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ the use of use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-005 ~~((Restricted))~~ What are use restricted herbicides~~((:))~~ in Walla Walla County?** All formulations of ~~((Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides, ~~((including))~~ (e.g., 2,4-D, ~~((2,4,5-T and))~~ 2,4-DB, 2,4-DP (dichlorprop), MCPA ~~((in areas 1, 2, 2A, 3, and 3A are by this order declared to be restricted use herbicides)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:~~

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-007 ~~((Application of pesticides in))~~ What are restricted use pesticides in certain areas of Walla Walla County~~((—Restricted use pesticides.))~~**? The following pesticides are declared to be ~~((restricted))~~ use restricted pesticides in areas 2B, 4, and 6:

(1) ~~((Restricted))~~ Use restricted herbicides\*:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliant (such as Paraquat, Diquat, Endothall);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil ~~((such as Brominal, Buetril, Bronate))~~ except that the cutoff dates of April 5, April 15 and May 15 do not apply.

\*This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) ~~((Restricted use insecticides:))~~ All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-010 ~~((Restricted))~~ What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 1~~((:))~~**? (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to a point near the east section line of Section 23 T9N, R31E; thence south approximately twelve miles to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence southwesterly along the Columbia River approximately three and one-half miles to the intersection of the Washington-Oregon state line; thence east along the Washington-Oregon state line to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications ~~((shall be))~~ of use restricted herbicides are prohibited except by written permit issued by the department.

AMENDATORY SECTION (Amending Order 1989, filed 10/19/88)

**WAC 16-232-015 ~~((Restricted))~~ What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2~~((:))~~**? (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N,

R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: Provided, That:

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of ~~((restricted))~~ use restricted herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County ~~((shall))~~ are not ((be)) considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of ~~((restricted))~~ use restricted herbicides is prohibited on any airstrip, airfield or any location within Area 2: Provided, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-232-020 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2A((-))** (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

## (2) Area 2A restrictions.

(a) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That 2,4-DB ~~((shall be))~~ is allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-232-025 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3((:))?** (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

## (2) Area 3 restrictions.

(a) The use and application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

**WAC 16-232-027 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3A((:))?** (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

## (2) Area 3A restrictions.

(a) The use and application of low volatile formulations of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

**WAC 16-232-030 What are the restrictions on aerial applications near vineyards((:))?** Aerial applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited within one mile of any commercial vineyard: Provided, That aerial application of ~~((restricted))~~ use restricted herbicides to lands located within one-half to one mile from commercial vineyards ~~((shall))~~ will be considered through written request of the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1973, filed 4/12/88)

**WAC 16-232-035 ((Restricted)) What are the restrictions on use restricted herbicides((—)) in Walla Walla County((—)) due to wind conditions((:))?** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ is prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications ~~((shall be))~~ are prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when allowed by the label and when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department ~~((shall))~~ will consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-041 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2B((:))?** (1) Area 2B description. An area including all lands lying within a boundary line beginning at the intersection of the Union Pacific Railroad and U.S. Highway 12 in Section 10, T7N, R31E; thence southerly along Highway 12 approximately three miles until its intersection with the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence north-

westerly along the Columbia River approximately ten miles until its intersection with the Snake River; thence northeasterly along the Snake River until its intersection with Highway 12 in Section 35, T9N, R30E; thence southeasterly along Highway 12 to the point of beginning.

(2) Area 2B restrictions.

(a) Application by air of ~~((restricted))~~ use restricted pesticides as defined in WAC 16-232-007 is prohibited.

(b) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-044 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 4((:))?** (1) Area 4 description. An area including all lands lying within a boundary line beginning at the intersection of the Snake River and the Bonneville Power Administration power line near the east section line of Section 25, T9N, R30E; thence southeasterly along the Bonneville Power Administration power line until its intersection with SR 124 in Section 32, T9N, R31E; thence approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad until its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to the point of its intersection with the Snake River in Section 35, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of ~~((restricted))~~ use restricted pesticides as defined in WAC 16-232-007 may be made by written permit only.

(b) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of ~~((restricted))~~ use restricted herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset and sunrise restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of the ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-047 ((Restricted)) What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 6((:))?** (1) Area 6 description. An area including all lands lying within a boundary line beginning at the Snake River and the east section line of Section 23, T9N, R31E; thence south approximately twelve miles along section lines to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately two miles to the southern section line of Section 8, T7N, R31E; thence east approximately two miles along the section line until its intersection with U.S. Highway 12 in Section 10, T7N, R31E; thence northwesterly along U.S. Highway 12, approximately three-quarters of a mile until its intersection with the Union Pacific Railroad; thence northerly approximately four miles along the railroad until its intersection with the southern section line in Section 15, T8N, R31E; thence east approximately one-quarter mile along the section line to the southeast corner of Section 15, T8N, R31E; thence north approximately three miles until its intersection with SR 124; thence west along SR 124 approximately two and one-half miles until its intersection with the Bonneville Power Administration power line in Section 32, T9N, R31E; thence northwesterly along the power line until its intersection with the Snake River in Section 25, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of ~~((restricted))~~ use restricted herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated

acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are exempt from the sunset restrictions: Provided further, That ~~((persons licensed to perform))~~ applications of ~~((restricted))~~ use restricted herbicides on small experimental plots for research purposes ~~((shall be))~~ are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-050** ~~((Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—))~~ When are oil-type carriers(=) prohibited in Walla Walla County? On and after April 5 through October 31, oil-type carriers are prohibited for brush control in areas 2B, 4, and 6: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-053** ~~((Application of pesticides))~~ Can Paraquat or Diquat be applied by air in Walla Walla County(—Areas 2B, 4, and 6— Paraquat and diquat.))? Aerial application of Paraquat and Diquat is prohibited in areas 2B, 4, and 6.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-056** ~~((Application of pesticides))~~ Can sulfonylurea herbicides be applied in Walla Walla County(—Areas 2B, 4, and 6— Sulfonylurea herbicides.))? Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in areas 2B, 4, and 6.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-059** ~~((Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—))~~ What are the conditions applying to permits(=) in Walla Walla County? The following conditions will apply to all permits issued in areas 2B, 4, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236 Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any

time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit ~~((shall))~~ will be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-062** ~~((Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Emergency clause.))~~ Can use restricted pesticides be applied in an emergency? In the event of an emergency, as declared by the director, the department may issue permits for the use of ~~((restricted))~~ use restricted pesticides in variation of any restrictions contained in areas 2B, 4, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-065** ~~((Application of pesticides))~~ What are the restrictions on applications in Walla Walla County(—Areas 2B, 4, and 6—Wind conditions.)) due to wind? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in areas 2B, 4, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications ~~((shall be))~~ are allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of ~~((restricted))~~ use restricted pesticides defined in WAC 16-232-007 as well as applications made to structures ~~((shall be))~~ are exempt from the wind restrictions.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-068** Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—~~((Restricted))~~ Use restricted herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in areas 2B, 4, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an

inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-071 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—(~~Restricted~~) Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements.** The aerial application of restricted use herbicides in areas 2B, 4, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles (~~shall be~~) are allowed.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-074 (~~Application of pesticides~~) What are the restrictions on applications in Walla Walla County(~~—Areas 2B, 4, and 6—Restricted use herbicides—~~) due to temperature (~~conditions~~)?** All phenoxy compounds and (~~Banvel~~) dicamba shall not be applied when the temperature is above eighty-five degrees F. or

above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches (~~shall be~~) is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

AMENDATORY SECTION (Amending WSR 00-24-002, filed 11/22/00, effective 12/23/00)

**WAC 16-232-077 What are the restrictions on applications of pesticides in Walla Walla County(~~—Restricted use herbicide~~) due to weather conditions(~~(-)~~)?** (~~Restricted~~) Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of (~~restricted~~) use restricted herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-100 (~~Restricted use herbicides~~) What are restrictions for herbicide use in Lincoln County(~~—Area under order~~)?** (1) The area under order (~~shall~~) includes all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 (~~shall apply~~) applies to the area under order.

(2) The distribution, use, and application of (~~restricted~~) use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to (~~restricted~~) use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-105 (~~Restricted~~) What are use restricted herbicides(~~(—)~~) in Lincoln County(~~(-)~~)?** All formulations of (~~Dicamba (Banvel) and all formulations of~~) phenoxy hormone-type herbicides (~~(including)~~) (e.g., 2,4-D (~~and~~), 2,4-DB, 2,4-DP (dichlorprop), MCPA (~~are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-100~~), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-110 ((Restricted use herbicides—Lincoln County—Oil type carriers.)) When are oil-type carriers prohibited in Lincoln County?** On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 1669, filed 2/20/80)

**WAC 16-232-115 What are the boundaries and restrictions for Area 3((s))?** (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and state Highway 2; thence northeasterly two and one-half miles more or less along state Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to state Highway 21; thence south twenty-seven miles more or less along state Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams counties to the Grant County line; thence north twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of ((restricted)) use restricted herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of ((restricted)) use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of ((restricted)) use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-120 ((Restricted use herbicides—Lincoln County—Area 4.)) What are the boundaries and restrictions for Area 4?** (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of ((restricted)) use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-200 ((Restricted)) What are the restrictions for use restricted herbicides—Garfield County((—Area under order.))?** (1) The area under order ((shall))

includes all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 ((shall apply)) applies to the area under order.

(2) The distribution, use, and application of ((restricted)) use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ((restricted)) use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-205 ((Restricted)) What are use restricted herbicides((—)) in Garfield County((s))?** All formulations of ((Dicamba (Banvel) and all formulations of)) phenoxy hormone-type herbicides ((including)) (e.g., 2,4-D ((and)), 2,4-DB, 2,4-DP (dichlorprop), MCPA ((are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-200)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

**WAC 16-232-210 What are the boundaries and restrictions for Area 2((s))?** (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of ((restricted)) use restricted herbicides ((shall be)) are prohibited.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

**WAC 16-232-215 What are the boundaries and restrictions for Area 3((s))?** (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of ((restricted)) use restricted herbicides ((shall be)) is prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of ((restricted)) use restricted herbicides shall be

made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-220 ((Restricted)) What are the boundaries and restrictions for use restricted herbicides—Garfield County—Area 4((:))?** (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-225 ((Restricted)) What are the restrictions on applications of use restricted herbicides((—)) in Garfield County((—)) due to wind conditions((:))?** The use or application of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications ~~((shall be))~~ are prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of ~~((restricted))~~ use restricted herbicides ~~((shall be))~~ are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ~~((shall))~~ will be based on research data.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-300 ((Restricted)) What are the restrictions for use restricted herbicides((—)) in Kittitas County((—Area under order.))?** (1) The area under order ~~((shall))~~ includes all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 ~~((shall apply))~~ applies to the area under order.

(2) The distribution, use, and application of ~~((restricted))~~ use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to ~~((restricted))~~ use restricted herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-305 ((Restricted)) What are use restricted herbicides((—)) in Kittitas County((:))?** All formulations ~~((of Dicamba (Banvel) and all formulations of))~~ phenoxy hormone-type herbicides ~~((including))~~ (e.g., 2,4-D ((and)), 2,4-DB, 2,4-DP (dichlorprop), MCPA ((are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-300)), MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

AMENDATORY SECTION (Amending Order 1754, filed 3/31/82)

**WAC 16-232-310 What are the boundaries and restrictions for Area 1((:))?** (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of ~~((restricted))~~ use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: Provided, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of ~~((restricted))~~ use restricted herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: Provided, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of ~~((restricted))~~ use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

**WAC 16-232-315 ((Restricted)) What are the restrictions on applications of use restricted herbicides((—)) in Kittitas County((—)) due to wind conditions((:))?** The use or application of ((restricted)) use restricted herbicides ((shall be)) is prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: Provided, That applications of allowable ((restricted)) use restricted herbicides ((shall be)) are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of ((restricted)) use restricted herbicides ((shall be)) are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval ((shall)) will be based on research data.

**WSR 07-11-044**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed May 9, 2007, 10:47 a.m., effective June 9, 2007]

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

Purpose: The passage of SHB 2376 (chapter 24, Laws of 2006) eliminated the possibility of premiums for medicaid children. This WAC is amended to allow families to be considered as one medical assistance unit when family members are found to be eligible as such.

Citation of Existing Rules Affected by this Order: Amending WAC 388-408-0055.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: RCW 74.09.055 as amended by chapter 24, Laws of 2006.

Adopted under notice filed as WSR 07-06-058 on March 5, 2007.

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 8, 2007.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-04-021, filed 1/23/06, effective 2/23/06)

**WAC 388-408-0055 Medical assistance units.** (1) One or more medical assistance units (MAU) is established for individuals living in the same household based on the type of medical program, each individual's relationship to other family members, and the individual's financial responsibility for the other family members.

(2) Financial responsibility applies only to spouses and to parents, as follows:

(a) Married persons, living together are financially responsible for each other; and

(b) Persons who meet the definition of a natural, adoptive, or step-parent described in WAC 388-454-0010 are financially responsible for their unmarried, minor children living in the same household(~~(and)~~).

~~((+))~~ (3) Minor children are not financially responsible for their parents or for their siblings.

~~((+))~~ (4) When determining eligibility for family, pregnancy, or children's medical programs, follow the income rules as described in WAC 388-450-0106(1) through (7). Only one MAU is required when all family members are eligible for categorically needy (CN) medical coverage.

(5) If a family is not eligible as one MAU for a CN program, separate MAUs are required for family members living in the same household in the following situations:

(a) A pregnant minor, regardless of whether she lives with her parent(s);

(b) A child with earned or unearned income;

(c) A child with resources which make another family member ineligible for medical assistance;

(d) A child of unmarried parents when both parents reside with the child;

(e) Each unmarried parent of a child in common, plus any of their children who are not in separate MAUs;

(f) A caretaker relative that is not financially responsible for the support of the child;

~~((+))~~ (6) For a family with multiple MAUs established based on the criteria described in subsection ~~((+))~~ (5) of this section, a parent's:

(a) Income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated to their children in separate MAUs.

(b) Resources are allocated equally to the parent and all persons in the parent's household for whom the parent is financially responsible. This includes family members in separate MAUs.

~~((+))~~ (7) The exceptions to the income allocations described in subsection ~~((+))~~ (6) of this section are as follows:

(a) Only the parent's income actually contributed to a pregnant minor is considered income to the minor.

(b) A parent's financial responsibility is limited when the minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:

(i) The treatment is expected to last ninety days or more;

(ii) The child is in court-ordered, out-of-home care in accordance with chapter 13.34 RCW; or

(iii) The department determines the parents are not exercising responsibility for the care and control of the child.

~~((6))~~ (8) When determining eligibility for an SSI-related medical program, a separate MAU is required for:

- (a) SSI recipients;
- (b) An SSI-related person who has not been found eligible for family medical under this chapter; or
- (c) The purpose of applying medical income standards for an:
  - (i) SSI-related applicant whose spouse is not relatable to SSI or is not applying for SSI-related medical; and
  - (ii) Ineligible spouse of an SSI recipient.

~~((7))~~ (9) For a person in a separate MAU, based on the criteria described in subsection ~~((6))~~ (8) of this section, the income and resource allocations described in subsection ~~((4))~~ (6) of this section are not used. The SSI-related individual's eligibility is determined using the allocations or deeming rules in chapter 388-475 WAC.

~~((8))~~ (10) Countable income for medical programs:

- (a) For SSI individuals is described in chapter 388-475 WAC; or
- (b) For family medical, pregnancy medical, and children's medical is described in WAC 388-450-0210.

**WSR 07-11-045**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 (Aviation Division)

[Filed May 9, 2007, 1:16 p.m., effective June 9, 2007]

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

Purpose: In 1997 the department of transportation was created (RCW 47.01.031) and the aeronautics commission was abolished. The Washington state department of transportation for the WSDOT aviation division (RCW 47.68.015) to oversee aviation in the state. Chapter 12-04 WAC was the functioning rules for the aeronautics commission which no longer exists.

Citation of Existing Rules Affected by this Order: Repealing chapter 12-04 WAC.

Adopted under notice filed as WSR 07-05-067 on February 20, 2007.

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 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 24, 2007.

P. J. Hammond  
 Chief of Staff

REPEALER

The following chapter of the Washington Administrative Code is repealed:

|               |   |
|---------------|---|
| WAC 12-04-010 | Purpose.  |
| WAC 12-04-020 | Definitions.  |
| WAC 12-04-030 | Public records available.   |
| WAC 12-04-040 | Membership, officers, quorum, director, administrative offices, function. |
| WAC 12-04-050 | Meetings.   |
| WAC 12-04-060 | Public records officer.   |
| WAC 12-04-070 | Office hours.   |
| WAC 12-04-080 | Requests for public records.  |
| WAC 12-04-090 | Copying.  |
| WAC 12-04-100 | Exemptions.   |
| WAC 12-04-110 | Review of denials of public records requests.                             |
| WAC 12-04-120 | Protection of public records.   |
| WAC 12-04-130 | Records index.  |
| WAC 12-04-140 | Communications.   |
| WAC 12-04-150 | Adoption of form.   |

**WSR 07-11-046**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 (Aviation Division)

[Filed May 9, 2007, 1:19 p.m., effective June 9, 2007]

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

Purpose: In 1997 the department of transportation was created (RCW 47.01.031) and the aeronautics commission was abolished. The Washington state department of transportation formed the WSDOT aviation division (RCW 47.68.015) to oversee aviation in the state. Chapter 12-08 WAC refers to the practice and procedures of the aeronautics commission hearings. The aeronautics commission was abolished and therefore the WAC should be repealed.

Citation of Existing Rules Affected by this Order: Repealing chapter 12-08 WAC.

Adopted under notice filed as WSR 07-05-068 on February 20, 2007.

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 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 24, 2007.

P. J. Hammond  
Chief of Staff

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

|               |   |
|---------------|---|
| WAC 12-08-010 | Uniform procedural rules.                       |
| WAC 12-08-020 | Contested case hearing.                         |
| WAC 12-08-030 | Hearings before hearing officer.                |
| WAC 12-08-040 | Proposed orders by hearing officers and appeal. |

#### **WSR 07-11-047**

##### **PERMANENT RULES**

#### **DEPARTMENT OF TRANSPORTATION**

(Aviation Division)

[Filed May 9, 2007, 1:19 p.m., effective June 9, 2007]

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

Purpose: Chapter 468-220 WAC required aircraft owners to affix a decal onto the aircraft which they received from the department of transportation aviation division after registering the aircraft with the state. This assisted in determining if the aircraft had been registered for that year. Because of emerging technology and data base systems to track aircraft owners, WSDOT aviation division does not issue or require the decal to prove registration of aircraft.

Citation of Existing Rules Affected by this Order: Repealing chapter 468-220 WAC.

Adopted under notice filed as WSR 07-05-069 on February 20, 2007.

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 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 24, 2007.

P. J. Hammond  
Chief of Staff

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

|                 |                                     |
|-----------------|-------------------------------------|
| WAC 468-220-010 | Display of indicia of registration. |
|-----------------|-------------------------------------|

#### **WSR 07-11-057**

##### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed May 11, 2007, 1:05 p.m., effective June 11, 2007]

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

Purpose: Chapter 246-854 WAC, the rules address the education and training required for osteopathic physician assistants. Licensure qualifications and requirements are outlined for certified and noncertified physician assistants. The rules specify scope of practice, practice parameters (including remote practice sites), and supervisory requirements. The types of services that an osteopathic physician assistant may provide are clarified.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-854-020 and 246-854-090; and amending WAC 246-854-080.

Statutory Authority for Adoption: RCW 18.57.005, 18.57A.020.

Adopted under notice filed as WSR 06-22-100 on November 1, 2006.

A final cost-benefit analysis is available by contacting Arlene Robertson, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, e-mail arlene.robertson@doh.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 2, 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 3, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 1, Repealed 2.

Date Adopted: May 11, 2007.

Blake T. Maresh  
Executive Director  
for Daniel Dugaw, DO  
Board Chair

#### NEW SECTION

**WAC 246-854-010 Approved training and additional skills or procedures.** (1) "Board approved program" means a physician assistant program accredited by:

(a) The committee on allied health education and accreditation (CAHEA);

(b) The commission on accreditation of allied health education programs (CAAHEP);

(c) The accreditation review committee on education for the physician assistant (ARC-PA); or

(d) Any successor accrediting organization utilizing the same standards.

(2) An individual enrolled in an accredited board approved program for physician assistants may function only in direct association with his or her preceptorship physician or a delegated alternate physician in the immediate clinical setting. A trainee may not function in a remote location or in the absence of the preceptor.

(3) If an osteopathic physician assistant is being trained to perform additional skills or procedures beyond those established by the board, the training must be carried out under the direct, personal supervision of the supervising osteopathic physician or other qualified physician familiar with the practice plan of the osteopathic physician assistant. The training arrangement must be mutually agreed upon by the supervising osteopathic physician and the osteopathic physician assistant.

(4) Requests for approval of newly acquired skills or procedures shall be submitted in writing to the board, including a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill or procedure for which authorization is requested. The board will review the evidence to determine whether the applicant has adequate knowledge to perform the additional skill or procedure.

#### NEW SECTION

**WAC 246-854-015 Utilization and supervision of an osteopathic physician assistant.** (1) Unless otherwise stated, for the purposes of this section reference to "osteopathic physician assistant" means a licensed osteopathic physician assistant or interim permit holder.

(2) A credentialed osteopathic physician assistant may not practice until the board approves a practice plan jointly submitted by the osteopathic physician assistant and osteopathic physician or physician group under whose supervision the osteopathic physician assistant will practice. The osteopathic physician assistant must submit the fee under WAC 246-853-990(5) with the practice plan.

(3) An osteopathic physician may supervise three osteopathic physician assistants. The board may consider requests to supervise more than three osteopathic physician assistants based on the individual qualifications and experience of the osteopathic physician and osteopathic physician assistant, community need, and review mechanisms identified in the approved practice plan.

(4) The osteopathic physician assistant shall practice only in the locations designated in the practice plan.

(5) The osteopathic physician assistant and supervising osteopathic physician shall ensure that:

(a) The supervising osteopathic physician timely reviews all reports of abnormalities and significant deviations, including the patient's chart;

(b) The charts of all patients seen by the osteopathic physician assistant are immediately and properly documented to include the activities, functions, services and treatment measures performed by the osteopathic physician assistant;

(c) All telephone advice given through the osteopathic physician assistant by the supervising osteopathic physician, alternate supervising physician, or member of a supervising physician group are documented in the patient's record;

(d) The supervising osteopathic physician provides adequate supervision and review of the osteopathic physician assistant's practice. The supervising osteopathic physician or designated alternate physician shall review and countersign:

(i) All charts of the licensed osteopathic physician assistant within seven working days for the first thirty days of practice and thereafter ten percent of their charts, including clinic, emergency room, and hospital patients within seven working days.

(ii) Every chart entry of an interim permit holder within two working days;

(e) The osteopathic physician assistant, at all times when meeting or treating patients, wears identification or a badge identifying him or her as an osteopathic physician assistant;

(f) The osteopathic physician assistant is represented in a manner which would not be misleading to the public as to his or her title.

(6) The osteopathic physician assistant shall notify the supervisor within twenty-four hours of any significant deviation in a patient's ongoing condition as identified by EKGs, laboratory tests, or X rays not read by a radiologist.

(7) In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he or she is credentialed, if the supervisory and review mechanisms are provided by a designated alternate supervisor. If an alternate osteopathic physician is not available in the community or practice, the board may authorize a physician licensed under chapter 18.71 RCW or physician group to act as the alternate physician supervisor. If a physician group is proposed as a designated alternate supervisor, the practice plan must specify how supervising responsibility is to be assigned among the members of the group.

(8) The supervising osteopathic physician and the osteopathic physician assistant shall advise the board of the termination date of the working relationship. The notification must be submitted in writing within thirty days of termination

and include a written report indicating the reasons for termination.

(9) In the event that an osteopathic physician assistant who is currently credentialed desires to become associated with another osteopathic physician or physician group, he or she must submit a new practice plan and submit the fee under WAC 246-853-990(5). Board approval of the new relationship is required before the osteopathic physician assistant may begin practice under the new supervising physician. A physician assistant being supervised by an allopathic physician (MD) must be licensed and have an approved practice plan as provided in chapter 18.71A RCW.

(10) An osteopathic physician assistant working in or for a hospital, clinic or other health organization must be credentialed. His or her responsibilities to any other physicians must be defined in the board approved practice plan.

#### NEW SECTION

##### **WAC 246-854-025 Remote practice site—Utilization.**

(1) "Remote practice site" means a setting physically separate from the supervising osteopathic physician's primary practice location or a setting where the osteopathic physician is present less than twenty-five percent of the practice time of the osteopathic physician assistant.

(2) The board may approve a practice plan proposing utilization of an osteopathic physician assistant at a remote practice site if:

(a) There is a demonstrated need for this utilization;

(b) There is adequate means for immediate communication between the primary osteopathic physician or alternate physician and the osteopathic physician assistant;

(c) The supervising osteopathic physician spends at least ten percent of the documented and scheduled practice time of the osteopathic physician assistant in the remote office site. In the case of part time or unique practice settings, the osteopathic physician may petition the board to modify the on-site requirement provided adequate supervision is maintained by an alternate method. The board will consider each request on an individual basis;

(d) The names of the supervising osteopathic physician and osteopathic physician assistant must be prominently displayed at the entrance to the clinic or in the reception area.

(3) No osteopathic physician assistant holding an interim permit shall be utilized in a remote practice site.

#### NEW SECTION

##### **WAC 246-854-035 Osteopathic physician assistant—**

**Scope of practice.** (1) For the purpose of this section, reference to "osteopathic physician assistant" means a licensed osteopathic physician assistant or interim permit holder.

(2) The osteopathic physician assistant may perform services for which they have been trained and approved in a practice plan by the board. Those services summarized in the standardized procedures reference and guidelines established by the board may be performed by the osteopathic physician assistant unless limited in the approved practice plan.

(3) An osteopathic physician assistant may sign and attest to any document that might ordinarily be signed by a

licensed osteopathic physician, to include, but not be limited to, such things as birth and death certificates.

(4) An osteopathic physician assistant may prescribe legend drugs and controlled substances as permitted in WAC 246-854-030.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-854-080 Osteopathic physician assistant licensure—Qualifications and requirements.** ~~((The application shall detail the education, training, and experience of the osteopathic physician assistant and provide such other information as may be required. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250. Each applicant shall furnish proof satisfactory to the board of the following:~~

~~(1) That the applicant has completed an accredited physician assistant program approved by the board and is eligible to take the National Commission on Certification of Physician Assistants examination;~~

~~(2) That the applicant has not committed unprofessional conduct as defined in RCW 18.130.180; and~~

~~(3) That the applicant is physically and mentally capable of practicing as an osteopathic physician assistant with reasonable skill and safety.)) (1) Individuals applying to the board under chapter 18.57A RCW after July 1, 1999, must have graduated from an accredited board approved physician assistant program and successfully passed the National Commission on Certification of Physician Assistants examination;~~

~~(2) Subsection (1) of this section does not apply to an osteopathic physician assistant licensed prior to July 1, 1999.~~

~~(3) An applicant applying for licensure as an osteopathic physician assistant must submit an application on forms supplied by the board. The application must detail the education, training, and experience of the osteopathic physician assistant and provide other information as may be required. The application must be accompanied by a fee determined by the secretary under RCW 43.70.250 as specified in WAC 246-853-990(5).~~

~~(4) Each applicant shall furnish proof of the following, which must be approved by the board:~~

~~(a) The applicant has completed an accredited board approved physician assistant program;~~

~~(b) The applicant has successfully passed the National Commission on Certification of Physician Assistants examination;~~

~~(c) The applicant has not committed unprofessional conduct as defined in RCW 18.130.180; and~~

~~(d) The applicant is physically and mentally capable of practicing as an osteopathic physician assistant with reasonable skill and safety.~~

~~(5) The board will only consider complete applications with all supporting documents for licensure.~~

~~(6) An osteopathic physician assistant may not begin practice without written board approval of the practice plan for each working relationship.~~

NEW SECTION

**WAC 246-854-085 Interim permit—Qualifications and interim permit requirements.** (1) Individuals applying to the board for an interim permit under RCW 18.57A.020(1) must have graduated from an accredited board approved physician assistant program.

(2) Interim permit holders will have one year from issuance of the interim permit to successfully pass the National Commission on Certification of Physician Assistants examination.

(3) An applicant applying for an osteopathic physician assistant interim permit must submit an application on forms supplied by the board. The application must detail the education, training, and experience of the osteopathic physician assistant and provide other information as may be required. The application must be accompanied by a fee determined by the secretary under RCW 43.70.250 as specified in WAC 246-853-990(5).

(4) Each applicant shall furnish proof of the following, which must be approved by the board:

(a) The applicant has completed an accredited physician assistant program approved by the board;

(b) The applicant is eligible to take the National Commission on Certification of Physician Assistants examination;

(c) The applicant has not committed unprofessional conduct as defined in RCW 18.130.180; and

(d) The applicant is physically and mentally capable of practicing as an osteopathic physician assistant with reasonable skill and safety.

(5) The board will only consider complete applications with all supporting documents for the interim permit.

(6) An osteopathic physician assistant may not begin practice without written board approval of the practice plan for each working relationship.

REPEALER

The following sections of the Washington Administrative Code are repealed:

|                 |  |
|-----------------|--|
| WAC 246-854-020 | Osteopathic physician assistant program.       |
| WAC 246-854-090 | Osteopathic physician assistant practice plan. |

**WSR 07-11-058****PERMANENT RULES****DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed May 11, 2007, 1:08 p.m., effective June 11, 2007]

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

Purpose: The rules are established to set standards when prescribing and treating acute, chronic and intractable pain patients. By establishing rules under treatment of chronic pain may be reduced and access to care enhanced. The rules

will alleviate the legal concerns and apprehensions of providers when managing pain patients with opioid therapy.

Statutory Authority for Adoption: RCW 18.57.005, 18.130.050.

Other Authority: Chapters 18.57, 18.18.57A [18.57A] RCW.

Adopted under notice filed as WSR 06-22-103 on November 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-853-520 and 246-854-130, in both sections a paragraph before subsection (1) was inadvertently left out of the proposed rule that clarifies that the guidelines referenced in subsections (1) through (4) are the September 13, 2002 "Guidelines for Management of Pain" approved by the board. Correcting this omission clarifies the rule without changing its intended effect.

A final cost-benefit analysis is available by contacting Arlene Robertson, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, e-mail arlene.robertson@doh.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 8, 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 8, Amended 0, Repealed 0.

Date Adopted: May 11, 2007.

Blake T. Maresh  
Executive Director  
for Daniel Dugaw, DO  
Board Chair

NEW SECTION

**WAC 246-853-510 Use of controlled substances for pain control.** (1) **Purpose.** The board of osteopathic medicine and surgery recognizes that effective pain management is an essential component of quality medical care and that no single approach to the treatment of pain is exclusively correct.

(2) The board wishes to reassure osteopathic physicians that they need not fear disciplinary action from the board for prescribing, dispensing, or administering controlled substances, including opioids, when treating pain so long as the care provided is consistent with currently acceptable osteopathic medical practice. This includes acute, chronic, and intractable pain (RCW 69.50.308(g)) patients.

NEW SECTION

**WAC 246-853-520 What specific guidance should an osteopathic physician follow?** The osteopathic physician should consult the *Guidelines for Management of Pain* approved by the board of osteopathic medicine and surgery effective September 13, 2002.

(1) The board has adopted guidelines for the management of pain in order to acquaint osteopathic physicians with recognized national standards in the field of pain treatment.

(2) These guidelines specifically address the patient evaluation and treatment plan, informed consent, periodic reviews, use of consultations, and the necessity for maintaining accurate and complete medical records.

(3) These guidelines may be revised from time to time to reflect changes in the practice of pain management.

(4) Osteopathic physicians who cannot, or choose not to, treat patients who have complex or chronic pain conditions should offer appropriate referrals for those patients.

NEW SECTION

**WAC 246-853-530 What knowledge should an osteopathic physician who elects to treat chronic pain patients possess?** Osteopathic physicians treating pain should be:

(1) Knowledgeable about the complex nature of pain;

(2) Familiar with the pain treatment terms used in the board's pain treatment guidelines; and

(3) Knowledgeable about acceptable pain treatment modalities.

NEW SECTION

**WAC 246-853-540 How will the board evaluate prescribing for pain?** The osteopathic physician's treatment will be evaluated by a review of the provided care to see if it is clinically sound and in accordance with currently acceptable osteopathic medical practice regarding the treatment of pain.

NEW SECTION

**WAC 246-854-120 Use of controlled substances for pain control.** (1) **Purpose.** The board of osteopathic medicine and surgery recognizes that effective pain management is an essential component of quality medical care and that no single approach to the treatment of pain is exclusively correct.

(2) The board wishes to reassure osteopathic physician assistants that they need not fear disciplinary action from the board for prescribing, dispensing, or administering controlled substances, including opioids, when treating pain so long as the care provided is consistent with currently acceptable medical practice. This includes acute, chronic, and intractable pain (RCW 69.50.308(g)) patients.

NEW SECTION

**WAC 246-854-130 What specific guidance should an osteopathic physician assistant follow?** The osteopathic physician assistant should consult the *Guidelines for Man-*

*agement of Pain* approved by the board of osteopathic medicine and surgery effective September 13, 2002.

(1) The board has adopted guidelines for the management of pain in order to acquaint osteopathic physician assistants with recognized national standards in the field of pain treatment.

(2) These guidelines specifically address the patient evaluation and treatment plan, informed consent, periodic reviews, use of consultations, and the necessity for maintaining accurate and complete medical records.

(3) These guidelines may be revised from time to time to reflect changes in the practice of pain management.

(4) Osteopathic physician assistants who cannot, or choose not to, treat patients who have complex or chronic pain conditions should offer appropriate referrals for those patients.

NEW SECTION

**WAC 246-854-140 What knowledge should an osteopathic physician assistant who elects to treat chronic pain patient possess?** Osteopathic physician assistants treating pain should be:

(1) Knowledgeable about the complex nature of pain;

(2) Familiar with the pain treatment terms used in the board's pain treatment guidelines; and

(3) Knowledgeable about acceptable pain treatment modalities.

NEW SECTION

**WAC 246-854-150 How will the board evaluate prescribing for pain?** The osteopathic physician assistant's treatment will be evaluated by a review of the provided care to see if it is clinically sound and in accordance with currently acceptable medical practice regarding the treatment of pain.

**WSR 07-11-059****PERMANENT RULES****DEPARTMENT OF HEALTH**

(Podiatric Medical Board)

[Filed May 11, 2007, 1:09 p.m., effective June 11, 2007]

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

Purpose: The rules set standards when prescribing and treating acute, chronic and intractable pain patients. By establishing rules under treatment of chronic pain may be reduced and access to care enhanced. The rules will alleviate the legal concerns and apprehensions of providers when managing pain patients with opioid therapy.

Statutory Authority for Adoption: RCW 18.22.015, 18.130.050.

Other Authority: Chapters 18.22, 18.130 RCW.

Adopted under notice filed as WSR 06-22-102 on November 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-922-520, a paragraph before subsection (1) was inadvertently left out of the proposed rule that clarifies that the guidelines referenced in subsections (1) through

(4) are the September 13, 1996 "Guidelines for Management of Pain" that the board approved. Correcting this omission clarifies the rule without changing its intended effect.

A final cost-benefit analysis is available by contacting Arlene Robertson, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, e-mail arlene.robertson@doh.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 4, 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 4, Amended 0, Repealed 0.

Date Adopted: May 11, 2007.

Blake T. Maresh  
Executive Director  
for David Bernstein, DPM  
Board Chair

#### NEW SECTION

**WAC 246-922-510 Use of controlled substances for pain control.** (1) **Purpose.** The podiatric medical board recognizes that effective pain management is an essential component of quality medical care and that no single approach to the treatment of pain is exclusively correct.

(2) The board wishes to reassure podiatric physicians that they need not fear disciplinary action from the board for prescribing, dispensing, or administering controlled substances, including opioids, when treating pain so long as the care provided is consistent with currently acceptable podiatric medical practice. This includes acute, chronic, and intractable pain (RCW 69.50.308(g)) patients.

#### NEW SECTION

**WAC 246-922-520 What specific guidance should a podiatric physician follow?** The podiatric physician should consult the *Guidelines for Management of Pain* approved by the podiatric medical board effective September 13, 1996.

(1) The board has adopted guidelines for the management of pain in order to acquaint podiatric physicians with recognized national standards in the field of pain treatment.

(2) These guidelines specifically address the patient evaluation and treatment plan, informed consent, periodic reviews, use of consultations, and the necessity for maintaining accurate and complete medical records.

(3) These guidelines may be revised from time to time to reflect changes in the practice of pain management.

(4) Podiatric physicians who cannot, or choose not to, treat patients who have complex or chronic pain conditions should offer appropriate referrals for those patients.

#### NEW SECTION

**WAC 246-922-530 What knowledge should a podiatric physician who elects to treat chronic pain patients possess?** Podiatric physicians treating pain should be:

- (1) Knowledgeable about the complex nature of pain;
- (2) Familiar with the pain treatment terms used in the board's pain treatment guidelines; and
- (3) Knowledgeable about acceptable pain treatment modalities.

#### NEW SECTION

**WAC 246-922-540 How will the board evaluate prescribing for pain?** The podiatric physician's treatment will be evaluated by a review of the provided care to see if it is clinically sound and in accordance with currently acceptable podiatric medical practice regarding the treatment of pain.

**WSR 07-11-066**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed May 14, 2007, 1:26 p.m., effective June 14, 2007]

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

Purpose: RCW 82.08.0293 and 82.12.0293 provide a retail sales tax and use tax exemption for food and food ingredients. In 2004, the legislature amended these statutes to alter the definitions used to determine whether a particular food or food ingredient qualifies for the exemptions. The amendments were made in compliance with the national Streamlined Sales and Use Tax Agreement (SSUTA). Rule 244 has been amended to incorporate these statutory changes and the final interpretations adopted by the SSUTA advisory council regarding sales of food and food ingredients with utensils.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-244 Food and food ingredients.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 06-22-092 on November 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: **Subsection (4)(b)**, the following underlined language was added for clarification purposes (in accordance with current statutory language):

Items that contain eggs, fish, meat, or poultry, in a raw or undercooked state requiring cooking as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent food borne illness; or

**Subsection (4)(c)(iii)**, the following underlined language was added to clarify that food prepackaged with a utensil by a manufacturer is subject to retail sales tax if sold

by a person predominately selling prepared food (in accordance with SSUTA issue paper and library of definitions).

(iii) **Seller of predominantly prepared food makes utensils available.** All food and food ingredients sold at an establishment are "sold with utensils provided by the seller" if the seller makes utensils available to its customers and the seller is in the business of selling predominantly prepared food. This includes food prepackaged with a utensil by a manufacturer classified under sector 311 of the NAICS. A seller is in the business of selling predominantly prepared food if the seller's gross sales of prepared food under (a), (b), and (c)(ii) of this subsection equal more than seventy-five percent of the seller's gross sales of food, food ingredients, soft drinks and dietary supplements.

**Subsection (4)(d)**, added the following prepared food example as subsection (4)(d)(iii).

(iii) **Example 3.**

A pizza restaurant sells whole hot pizzas, hot pizza by the slice, and unheated ready-to-bake pizzas. The whole hot pizzas and hot pizza sold by the slice, including delivered pizzas, are "prepared food" because these items are sold in a heated state. If the unheated ready-to-bake pizzas are prepared by the seller, they are "prepared food" because the seller has mixed or combined two or more food ingredients. This is true even though some ingredients in the unheated pizzas are raw or uncooked, because those ingredients do not require cooking to prevent food borne illness. If the unheated ready-to-bake pizzas are prepared by a manufacturer other than the seller, they will be taxable as "prepared food" only if sold with utensils provided by the seller.

**Subsection (5)(a)**, the following underlined language was added to clarify how tax applied to combined sales.

(a) **Combined sales.** Where two or more distinct and identifiable items of tangible personal property, at least one of which is a food or food ingredient, are sold for one non-itemized price that does not vary based on the selection by the purchaser of items included in the transaction:

**Subsection (5)(b)(ii)**, this example (a retailer selling a decorative jar containing candy) was modified ("fifteen dollars" changed to "twelve dollars"), so that the selling price matches the combined selling prices of the jar and candy if separately sold.

**Subsections (4)(c)(iii), (4)(c)(iii)(A), (4)(d)(i), and (4)(d)(ii)**, the term "seller of predominantly prepared food," (defined as a seller whose gross sales of prepared food under (a), (b), and (c)(ii) of subsection (4) equal more than 75% of the seller's gross sales of food, food ingredients, soft drinks and dietary supplements) was omitted as a defined term in the rule. Instead, the rule refers to sellers with "more than 75% prepared foods sales." This change is consistent with the exemption statutes and the SSUTA definitions, and avoids the use of the term "predominantly," which may have legal connotations associated with it which are inapposite in this rule. In addition, the language discussing the calculation method has been amended to clarify that prepared foods are included in both the numerator and the denominator of the calculation, and to avoid implying that soft drinks are not a "food or food ingredient."

**Subsection (8)(b)**, tax in gross totals for Seattle and Spokane calculations were corrected in accordance with received comments.

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 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 14, 2007.

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AMENDATORY SECTION (Amending WSR 03-24-031, filed 11/25/03, effective 1/1/04)

**WAC 458-20-244 Food and food ingredients. (1)**

**Introduction.** ~~((RCW 82.08.0293 and 82.12.0293 provide retail sales tax and use tax exemptions for certain foods sold for human consumption. In 2003, the legislature adopted the food definitions set forth in the national Streamlined Sales and Use Tax Agreement. The 2003 amendments to these statutes significantly change how sales of food and food ingredients are taxed on and after January 1, 2004. This rule provides guidelines for determining if the sale of a food or food ingredient is subject to retail sales tax.~~

There is no general business and occupation (B&O) tax exemption for sales of food and food ingredients. Therefore, even if a sale of food is exempt from retail sales tax, the income from that sale is included in gross proceeds when calculating the business's retailing B&O tax.

(2) **Related rules.** The department has adopted other rules that provide important tax reporting information to persons who sell food and prepared meals:

(a) WAC 458-20-119 (Sales of meals);

(b) WAC 458-20-124 (Restaurants, cocktail bars, taverns and similar businesses);

(c) WAC 458-20-12401 (Special stadium sales and use tax);

(d) WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.);

(e) WAC 458-20-167 (Education institutions, school districts, student organizations, and private schools);

(f) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes); and

(g) WAC 458-20-169 (Nonprofit organizations).

(3) **"Food and food ingredients" defined.** "Food and food ingredients" means substances, whether in liquid, con-

centrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

"Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other items that contain tobacco.

(4) **Taxability of prepared food.** The exemption for "food and food ingredients" provided in RCW 82.08.0293 does not apply to prepared food. The sale of prepared food is subject to retail sales tax, unless otherwise exempt by law. See subsection (5) of this section for information about the taxability of soft drinks and subsection (6) of this section for information about the taxability of dietary supplements.

(a) **Prepared food.** "Prepared food" means:

(i) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food;

(ii) Food sold in a heated state or heated by the seller; or

(iii) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(A) Food that is only cut, repackaged, or pasteurized by the seller;

(B) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, part 401.11 of *The Food Code*, published by the Food and Drug Administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness; or

(C) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

(b) **Food sold with eating utensils.** Food sold with eating utensils provided by the seller is prepared food and thus subject to tax, even if the seller does not otherwise prepare the food.

(i) **Eating establishments that sell food with eating utensils.** Generally food sold by an eating establishment is subject to sales tax. An eating establishment may be mobile or in a fixed location and may or may not provide seating accommodations for its customers. Eating establishments include restaurants, caterers, pizzerias, bars, taverns, night clubs, yogurt or ice cream stores/stands, coffee or donut shops, diners, refreshment stands, drive-ins, fast food restaurants, bagel shops, lunch counters, cafeterias, private and social clubs, sandwich shops, snack bars, hot dog carts, espresso stands, concession stands at a fair or a mall, sidewalk vendors or like places of business where food is served to individuals and is customarily sold for consumption shortly after it is sold.

(A) All food served at eating establishments is subject to tax unless the seller maintains adequate records for sale of food items that are generally not sold with eating utensils and do not otherwise qualify as prepared food, such as gallons of milk, loaves of bread, whole pies, a dozen donuts, wedding or birthday cakes, and packages of rolls or muffins. The information shown on invoices, cash register receipts, or sales

tickets must provide an adequate description of the food items sold to show that the sale was not of food items that are generally served with eating utensils or do not otherwise qualify as prepared food.

(B) Food sold by grocery stores, convenience stores, and department stores is generally not considered to be sold with eating utensils provided by the seller, even though eating utensils may be available to customers (e.g., napkins on the counter). For example, the sale of yogurt is not subject to retail sales tax even if napkins are available for the customer's use at the checkout stand. The food may be taxable if it is generally served with eating utensils (see part (ii) below). A grocery store is a business primarily engaged in the retail sale of a wide variety of food products. They generally contain the following departments: Dairy, baked goods, canned and dry goods, frozen foods, meats, fresh fruits and vegetables and household supplies.

Grocery stores, department stores, and convenience stores that have a separately identifiable eating establishment, such as a salad bar, sushi bar, or deli, are required to collect the tax on food items sold at that establishment unless the store maintains adequate records for sale of food items that are generally not sold with eating utensils or do not otherwise qualify as prepared food.

(ii) **Food that is generally sold with eating utensils.** Food that is generally sold with eating utensils, including plates, knives, forks, spoons, glasses, cups, napkins, or straws, is subject to tax, even if the seller does not *in all cases* actually provide the utensils. For example, sales from salad bars or "make your own sandwich" bars at a grocery store are taxable since salads and sandwiches are generally eaten with eating utensils (a fork for the salad and a napkin for the sandwich). "Make your own ice cream sundae" bars are taxable for the same reason. These items are taxable regardless of where they are sold. Cold cut platters, cheese platters, vegetable and fruit platters are taxable since the platter is an eating utensil.

(A) Box lunches are taxable since they are generally sold with eating utensils provided by the seller.

(B) If the eating utensil is provided by the manufacturer rather than by the seller, the sale of the food is not subject to retail sales tax. For example, a box of crackers and cheese that includes a spreader, is not subject to tax since the seller does not provide the spreader.

(c) **"Prepared food" examples.** The examples in this subsection identify a number of facts and then state a conclusion. These examples should only be used as a general guide. Similar determinations for other situations can be made only after a review of all facts and circumstances.

(i) If a carton of milk is purchased from a grocery store, the sale is exempt from retail sales tax because the milk, in this case, is an exempt food item. If an individual purchases a glass of milk from a restaurant, however, it is subject to retail sales tax because the seller provided an eating utensil, a glass.

(ii) A grocery store deli sells pasta salad that it prepares itself and potato salad that it purchases in bulk. The deli packages the pasta salad for sale, and repackages the potato salad the deli purchased in bulk into smaller containers. Sales of the potato salad are exempt from retail sales tax

because "prepared food" does not include food that is merely repackaged. Sales of the pasta salad are subject to retail sales tax because the deli mixed or combined two or more food ingredients, doing something more than cutting or repackaging the food ingredients.

(iii) A grocery store meat department prepares ready-to-bake stuffed pork chops. The stuffed pork chops are not "prepared foods" and are not subject to tax even though the seller combined two or more ingredients because "prepared foods" does not include raw meat, or foods containing raw animal foods that require cooking by the consumer, to prevent food-borne illness.

(iv) **Pizza.** The taxability of pizza depends on who prepares it and in what form it is sold. The following examples explain the taxability of pizza in its various forms:

(A) Pizza prepared by the seller and sold in a heated state. Pizza sold by the slice and whole hot pizzas ready to eat, including delivered pizzas, are taxable because they are sold in a heated state. Additionally, the sale of the pizza is a taxable sale of a "prepared food" because the seller mixed or combined two or more food ingredients.

(B) Ready-to-bake pizzas prepared by the seller. Fresh or frozen ready-to-bake pizza prepared by the seller is taxable as a "prepared food" because the seller mixed or combined two or more food ingredients.

(C) Ready-to-bake pizzas prepared by a third party. Fresh or frozen ready-to-bake pizza procured by the seller from a third party or wholesaler is exempt from sales tax because it does not fall under the definition of "prepared food" as the seller did not mix or combine two or more food ingredients.

(d) **Exemption from taxation for certain meals (prepared food).** Notwithstanding subsection (4)(a) and (b), above, meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040, and meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW are exempt from retail sales and use tax. There is a sales tax exemption for meal sales for certain fund-raising by nonprofit organizations. See WAC 458-20-169.

(5) **Taxability of soft drinks.** The exemption for "food and food ingredients" provided in RCW 82.08.0293 does not apply to "soft drinks."

(a) **"Soft drinks" defined.** "Soft drinks" are nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include:

(i) Beverages that contain milk or milk products, soy, rice, or similar milk substitutes; or

(ii) Beverages that contain greater than fifty percent vegetable or fruit juice by volume.

(b) **"Soft drink" examples.** The examples in this subsection identify a number of facts and then state a conclusion. These examples should only be used as a general guide. Similar determinations for other situations can be made only after a review of all facts and circumstances.

(i) The sale of bottled water, carbonated water, and flavored water, without natural or artificial sweeteners, is exempt from tax because they are defined as food in RCW

82.08.0293 and do not fall within the definition of "soft drinks." If these products are sold in a cup or glass, however, the sale is a sale of a "prepared food" and is subject to sales tax. See subsection (4)(a)(i) above. Bottled water, carbonated water, and flavored water that contain natural or artificial sweeteners are subject to sales tax because they are "soft drinks."

(ii) Sports drinks that contain natural or artificial sweeteners are subject to sales tax because they fall within the definition of "soft drinks."

(iii) Fruit or vegetable juice that contains natural or artificial sweeteners and contains fifty percent or less by volume of fruit or vegetable juice is subject to sales tax because it falls within the definition of "soft drinks."

(iv) Bottled coffee or tea drinks with natural or artificial sweeteners, but without milk or milk products, are "soft drinks" and are subject to retail sales tax. Bottled coffee or tea drinks, with or without sweeteners that contain milk or milk products are not subject to sales tax because they do not fall within the definition of "soft drinks."

(6) **Taxability of dietary supplements.** The exemption for "food and food ingredients" provided in RCW 82.08.0293 does not apply to "dietary supplements."

(a) **"Dietary supplements" defined.** "Dietary supplement" means any product, other than tobacco, intended to supplement the diet and that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;

(D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, soft gel, gelee, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "Supplement Facts" box found on the label and as required under 21 Code of Federal Regulations (CFR) § 101.36, as amended or renumbered as of January 1, 2003.

(b) **"Dietary supplements" examples.** The examples in this subsection identify a number of facts and then state a conclusion. These examples should only be used as a general guide. Similar determinations for other situations can be made only after a review of all facts and circumstances.

(i) Nutrition products in bar or liquid form formulated to provide balanced nutrition as a sole source of nourishment are considered a food and not a dietary supplement and are therefore exempt from taxation.

(ii) A product sold for human consumption may have one or more of the following federal Food and Drug Administration labels, a "Nutrition Facts," a "Dietary Supplements Facts," or a "Drug Facts" label. If a product label contains a "Supplement Facts" and "Nutrition Facts" box, the product is

a food and not subject to tax if it does not otherwise qualify as prepared food.

**(7) Is ice sold for human consumption taxed?** Ice sold for human consumption is considered a food or food ingredient and is therefore exempt from retail sales tax. "Ice sold for human consumption" means ice sold in cube, shaved, or crushed form and in quantities of ten pounds or less in weight per bag or container. Blocks of ice of any weight are not considered a food or food ingredient and are therefore taxable. See WAC 458-20-120 (Sales of ice) for additional guidance on the sale of ice.

**(8) Combination businesses.** The sale of "food and food ingredients" or "prepared food" sold in the same manner should receive the same tax treatment regardless of the establishment in which the item is sold. Persons operating a combination of two kinds of food sales businesses at one location must keep their accounting records and sales receipts segregated between taxable and tax-exempt sales. Examples of combination businesses are a grocery store with a lunch counter or salad deli bar, a bakery that sells tax-exempt baked goods and also sells baked goods with eating utensils or as part of a meal, and a gas station/convenience store.

**(a) Tax collecting responsibility.** Combination businesses must collect and report retail sales tax upon their charges for prepared foods. It is sufficient segregation for accounting purposes if cash registers or electronic checking machines are programmed to identify and separately tax food that is not tax-exempt. If the combined food business' sales are commingled in their accounting records, all sales of food and food ingredients are subject to retail sales tax.

**(b) Combination business examples.** The examples in this subsection identify a number of facts and then state a conclusion. These examples should only be used as a general guide. Similar determinations for other situations can be made only after a review of all facts and circumstances.

(i) A consumer purchases his wedding cake, a donut, and a cup of coffee from Bakery. The sale of the wedding cake is not taxable if Bakery maintains adequate records for sale of food items that are generally not sold with eating utensils and do not otherwise qualify as prepared food. The sale of the donut is taxable because it is a food that is generally sold with eating utensils, a napkin. The sale of the coffee is taxable because it is served with an eating utensil, the cup, and because it is sold in a heated state by the seller.

(ii) Grocery Store has a deli section that prepares and sells deli foods and provides a salad bar where the customer can make a salad. A customer purchases a salad that he made from the salad bar and a bottle of apple juice that is one hundred percent fruit juice. The sale of a salad from the salad bar is taxable because it is generally sold with eating utensils (e.g., a plate, fork, knife, spoon, or napkin). The sale of the apple juice is exempt because it is food and not a "soft drink" because it is more than fifty percent fruit juice.

(iii) Gas Station has a convenience store that sells "food and food ingredients," "prepared food," and nonfood products. The sale of "food and food ingredients" is not taxable if Gas Station maintains adequate records for sale of food items that are generally not sold with eating utensils and do not otherwise qualify as prepared food.

**(9) How are packages of food items that contain taxable and nontaxable items taxed?** When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or soft drinks along with cheese and crackers, the food portion may be tax-exempt if its price is stated separately. If the price is a lump sum, the sales tax applies to the entire price.

Nonfood items given to buyers to promote food or food ingredient sales such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the nonfood item is simply a gift furnished as a sales inducement for the food. In the same way, promotional giveaways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of crystal ware containing candy or nuts is fully subject to sales tax).

**(10) Purchases made under the Food Stamp Act of 1977.** RCW 82.08.0297 provides a retail sales tax exemption for the sale of eligible foods that are purchased with coupons issued only under the federal Food Stamp Act of 1977. The term "food coupon" does not include manufacturers' coupons, grocers' coupons, or other coupons issued by private parties. "Eligible foods" has the same meaning as established under federal law for the purposes of the Food Stamp Act of 1977. The term includes any food or food ingredient intended for human consumption except alcoholic beverages, tobacco, and hot foods or hot food ingredients prepared for immediate consumption. 7 U.S.C. § 2012(g), as amended or renumbered as of January 1, 2003. The term "coupon," as used in this subsection, means any coupon, stamp, type of certificate, authorization card, cash or check issued in lieu of a coupon, or access device, including an electronic benefit transfer card or personal identification number issued pursuant to the provisions of the Food Stamp Act of 1977. 7 CFR § 271.2, as amended or renumbered as of January 1, 2003.

**(a) Purchasing nonfood products with food coupons.** Some nonfood products may be exempt if purchased with food coupons. For example, seeds and growing plants are considered "nonfood products," even though they may be sold at grocery stores and can be ingested by humans. However, seeds and plants to grow foods for the personal consumption of eligible households are "eligible foods" under the Food Stamp Act of 1977. 7 CFR § 271.2, as amended or renumbered as of January 1, 2003. Therefore, in this limited circumstance, the sale of seeds and plants is tax-exempt.

When both coupons and cash (or check) are used to make purchases, the coupons must be applied first to "eligible foods" which are not otherwise tax-exempt "food or food ingredients." For example, soft drinks and garden seeds are "eligible foods" under the food stamp program but are not tax-exempt under RCW 82.08.0293. The intent is always to apply the coupons and cash in such a way as to provide the greatest possible amount of retail sales tax exemption under the law.

**(b) Food coupon examples.** The examples in this subsection identify a number of facts and then state a conclusion. These examples should only be used as a general guide. Similar determinations for other situations can be made only after a review of all facts and circumstances. The following exam-

ples demonstrate how the tax exemption applies in cases where a purchase of ten dollars each is made for meat (a food ingredient), soda pop (an eligible food), and soap (a nonfood item) using both coupons and cash.

(i) The customer pays with fifteen dollars in coupons and fifteen dollars in cash. The coupons are applied first to the soda pop (ten dollars worth) and then to the meat (five dollars worth). The cash applies to the rest of the meat and the soap. Retail sales tax is due on the ten-dollar purchase of soap because soap is not an "eligible food" under the food stamp program.

(ii) A customer pays the thirty-dollar selling price with ten dollars worth of coupons and twenty dollars cash. The coupons are applied to the soda pop, making the soda pop exempt. The cash is applied towards the purchase of the meat and soap. The result is that retail sales tax is due only on the ten-dollar purchase of soap.

(iii) The customer pays with five dollars worth of coupons and twenty-five dollars in cash. Again, the coupons are first applied towards the soda pop, leaving five dollars of the value to be purchased with cash. Retail sales tax is due on fifteen dollars, the ten-dollar purchase of soap and five dollars worth of soda pop.

**(11) How are food vending van sales taxed?** Food and food ingredient sales from vehicular vending vans are taxable or exempt of retail sales tax in the same manner as food sales at grocery stores. Thus, sales of candy bars, gum, or any pre-wrapped food and food ingredients which are prepackaged by a manufacturer or preparer other than the person operating the van are exempt from retail sales tax. Sales of any prepared food items or soft drinks, including, but not limited to, hotdogs, sandwiches, soups, and hot or cold beverages are subject to retail sales tax. See definition of "prepared food" in subsection (4)(a), above.)

**(a) What is the purpose of this section?** This section, WAC 458-20-244, provides guidelines for determining if food or food ingredients qualify for the retail sales tax and use tax exemptions under RCW 82.08.0293 and 82.12.0293 (collectively referred to in this section as the "exemptions").

There is no corresponding business and occupation (B&O) tax exemption. Even if a sale of food or food ingredients is exempt from retail sales tax or use tax under the exemptions, gross proceeds from sales of food or food ingredients remain subject to the retailing B&O tax.

**(b) How has the law changed since the prior version of this section was published?** In 2003 and 2004, the legislature amended RCW 82.08.0293 and 82.12.0293 to comply with the national Streamlined Sales and Use Tax Agreement. These amendments alter the definitions used to determine whether a particular food or food ingredient qualifies for the exemptions.

**(c) What other sections might apply?** The following sections may contain additional relevant information:

- WAC 458-20-119 (Sales of meals);
- WAC 458-20-124 (Restaurants, cocktail bars, taverns and similar businesses);
- WAC 458-20-12401 (Special stadium sales and use tax);
- WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.);

- WAC 458-20-167 (Education institutions, school districts, student organizations, and private schools);

- WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes); and

- WAC 458-20-169 (Nonprofit organizations).

**(2) What qualifies for the exemptions?**

**(a) In general.** The exemptions apply to food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

**(b) Items not used solely for ingestion or chewing.** Items that are commonly ingested or chewed by humans for their taste or nutritional value but which may also be used for other purposes are generally treated as food or food ingredients. For example, pumpkins are presumed to be a food or food ingredient unless the pumpkin is sold painted or is otherwise clearly for decorative purposes rather than consumption. This is true even though the purchaser may use an undecorated pumpkin for carving and display rather than for eating.

**(3) What does not qualify for the exemptions?** The exemptions do not apply to the following items, which are not considered "food or food ingredients" or which are otherwise specifically excluded from the exemptions:

**(a) Items sold for medical or hygiene purposes.** Items commonly used for medical or hygiene purposes, such as cough drops, breath sprays, toothpaste, etc., are not ingested for taste or nutrition and are not considered a food or food ingredient. In contrast, breath mints are commonly ingested for taste and are considered a food or food ingredient.

**(b) Bulk sales of ice.** Ice sold in bags, containers, or units of greater than ten pounds and blocks of ice of any weight are not considered a food or food ingredient. Ice sold in cubed, shaved, or crushed form in packages or quantities of ten pounds or less is considered a food or food ingredient. Refer to WAC 458-20-120 (Sales of ice) for additional guidance on the sale of ice.

**(c) Alcoholic beverages.** Alcoholic beverages are excluded from the definition of food and food ingredients. "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

**(d) Tobacco.** Tobacco is excluded from the definition of food and food ingredients. "Tobacco" includes cigarettes, cigars, chewing or pipe tobacco, or any other items that contain tobacco.

**(e) Soft drinks.** Soft drinks are excluded from the exemptions. "Soft drinks" means any nonalcoholic beverage that contains natural or artificial sweeteners, except beverages that contain:

- Milk or milk products;
- Soy, rice, or similar milk substitutes; or
- More than fifty percent by volume of vegetable or fruit juice.

For example, sweetened sports beverages are considered "soft drinks," but a sweetened soy beverage is a food or food ingredient.

Beverage mixes that are not sold in liquid form are not soft drinks even though they are intended to be made into a

beverage by the customer. Examples include powdered fruit drinks, powdered tea or coffee drinks, and frozen concentrates. These items are a food or food ingredient and are not subject to retail sales tax.

**(f) Dietary supplements.** Dietary supplements are excluded from the exemptions. "Dietary supplement" means any product intended to supplement the diet, other than tobacco, which meets all of the following requirements:

- Contains a vitamin; mineral; herb or other botanical; amino acid; a substance for use by humans to increase total dietary intake; or a concentrate, metabolite, constituent, extract; or combination of any of them;

- Is intended for ingestion in tablet, capsule, powder, soft gel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

- Is required to be labeled with a Food and Drug Administration "supplement facts" box. If a product is otherwise considered a food or food ingredient and labeled with both a "supplement facts" box and "nutrition facts" box, the product is treated as a food or food ingredient.

Nutrition products formulated to provide balanced nutrition as a sole source of a meal or of the diet are considered a food or food ingredient and not a dietary supplement. Refer to RCW 82.08.925 for information on the sales tax exemption applicable to dietary supplements dispensed under a prescription.

**(g) Prepared food.** Prepared food is excluded from the exemptions. Prepared food generally means heated foods, combined foods, or foods sold with utensils provided by the seller, as described in more detail in subsection (4) of this section. "Prepared food" does not include food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), unless the food is sold with utensils provided by the seller (see subsection (4)(c) of this section).

**(4) What is "prepared food"?** Food or food ingredients are "prepared foods" if any one of the following are true:

**(a) Heated foods.** Food or food ingredients are "prepared foods" if sold in a heated state or are heated by the seller, except bakery items. "Bakery items" include bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas. Food is sold in a heated state or is heated by the seller when the seller provides the food to the customer at a temperature that is higher than the air temperature of the seller's establishment. Food is not sold in a heated state or heated by the seller if the customer, rather than the seller, heats the food in a microwave provided by the seller.

**(b) Combined foods.** Food or food ingredients are "prepared foods" if the item sold consists of two or more foods or food ingredients mixed or combined by the seller for sale as a single item, unless the food or food ingredients are any of the following:

- Bakery items (defined in (a) of this subsection);
- Items that the seller only cuts, repackages, or pasteurizes;

- Items that contain eggs, fish, meat, or poultry, in a raw or undercooked state requiring cooking as recommended by the federal Food and Drug Administration in chapter 3, part 401.11 of *The Food Code*, published by the Food and Drug Administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness; or

- Items sold in an unheated state as a single item at a price that varies based on weight or volume.

**(c) Food sold with utensils provided by the seller.** Food or food ingredients are "prepared foods" if sold with utensils provided by the seller. Utensils include plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

**(i) Utensils are customarily provided by the seller.** A food or food ingredient is "sold with utensils provided by the seller" if the seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the NAICS. Examples of utensils provided by such manufacturers include juice boxes that are packaged with drinking straws, and yogurt or ice cream cups that are packaged with wooden or plastic spoons.

**(ii) Utensils are necessary to receive the food.** Individual food or food ingredient items are "sold with utensils provided by the seller" if a plate, glass, cup, or bowl is necessary to receive the food or food ingredient and the seller makes those utensils available to its customers. For example, items obtained from a self-serve salad bar are sold with utensils provided by the seller, because the customer must use a bowl or plate provided by the seller in order to receive the items.

**(iii) More than seventy-five percent prepared food sales with utensils available.** All food and food ingredients sold at an establishment, including foods prepackaged with a utensil by a manufacturer classified under sector 311 of the NAICS, are "sold with utensils provided by the seller" if the seller makes utensils available to its customers and the seller's gross sales of prepared food under (a), (b), and (c)(ii) of this subsection equal more than seventy-five percent of the seller's gross sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements.

**(A) Exception for four or more servings.** Even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or food ingredients packaged for sale as a single item and sold for a single price are not "sold with utensils provided by the seller" unless the seller's customary practice for the package is to physically hand or otherwise deliver a utensil to the customer as part of the sales transaction. Whenever available, the number of servings included in a package of food or food ingredients is to be determined based on the manufacturer's product label. If no label is available, the seller must reasonably determine the number of servings.

**(B) Determining total sales of prepared foods.** The seller must determine a single prepared food sales percentage annually for all the seller's establishments in the state based

on the prior year of sales. The seller may elect to determine its prepared food sales percentage based either on the prior calendar year or on the prior fiscal year. A seller may not change its elected method for determining its prepared food percentage without the written consent of the department of revenue. The seller must determine its annual prepared food sales percentage as soon as possible after accounting records are available, but in no event later than ninety days after the beginning of the seller's calendar or fiscal year. A seller may make a good faith estimate of its first annual prepared food sales percentage if the seller's records for the prior year are not sufficient to allow the seller to calculate the prepared food sales percentage. The seller must adjust its good faith estimate prospectively if its relative sales of prepared foods in the first ninety days of operation materially depart from the seller's estimate.

(d) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) **Example 1.** Fast Cafe sells hot and cold coffee and mixed coffee and mixed milk beverages, cold soft drinks, bottled water, milk and juice in single-serving containers, sandwiches, whole fruits, cold pasta salad, cookies and other pastries. Fast Cafe prepares the pasta salad on-site. It orders the pastries from a local bakery, including specialty cakes which it sells both as whole cakes and by the slice. It purchases its sandwiches from a local caterer. The sandwiches are delivered by the caterer prewrapped in plastic with condiments and a plastic knife. Fast Cafe makes straws, napkins and cup lids available for all customers by placing them on a self-service stand. In its first full year of operation, Fast Cafe's annual gross sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements is \$100,000. Of this gross sales total, \$80,000 is from the sale of hot coffee and hot and cold mixed coffee and milk beverages, all sold in disposable paper or plastic cups with the Fast Cafe logo.

Because more than seventy-five percent of Fast Cafe's total sales of food and food ingredients, including prepared food, soft drinks, and dietary supplements are sales of food or food ingredients that are heated or combined by the seller or sold with a utensil (cups) necessary to receive the food, Fast Cafe has more than seventy-five percent prepared food sales. Because Fast Cafe makes utensils available for its customers, all food and food ingredients sold by Fast Cafe are considered "prepared food," including the cold milk beverages, cookies and pastries, pasta salad, sandwiches and whole fruits. The only exception is the sale of whole specialty cakes. Because a whole cake contains four or more servings, it is not subject to retail sales tax unless Fast Cafe customarily hands a utensil to the customer as part of the sale transaction.

(ii) **Example 2.** Assume the same facts as in Example 1, but that only \$60,000 of Fast Cafe's Year 1 gross sales were sales of hot coffee and hot and cold mixed coffee and milk beverages. The remainder of its sales were sales of sandwiches, whole fruits, cookies and other pastries. Under these facts, Fast Cafe does not have more than seventy-five percent

prepared food sales. Thus, the items sold by Fast Cafe are taxed as follows:

- Hot coffee and milk beverages are heated by the seller and are also sold by Fast Cafe with a utensil (a paper cup) necessary to receive the food. The hot coffee and milk beverages are "prepared food" for either reason and are subject to retail sales tax.

- Cold mixed milk beverages are a combination of two or more foods or food ingredients and are also sold by Fast Cafe with a utensil (a paper or plastic cup) necessary to receive the food. The cold milk beverages are "prepared food" for either reason and are subject to retail sales tax.

- Cold soft drinks are not exempt and are subject to retail sales tax.

- Sandwiches prepared by the caterer are subject to retail sales tax. Even though the caterer, rather than the seller, combines the ingredients and includes a utensil, Fast Cafe is considered to have provided the utensil because the caterer is not a food manufacturer classified under sector 311 of the NAICS.

- Pasta salad is combined by the seller and is subject to retail sales tax. Note that if the pasta salad was sold by the pound, rather than by servings, it would not be subject to retail sales tax.

- Bottled water, milk and juice in single serving containers, whole fruit, cookies, pastries, slices of cake, and whole cakes are not subject to retail sales tax unless the seller's customary practice is to hand a utensil to the customer as part of the sales transaction. None of these items are heated by the seller, combined by the seller, or require a plate, glass, cup, or bowl in order to receive the item. Even if Fast Cafe heats the pastries for its customers, the pastries are not subject to retail sales tax.

(iii) **Example 3.** A pizza restaurant sells whole hot pizzas, hot pizza by the slice, and unheated ready-to-bake pizzas. The whole hot pizzas and hot pizza sold by the slice, including delivered pizzas, are "prepared food" because these items are sold in a heated state. If the unheated ready-to-bake pizzas are prepared by the seller, they are "prepared food" because the seller has mixed or combined two or more food ingredients. This is true even though some ingredients in the unheated pizzas are raw or uncooked, because those ingredients do not require cooking to prevent foodborne illness. If the unheated ready-to-bake pizzas are prepared by a manufacturer other than the seller, they will be taxable as "prepared food" only if sold with utensils provided by the seller.

**(5) How are combined sales of taxable and exempt items taxed?**

(a) **Combined sales.** Where two or more distinct and identifiable items of tangible personal property, at least one of which is a food or food ingredient, are sold for one non-itemized price that does not vary based on the selection by the purchaser of items included in the transaction:

- The entire transaction is taxable if the seller's purchase price or sales price of the taxable items is greater than fifty percent of the combined purchase price or sales price; and

- The entire transaction is exempt from retail sales tax if the seller's purchase price or sales price is fifty percent or less of the combined purchase price or sales price.

The seller may make the determination based on either purchase price or sales price, but may not use a combination of the purchase price and sales price.

**(b) Examples.**

(i) A combination wine and cheese picnic basket contains four items packaged together: A bottle of wine, a wine opener, single-serving cheeses, and the picnic basket holding these items. The seller's purchase price for the wine, wine-opener, and picnic basket totals ten dollars. The seller's purchase price for the cheeses is two dollars. The seller must collect retail sales taxes on the entire package, because the seller's purchase price for the taxable items (ten dollars) is greater than fifty percent of the combined purchase price (twelve dollars).

(ii) A retailer sells a decorative jar containing individually wrapped candies for the selling price of twelve dollars. The retailer sells the decorative jar by itself for the price of five dollars. The retailer's selling price for the candy alone is seven dollars. The retailer is not required to collect retail sales taxes on the decorative jar filled with candies, because the retailer's selling price for the tax exempt candies is greater than its selling price for the taxable jar.

**(c) Incidental packaging.** "Distinct and identifiable items" does not include packaging which is immaterial or incidental to the sale of another item or items. For example, a decorative bag sold filled with candy is not the sale of "distinct and identifiable" items where the bag is merely ornamental packaging immaterial in the sale of the candy.

**(d) Free items.** "Distinct and identifiable items" does not include items provided free of charge. An item is only provided free of charge if the seller's sales price does not vary depending on whether the item is included in the sale.

**(6) What are the seller's accounting requirements?** All sales of food and food ingredients at an establishment will be treated as taxable unless the seller separately accounts for sales of exempt and nonexempt food and food ingredients. It is sufficient separation for accounting purposes if cash registers or the like are programmed to identify items that are not tax exempt and to calculate and assess the proper sales tax accordingly.

**(7) Are there any other retail sales tax exemptions that apply?**

**(a) Meals served by not-for-profit organizations.** The exemptions apply to meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040, and meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW. The exemptions apply even if the meals would otherwise be considered prepared food.

**(b) Foods exempt under the Federal Food Stamp Act.** Under RCW 82.08.0297, eligible foods under the Food Stamp Act of 1977 purchased with food coupons are exempt from the retail sales tax. This is a separate and broader exemption than the retail sales exemption for food and food

ingredients under RCW 82.08.0293. For example, soft drinks and garden seeds are "eligible foods" but are not a "food or food ingredients." If such items are purchased with food coupons, they are exempt from the retail sales tax under RCW 82.08.0297, even though the items do not qualify for the exemption under RCW 82.08.0293.

**(i) Definition of food coupons.** The term "food coupons," as used in this subsection means any coupon, stamp, type of certificate, authorization card, cash or check issued in lieu of a coupon, or access device, including an electronic benefit transfer card or personal identification number issued pursuant to the provisions of the Food Stamp Act of 1977. See 7 CFR § 271.2, as amended or renumbered as of January 1, 2003.

**(ii) Use of food coupons combined with other means of payment.** When both food coupons and other means of payment are used in the same sales transaction, for purposes of collecting retail sales taxes, the other means of payment shall be applied first to items which are food and food ingredients exempt under RCW 82.08.0293. The intent is to apply the coupons and other means of payment in such a way as to provide the greatest possible exemption from retail sales tax.

**(iii) Example.** A customer purchases the following at a grocery store: Meat for three dollars, cereal for three dollars, canned soft drinks for five dollars, and soap for two dollars for a total of thirteen dollars. The customer pays with seven dollars in coupons and six dollars in cash. The cash is applied first to the soap because the soap is neither exempt under RCW 82.08.0293 nor an eligible food under the Food Stamp Act. The remaining cash (four dollars) is applied first to the meat and the cereal. The food stamps are applied to the balance of the meat and cereal (two dollars) and to the soft drinks (five dollars). Retail sales tax is due only on the soap.

**(8) Vending machine sales.** The exemptions do not apply to sales of food and food ingredients dispensed from vending machines. There are special requirements for reporting sales tax collected on vending machine sales, discussed in (a) of this subsection. "Honor box" sales (sales of snacks or other items from open display trays) are not considered vending machine sales.

**(a) Calculating and reporting retail sales tax collected on vending machine sales.** Vending machine owners do not need to state the retail sales tax amount separately from the selling price. See RCW 82.08.050(5) and 82.08.0293. Instead, vending machine owners must determine the amount of retail sales tax collected on the sale of food or food ingredients by using one of the following methods:

**(i) Food or food ingredients dispensed in a heated state.** For food or food ingredients dispensed from vending machines in a heated state (e.g., hot coffee, soups, tea, and hot chocolate), a vending machine owner must calculate the amount of retail sales tax that has been collected ("tax in gross") based on the gross vending machine proceeds. The "tax in gross" is a deduction against the gross amount of both retailing B&O and retail sales. The formula is:

$$\frac{\text{gross machine proceeds} - (\text{gross machine proceeds}) = \text{tax in gross}}{(1 + \text{sales tax rate})}$$

(ii) All other food or food ingredients. For all other food and food ingredients dispensed from vending machines, a vending machine owner must calculate the amount of retail sales tax that has been collected ("tax in gross") based on fifty-seven percent of the gross vending machine proceeds. The "tax in gross" is a deduction against the gross amount of both retailing B&O and retail sales. The formula is:

$$(\text{gross machine proceeds} \times .57) \times \text{sales tax rate} = \text{tax in gross}$$

The remaining 43% of the gross vending machine proceeds, less the "tax in gross" amount, is reported as an exempt food sales deduction against retail sales proceeds only calculated as follows:

$$(\text{gross machine proceeds} \times .43) - \text{tax in gross} = \text{exempt food deduction}$$

**(b) Example.** Jane owns a vending machine business with machines in Spokane and Seattle. In each location, she has a vending machine selling candy and water and a second vending machine selling hot cocoa and coffee drinks. Her annual sales for the vending machines and the combined retail sales tax rates for Seattle and Spokane are as follows:

|                | <u>Coffee<br/>Machine<br/>(cocoa &amp;<br/>coffee)</u> | <u>Candy<br/>Machine<br/>(candy &amp;<br/>water)</u> | <u>Combined<br/>Retail Sales<br/>Tax Rate</u> |
|----------------|--|--|---|
| <u>Seattle</u> | <u>\$2,500</u>   | <u>\$10,000</u>                                      | <u>.088</u>                                   |
| <u>Spokane</u> | <u>\$3,000</u>   | <u>\$6,000</u>                                       | <u>.086</u>                                   |

To determine the amount of retail sales tax she collected on the sale of cocoa and coffee (food dispensed in a heated state), Jane calculates the "tax in gross" amount as follows:

$$\begin{aligned} & \text{gross machine proceeds} - \frac{(\text{gross machine proceeds})}{(1 + \text{sales tax rate})} = \text{tax in gross} \\ \$2,500 & = \frac{(\$2,500/1.088)}{1.088} = \$202.21 \quad (\text{Seattle coffee machine}) \\ \$3,000 & = \frac{(\$3,000/1.086)}{1.086} = \$237.57 \quad (\text{Spokane coffee machine}) \\ & \qquad \qquad \qquad \$439.78 \end{aligned}$$

Thus, for both retailing B&O and retail sales, Jane must report her total gross coffee machine proceeds of \$5,500 with a "tax in gross" deduction of \$439.78.

To determine the amount of retail sales tax she collected on the sale of candy, soft drinks and water, Jane calculates the "tax in gross" amount as follows:

$$\begin{aligned} & (\text{gross machine proceeds} \times .57) \times \text{sales tax rate} = \text{tax in gross} \\ \$10,000 \times .57 \times .088 & = \$501.60 \quad (\text{Seattle candy machine}) \\ \$6,000 \times .57 \times .086 & = \$294.12 \quad (\text{Spokane candy machine}) \\ & \qquad \qquad \qquad \$795.72 \end{aligned}$$

Thus, for both retailing B&O and retail sales, Jane must report her total gross candy machine proceeds of \$16,000 with a "tax in gross" deduction of \$795.72.

Jane must also report an exempt food sales deduction representing the remaining 43% of the gross candy machine proceeds.

$$\begin{aligned} & (43\% \times \text{gross machine proceeds}) - \text{tax in gross} = \text{exempt food deduction} \\ & (.43 \times \$16,000) - \$795.72 = \$6,084.28 \end{aligned}$$

Jane reports the exempt food sales deduction only against the gross amount of her retail sales. The deduction does not apply to retailing B&O.

**WSR 07-11-082  
PERMANENT RULES  
GAMBLING COMMISSION**

[Order 472—Filed May 15, 2007, 12:26 p.m., effective June 30, 2007]

Effective Date of Rule: June 30, 2007.

Purpose: To correct an inadvertent omission of an amendment in subsection (9) commercial amusement games. Class A fees will be increased from \$301/\$137 to \$310/\$143

effective June 30, 2007. The first fee reflects the cost of an initial application. The second, lower fee is paid when renewing or applying for additional licenses. Before the fee was increased, the difference between \$301/\$137 was \$164. Fees were increased to \$310/\$143, the difference between these two fees is now \$167. It is contradictory to leave \$164, as the amount is really \$167. This filing corrects this inadvertent omission of updating \$164 to \$167.

Citation of Existing Rules Affected by this Order:  
Amending WAC 230-04-203.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 07-06-035 on February 28, 2007.

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 15, 2007.

Susan Arland  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 466, filed 1/18/07, effective 6/30/07)

**WAC 230-04-203 Fees—Commercial stimulant and other business organizations.** All persons seeking to operate gambling activities shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

| LICENSE TYPE         | DEFINITION  |          |
|----------------------|---|----------|
| <b>1. CARD GAMES</b> |   |          |
| Class B              | Up to five tables of limited card games - hearts, rummy, pitch, pinochle, and/or cribbage (Fee to play charged) | \$ 180   |
| Class C              | Tournament only, no more than ten consecutive days per tournament.  |          |
| C-5                  | Up to five tables   | \$ 180   |
| C-10                 | Up to ten tables  | \$ 328   |
| C-15                 | Up to fifteen tables  | \$ 546   |
| Class D              | General - Up to five tables (No fee to play charged)  | \$ 56    |
| Class E              | *General (Fee to play charged)  |          |
| E-1                  | One table only  | \$ 436   |
| E-2                  | Up to two tables  | \$ 751   |
| E-3                  | Up to three tables  | \$ 1,250 |
| E-4                  | Up to four tables   | \$ 2,506 |
| E-5                  | Up to five tables   | \$ 3,772 |

Additional tables up to a maximum of fifteen may be authorized for an additional per table fee of \$ 1,092.

\*In addition to the above initial license fee, the commission will assess all applicants/licensees the actual costs that exceed the license fee for conducting the initial investigation and inspection, any follow-up reviews or investigations involved in the approval of activities and schemes.

| LICENSE TYPE | DEFINITION   |          |
|--------------|--|----------|
| Class F      | Enhanced card room activities endorsement - Includes alternative fee collections (per hand; pot rake) and use of player-supported jackpot schemes. |          |
|              | Annual license fee   | \$ 1,642 |

|                                     |  |          |
|-------------------------------------|--|----------|
| <b>2. CARD GAMES - HOUSE-BANKED</b> |  |          |
|                                     | All tables within a card room operating any house-banked card game shall be licensed under this license class. |          |
|                                     | *Annual license fee  | \$ 6,582 |
|                                     | Per table fee (up to fifteen tables)   | \$ 1,642 |

\*In addition to the above initial license fee, the commission will assess all applicants the actual costs that exceed the license fee for conducting the initial license investigation and premises inspection. Any post licensing follow-up reviews, inspections, internal control evaluations or subsequent phases of operation shall also be charged actual costs. Licensees will be evaluated and charged for these additional authorizations/phases on an individual case by case basis.

|  |                    |                 |
|--|--------------------|-----------------|
| <b>3. COMMERCIAL AMUSEMENT GAMES</b> (Fee based on annual gross gambling receipts) |                    |                 |
| * Class A  | Premises only      | ** \$ 310/\$143 |
| Class B  | Up to \$ 50,000    | \$ 436          |
| Class C  | Up to \$ 100,000   | \$ 1,122        |
| Class D  | Up to \$ 250,000   | \$ 2,506        |
| Class E  | Up to \$ 500,000   | \$ 4,398        |
| Class F  | Up to \$ 1,000,000 | \$ 7,552        |
| Class G  | Over \$ 1,000,000  | \$ 9,448        |

\* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

\*\* Provides for a fee reduction of ((\$164) \$ 167 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

|   |                    |          | VARIANCE* |
|---|--------------------|----------|-----------|
| <b>4. PUNCH BOARDS/ PULL-TABS</b> (Fee based on annual gross gambling receipts) |                    |          |           |
| Class A   | Up to \$ 50,000    | \$5,000  | \$ 596    |
| Class B   | Up to \$ 100,000   | \$5,000  | \$ 1,064  |
| Class C   | Up to \$ 200,000   | \$10,000 | \$ 2,006  |
| Class D   | Up to \$ 300,000   | \$10,000 | \$ 2,920  |
| Class E   | Up to \$ 400,000   | \$10,000 | \$ 3,772  |
| Class F   | Up to \$ 500,000   | \$10,000 | \$ 4,556  |
| Class G   | Up to \$ 600,000   | \$10,000 | \$ 5,280  |
| Class H   | Up to \$ 700,000   | \$10,000 | \$ 5,942  |
| Class I   | Up to \$ 800,000   | \$10,000 | \$ 6,546  |
| Class J   | Up to \$ 1,000,000 | \$20,000 | \$ 7,422  |
| Class K   | Up to \$ 1,250,000 | \$25,000 | \$ 8,238  |
| Class L   | Up to \$ 1,500,000 | \$25,000 | \$ 8,998  |
| Class M   | Up to \$ 1,750,000 | \$25,000 | \$ 9,624  |
| Class N   | Up to \$ 2,000,000 | \$25,000 | \$ 10,194 |
| Class O   | Up to \$ 2,500,000 | \$30,000 | \$ 11,202 |
| Class P   | Up to \$ 3,000,000 | \$35,000 | \$ 11,578 |
| Class Q   | Up to \$ 4,000,000 | \$40,000 | \$ 13,646 |
| Class R   | Up to \$ 5,000,000 | \$50,000 | \$ 15,506 |
| Class S   | Up to \$ 6,000,000 | \$60,000 | \$ 17,574 |
| Class T   | Up to \$ 7,000,000 | \$70,000 | \$ 19,642 |

| LICENSE TYPE  | DEFINITION  |          |           |
|---|---|----------|-----------|
| Class U   | Up to \$ 8,000,000  | \$80,000 | \$ 21,708 |
| Class V   | Over \$ 8,000,000   | \$80,000 | \$ 23,776 |
| * A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.   |   |          |           |
| <b>5. PUNCH BOARD AND PULL-TAB SERVICE BUSINESS</b>   |   |          |           |
|   | (See WAC 230-04-133)  |          | \$ 224    |
|   | *Initial application fee  |          |           |
|   | Additional associate  |          | \$ 140    |
|   | Renewal   |          | \$ 54     |
|   | *Includes up to two associates.   |          |           |
| <b>6. DISTRIBUTOR</b> (Fee based on annual gross sales of gambling related supplies and equipment)  |   |          |           |
| (a)   | Class A Nonpunch board/pull-tab only  |          | \$ 625    |
|   | Class B Up to \$ 250,000  |          | \$ 1,250  |
|   | Class C Up to \$ 500,000  |          | \$ 1,878  |
|   | Class D Up to \$ 1,000,000  |          | \$ 2,506  |
|   | Class E Up to \$ 2,500,000  |          | \$ 3,266  |
|   | Class F Over \$ 2,500,000   |          | \$ 4,020  |
| In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.  |   |          |           |
| (b)   | <b>FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR</b>   |          |           |
|   | Class A Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.     |          | \$ 247    |
|   | Class B Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year. |          | \$ 625    |
| <b>7. GAMBLING SERVICE SUPPLIER</b>   |   |          |           |
|   | (See WAC 230-04-119)  |          | \$ 651    |
| In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.  |   |          |           |
| A fee of \$ 136 shall be charged for each new contract initiated by the gambling service supplier.  |   |          |           |
| <b>8. LINKED BINGO PRIZE PROVIDER</b>   |   |          |           |
|   | (See WAC 230-04-126)  |          | \$ 4,184  |
| <b>9. MANUFACTURER</b> (Fee based on annual gross sales of gambling related supplies and equipment)   |   |          |           |
|   | Class A Pull-tab dispensing devices only  |          | \$ 625    |
|   | Class B Up to \$ 250,000  |          | \$ 1,250  |
|   | Class C Up to \$ 500,000  |          | \$ 1,878  |
|   | Class D Up to \$ 1,000,000  |          | \$ 2,506  |
|   | Class E Up to \$ 2,500,000  |          | \$ 3,266  |
|   | Class F Over \$ 2,500,000   |          | \$ 4,020  |
| In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, compliance suitability evaluations, and renewal of licenses when travel cost is incurred to complete the investigation. |   |          |           |

**10. PERMITS**  
 AGRICULTURAL FAIR/SPECIAL PROPERTY BINGO

| LICENSE TYPE   | DEFINITION  |  |             |
|--|---|--|-------------|
| Class A  | One location and event only (See WAC 230-04-191)                                |  | \$ 26       |
| Class B  | Annual permit for specified different events and locations (See WAC 230-04-193) |  | \$ 180      |
| RECREATIONAL GAMING ACTIVITY (RGA)   |   |  |             |
|  | (See WAC 230-02-505 and 230-25-330)   |  | \$ 56       |
| MANUFACTURER'S SPECIAL SALES PERMIT  |   |  |             |
|  | (See WAC 230-04-115)  |  | *\$ 211     |
| *The two hundred eleven dollar fee is nonrefundable, whether the sales permit is approved or not. In addition, an applicant may be assessed additional fees incurred to process and determine suitability. |   |  |             |
| <b>11. CHANGES</b>   |   |  |             |
| NAME   | (See WAC 230-04-310)  |  | \$ 26       |
| LOCATION   | (See WAC 230-04-320)  |  | \$ 26       |
| BUSINESS   | (Same owners)   |  | \$ 56       |
| CLASSIFICATION   | (See WAC 230-04-340)  |  |             |
| LICENSE CLASS  | (See WAC 230-04-260) New class fee, less previous fee paid, plus                |  | \$ 26       |
| DUPLICATE LICENSE  | (See WAC 230-04-290)  |  | \$ 26       |
| CORPORATE STOCK/LIMITED LIABILITY COMPANY SHARES/UNITS   | (See WAC 230-04-360)  |  | \$ 56       |
| LICENSE TRANSFERS  | (See WAC 230-04-125 and 230-04-340)   |  | \$ 56       |
| <b>12. SPECIAL FEES</b>  |   |  |             |
| INVESTIGATION  | (See WAC 230-04-240)  |  | As required |
| IDENTIFICATION AND INSPECTION SERVICES STAMPS  | (See WAC 230-08-017)  |  | As required |
| QUALITY CONTROL INSPECTION FEES  | (See WAC 230-30-030)  |  | As required |
| REPLACEMENT OF IDENTIFICATION STAMPS   | (See WAC 230-30-017)  |  | \$ 26       |
| EXCEEDING LICENSE CLASS  | (See WAC 230-04-260)  |  | As required |
| REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES   | (See WAC 230-12-315)  |  | As required |
| SPECIAL SALES PERMITS  | (See WAC 230-04-115)  |  | As required |
| ELECTRONIC CARD FACSIMILE TABLE IDENTIFICATION STAMP   | (See WAC 230-08-017)  |  | *\$ 361.51  |
| *Annually, for each separate table   |   |  |             |
| <b>13. SIX-MONTH PAYMENT PLAN</b>  |   |  |             |
|  | (See WAC 230-04-190)  |  | \$ 26       |

**WSR 07-11-088**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed May 15, 2007, 4:15 p.m., effective June 15, 2007]

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

Purpose: Amended rule language brings existing rules into uniformity with SSB 5752, updates existing rules for clarity, brings rules of procedure for cremation into uniformity with chapter 308-47 WAC, Funeral directors and embalmers, and repeals two outdated rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 98-11-005, 98-15-020, and 98-16-020; and amending WAC 98-11-010, 98-12-020, 98-12-040, 98-14-010, 98-14-020, 98-14-080, 98-14-090, 98-14-100, 98-60-040, 98-70-010, 98-80-010, 98-80-020, 98-80-030, and 98-80-070; and new section WAC 98-12-050.

Statutory Authority for Adoption: RCW 68.05.105 and chapter 34.05 RCW.

Adopted under notice filed as WSR 07-04-070 on February 2, 2007.

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 14, 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 14, 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 1, Amended 14, Repealed 3.

Date Adopted: May 3, 2007.

May 15, 2007  
 Joe Vincent Jr.  
 Administrator

AMENDATORY SECTION (Amending Order PM 830, filed 3/31/89)

**WAC 98-11-010 Financial responsibility requirements for nonendowment care cemeteries.** Any cemetery authority ~~((as))~~ defined in RCW 68.04.190 ~~((which desires))~~ desiring to obtain a certificate of authority to operate a cemetery (as required by RCW 68.05.115, 68.05.210, and 68.05.215), ~~((but which))~~ that does not deposit ~~((in an endowment care fund))~~ the minimum sum required by RCW 68.40.010 ~~((of))~~ in an endowment care ~~((cemetery))~~ fund shall be required by the cemetery board ~~((in the exercise of the powers conferred upon it by RCW 68.05.210, as a condition precedent to the granting of such certificate of authority,))~~ to present ~~((to the cemetery board))~~ satisfactory proof that the cemetery authority has ~~((at the time of its application for such certificate of authority or within a reasonable time prior thereto,))~~ a corporate net worth, determined by ~~((commonly accepted accounting standards and criteria))~~ generally

accepted accounting principles, in excess of one hundred thousand dollars ~~((Provided, That nothing herein shall))~~. This section does not apply to ~~((any corporation, association, society or municipal corporation))~~ cemeteries referred to in RCW 68.05.400 ~~((Provided further, That))~~. Any cemetery authority which is denied a ~~((certification))~~ certificate of authority ~~((under the provisions hereof,))~~ shall have the right to appeal ~~((from such))~~ the denial to the superior court of the county in which the cemetery authority is located or proposed to be located ~~((such appeal to))~~. Appeals must be taken within thirty days after the denial of the certificate of authority.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 98-11-005                      Definition—Section.

AMENDATORY SECTION (Amending Order 104, filed 3/9/81)

**WAC 98-12-020 Improved commercial or real estate income.** In determining the trust fund income for the purpose of RCW 68.44.020 and 68.44.170, an allowance for depreciation on the improved real estate will be used as a determining factor in computing fund income. ~~((The trustee shall deduct depreciation from the gross rents and transfer the amount into a fund for depreciation account. The fund may be reinvested with other endowment investments, or may be used to create a sinking fund within the endowment fund.))~~ The cemetery authority must document how depreciation is determined.

AMENDATORY SECTION (Amending Order 106, filed 1/5/83)

**WAC 98-12-040 Records of endowment care funds.** Any cemetery authority maintaining an endowment care fund shall ~~((at all times,))~~ maintain a current accounting system in accordance with generally accepted accounting ~~((standards and))~~ principles. The system shall ~~((include, but not be limited to, all))~~ track sales, receipts, and disbursements and include the following:

(1) ~~((A general journal for journal entries: All original documents must be numbered with a reference number, check number, or contract number.~~

(2) ~~((An individual contract or agreement with each individual purchasing a right of interment with reference numbering.~~

(3) ~~((A sales register or journal showing the recording of all individual sales including date of sale, gross sales price of the interment right, consumer name, reference number to the original document, general ledger account number for postings, and amount payable to the endowment care fund.~~

(4) ~~((An individual account))~~ (2) A record ~~((which records the amount of the gross sales price of the right of interment,))~~ of:

• Payments received and the amount due or paid to the endowment care fund.

~~((5) A check register or cash disbursements journal which shall show payments to the endowment care fund by date and amount, name and reference number, and check number. In addition, a file of cancelled checks and/or money order receipts shall be maintained.~~

~~(6) Schedules or documentation reconciling to and showing the detail of each payment to the endowment care fund including date of payment, individual customer name, account and reference number of original document.~~

~~(7) A cash receipts journal which shall show receipts from individual customers as well as receipts from the endowment care fund and their proper disbursements to the maintenance accounts.~~

~~(8) Records of maintenance expenses.~~

~~(9) Where the directors of the cemetery authority act as trustees for its endowment care fund, the records of the endowment care fund shall be kept as separate records (reconciled quarterly) and shall consist of, but not be limited to, the following:~~

~~(a) A general ledger with all accounts numbered.~~

~~(b) Minute book.~~

~~(c) A separate account designated as the endowment care fund account through which receipts to the fund, disbursements to the investments of the fund and disbursements to the cemetery authority are transmitted.~~

~~(d) A portfolio listing of all investments or cash holdings of the fund.)~~ • Reconciliation of payments to and from the fund.

• All supporting bank and investment statements.

All records required to be maintained pursuant to this rule and Title 68 RCW, whether maintained manually or by computer, shall:

• Be retained and available for inspection for a period of seven years ((and shall)).

• Be ((in such form as to be)) understandable to the cemetery board examiner or other persons reasonably having cause to access them.

#### NEW SECTION

**WAC 98-12-050 Endowment care trust fund contribution for additional rights of interment, entombment or inurnment.** A cemetery authority not exempt from this chapter must make a deposit to the endowment care fund, for additional rights of interment, entombment or inurnment, as required in RCW 68.40.010.

AMENDATORY SECTION (Amending Order CB 101, filed 10/17/75)

**WAC 98-14-010 Definitions.** All definitions of chapter 68.46 RCW apply to this chapter of WAC. In addition, the following definition applies:

"Direct cost" for the purpose of chapter 68.46 RCW, direct cost includes actual labor cost and other costs associated with delivery of the service. For example: Direct cost of providing an opening and closing may include labor, materials, fuel, equipment maintenance, and a share of overhead including benefits and insurance.

AMENDATORY SECTION (Amending Order CB 101, filed 10/17/75)

**WAC 98-14-020 Itemization of charges.** In addition to all other requirements of the law relating to consumer contracts, ~~((all))~~ prearrangement contracts must have:

• A specific itemization of charges and descriptions for each merchandise or service to be furnished or delivered ((including, but not limited to,))

• An itemization of services to be performed on delivered merchandise such as((, but not limited to,)) marker installation and care. ((There shall be a special))

• An itemization of charges and descriptions for each grave niche or crypt sold ((in connection with any prearrangement contract)).

AMENDATORY SECTION (Amending WSR 02-19-018, filed 9/9/02, effective 10/10/02)

**WAC 98-14-080 Development plan for unconstructed, undeveloped property.** Any cemetery authority selling undeveloped graves, unconstructed crypts or niches in accordance with chapter 68.46 RCW must make available to the purchaser at the time the prearrangement contract is signed((:)).

• A statement of estimated time schedule of the development or construction.

~~((Such))~~ Estimated time schedule((s, or modifications of them, will also)) must:

• Be submitted to the cemetery board annually with the financial reports required by RCW 68.46.090 ((and)).

• Be made available to holders of prearrangement contracts affected by the development or construction in the offices of the cemetery authority.

A cemetery authority must maintain an equivalent inventory of constructed crypts, niches and developed graves, equal to ten percent of the unconstructed crypts, niches and undeveloped graves sold through prearrangement contracts. The equivalent inventory must be located within the cemetery or an adjacent cemetery under common ownership.

Trust fund deposits required for the prearrangement contract sales of undeveloped property, will be in accordance with RCW 68.46.030.

AMENDATORY SECTION (Amending Order PM 830, filed 3/31/89)

**WAC 98-14-090 Records of prearrangement trust funds.** Any cemetery authority maintaining a prearrangement trust fund shall~~((, at all times,))~~ maintain a current accounting system in accordance with generally accepted accounting ~~((standards and))~~ principles. The system shall track sales, receipts and disbursements and include((, but not be limited to, all of)) the following:

(1) An individual contract or agreement with each individual establishing a prearrangement trust agreement.

(2) ~~((A sales register or journal showing the recording of all individual sales including date of sale, gross sales price, and detail of items sold.~~

~~(3) An individual account))~~ A record ((which records the amount of the prearrangement agreement, all)) of payments

received((;)) and the amount due or paid to the prearrangement trust fund ((~~and the distribution of payments received to the prearrangement trust fund or the cemetery authority in accordance with the method then allowed by the cemetery authority's prearrangement license.~~

(4) ~~A cash receipts journal which shall show each payment received from individual customers.~~

(5) ~~Schedules or documentation reconciling to and showing detail of each payment to and withdrawal from the prearrangement trust fund including date of payment, individual customer name, and amounts.~~

(6) ~~Schedules and documentation showing detail of prearrangement trust fund asset management, renewal (roll-over), and earnings. When assets are held in instruments that return a mix of principal and earnings throughout the period of holding, schedules shall be maintained reconciling principal to opening deposit).~~

(3) Reconciliation of payments to and from the fund.

(4) All supporting bank and investment statements.

All records required to be maintained pursuant to this rule and Title 68 RCW, whether maintained manually or by computer, shall:

- Be retained and available for inspection for a period of seven years ((and shall)).

- Be ((in such form as to be)) understandable to the cemetery board examiner or other persons reasonably having cause to access them.

AMENDATORY SECTION (Amending Order PM 830, filed 3/31/89)

**WAC 98-14-100 Qualifications of applicant for prearrangement sales license.** To qualify as an applicant for a prearrangement sales license as set forth in RCW 68.05.155 and 68.46.150, applicant must hold a valid((~~subsisting~~)) and unsuspended certificate of authority to operate a cemetery ((~~in this state~~)) issued by the Washington state cemetery board.

REPEALER

The following section of the Washington Administrative Code is repealed:

|               |   |
|---------------|---|
| WAC 98-15-020 | Endowment care trust fund contribution for additional rights of interment, entombment or inurnment. |
|---------------|---|

REPEALER

The following section of the Washington Administrative Code is repealed:

|               |   |
|---------------|---|
| WAC 98-16-020 | Hybrid unit as funeral merchandise or services. |
|---------------|---|

AMENDATORY SECTION (Amending WSR 93-07-040, filed 3/12/93, effective 4/12/93)

**WAC 98-60-040 Records and documentation.** (1) Permit and endorsement holders must provide a Certificate of

Disposition of Cremated Remains to the person authorizing the cremation or disposition. The certificate shall identify:

- The name of the deceased((;)).

- The location and date of the disposition of the cremated remains((;)).

- The manner of disposition (boat, air, or other)((;)).

- The name of the authorizing agent((~~and, if applicable~~)).

- The name of the funeral home, crematory, or cemetery arranging the service, if applicable.

(2) Permit and endorsement holders must:

- Maintain copies of records required under subsection (1) of this section for seven years from the date of disposition ((and such)).

- Make records ((shall be subject to)) available for inspection by the board.

(3) Permit and endorsement holders shall report the number of dispositions performed in the previous year ((~~in the space provided~~)) on the annual renewal form supplied by the department. Failure to provide such a report shall automatically suspend the permit or endorsement. Such permit or endorsement may be restored by making the proper report to the department.

AMENDATORY SECTION (Amending WSR 03-11-020, filed 5/12/03, effective 6/30/03)

**WAC 98-70-010 Fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| <b>Title of Fee</b>  | <b>Fee</b> |
|--|------------|
| Certificate of authority   |            |
| Application  | \$300.00   |
| Renewal  | \$3.20     |
| Charge per each interment, entombment and inurnment during preceding calendar year |            |
| Crematory license/endorsement  |            |
| Application  | \$140.00   |
| Renewal  |            |
| \$3.20 per cremation performed during the preceding calendar year                  |            |
| Prearrangement sales license   |            |
| Application  | \$140.00   |
| Renewal  | \$70.00    |
| Exemption from prearrangement sales license  |            |
| Application  | \$70.00    |
| Renewal  | \$35.00    |
| Cremated remains disposition permit or endorsement                                 |            |
| Application  | \$70.00    |
| Renewal  | \$35.00    |

AMENDATORY SECTION (Amending WSR 02-19-018, filed 9/9/02, effective 10/10/02)

**WAC 98-80-010 Definitions.** (1) **"Authorizing agent"** means the person(s) legally entitled to control the disposition of the human remains.

~~((2))~~ ~~"Crematory" the building or area of a building that houses a cremation chamber, to be used for the cremation of human remains.~~

~~((3))~~ **"Crematory authority or endorsement"** the legal entity and their authorized representatives, licensed to perform cremations.

~~((4))~~ ~~(3) "Cremation chamber" means the enclosed space in a crematory in which the cremation process takes place.~~

~~((5))~~ ~~"Cremation" means the reduction of human remains to bone fragments, in a crematory, by means of incineration.~~

~~((6))~~ ~~"Cremated human remains" means the end products of cremation.~~

~~((7))~~ ~~(4) "Pulverization" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.~~

~~((8))~~ ~~(5) "Processing" is the removal of foreign objects from cremated human remains and may include pulverization.~~

~~((9))~~ ~~(6) "Cremation container" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:~~

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.

- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.

- Provide a proper covering for the human remains.

- Be resistant to leakage or spillage of body fluids.

~~((10))~~ ~~(7) "Sealable container" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.~~

~~((11))~~ ~~(8) "Holding facility" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:~~

- Comply with any applicable public health laws.

- Preserve the dignity of the human remains.

- Recognize the personal integrity, health and safety of employees and others.

- Be secure from access by anyone other than authorized personnel.

~~((12))~~ ~~"Human remains" means the body of a deceased person.~~

~~((13))~~ ~~(9) "Cadaver" means ((the body of a deceased person;)) human remains or any part thereof, which has been donated to science for medical research purposes.~~

~~((14))~~ ~~(10) "Body parts" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.~~

~~((15))~~ ~~(11) "Commingling" means the mixing of cremated human remains of more than one deceased person.~~

~~((16))~~ ~~(12) "Residue" means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.~~

AMENDATORY SECTION (Amending WSR 02-19-018, filed 9/9/02, effective 10/10/02)

**WAC 98-80-020 Identification of human remains.** A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.

- Date of death.

- Place of death.

- Name and relationship of authorizing agent.

- Name of firm engaging crematory services.

- Description of the cremation container to be consumed with the human remains.

- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains ~~((and in the crematory log)).~~

AMENDATORY SECTION (Amending WSR 02-19-018, filed 9/9/02, effective 10/10/02)

**WAC 98-80-030 Holding human remains for cremation.** (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a mechanically or commercially acceptable refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

AMENDATORY SECTION (Amending WSR 02-19-018, filed 9/9/02, effective 10/10/02)

**WAC 98-80-070 Disposition of cremated human remains.** (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.

- Date burial transit permit was issued.

- Date of delivery of human remains to the crematory.

- Date of cremation.

- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release (~~(or date of disposition)~~) of the cremated human remains and the name of the individual(s) to whom the cremated human remains were released; or
- Date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of (~~two years~~) ninety days or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

### WSR 07-11-092

#### PERMANENT RULES

#### DEPARTMENT OF PERSONNEL

[Filed May 16, 2007, 10:17 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: These changes clean up the employee business unit rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 357-43-010, 357-43-055, 357-43-060, 357-43-065, 357-43-070, 357-43-075, 357-43-080, 357-43-085, 357-43-095, 357-43-100, 357-43-105, and 357-43-120; and amending WAC 357-43-001, 357-43-007, 357-43-008, 357-43-115, 357-46-012, 357-46-020, and 357-58-065.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 07-08-034 on March 27, 2007.

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 12.

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 7, Repealed 12.

Date Adopted: May 15, 2007

Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-01-193, filed 12/21/04, effective 7/1/05)

**WAC 357-43-001 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-43 WAC:**

**(1) Appointing authority:** An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

~~((2) Competitive contracting: The process by which classified employees compete with businesses, individuals, nonprofit organizations, or other entities for the performance of services those employees have customarily and historically performed.))~~

~~((3)) (2) Contract:~~ A formal and binding agreement or an amendment to an agreement between an employer and an employee business unit for performing services as defined in the competitive contracting solicitation.

~~((4) Displaced employee: A classified employee whose position or work would be eliminated, resulting in the employee being laid off or assigned to a different job classification, as a result of an award via the competitive contracting process.))~~

~~((5)) (3) Employee business unit:~~ A group of employees who perform services for which an employer proposes to competitively contract and who:

(a) Notify the agency of their intent to submit a bid for the performance of those services through competitive contracting; or

(b) Receive award of a contract from the employer as a result of being a successful bidder.

~~((6)) (4) Employee business unit member:~~ A classified employee working under the provisions of chapter 357-43 WAC.

~~((7)) (5) Employer:~~ A state agency, an institution of higher education, or a related higher education board.

#### NEW SECTION

**WAC 357-43-003 Can EBU members choose which civil service rules will apply to them?** EBU members may choose to opt-out of civil service rules that are not required in statute.

AMENDATORY SECTION (Amending WSR 05-01-185, filed 12/21/04, effective 7/1/05)

**WAC 357-43-007 What provisions apply when an employee's position is eliminated because ~~((6))~~ the employer has awarded a contract through the competitive contracting process as described in Tile 236 WAC?** WAC 357-46-012 governs layoff actions resulting from the com-

petitive contracting (~~((contracting))~~) process as described in Title 236 WAC.

AMENDATORY SECTION (Amending WSR 05-19-003, filed 9/8/05, effective 10/10/05)

**WAC 357-43-008 What happens if an ~~((displaced))~~ employee chooses to ~~((be removed from))~~ not be a part of the employee business unit ~~((before the effective date of a contract that is awarded to the employee business unit))~~? When an ~~((displaced))~~ employee chooses to ~~((be removed from an employee business unit prior to the effective date of the contract that is awarded to the employee business unit))~~ not be a part of the employee business unit, the following applies:**

(1) If the ~~((displaced))~~ employee chooses to ~~((be removed))~~ not be a part of the employee business unit before the employer's ~~((notifies the employee business unit))~~ notification of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the ~~((displaced))~~ employee has layoff rights in accordance with WAC 357-46-012.

(2) If the ~~((displaced))~~ employee chooses to ~~((be removed))~~ not be a part of the employee business unit after the employer's ~~((notifies the employee business unit))~~ notification of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the ~~((displaced))~~ employee has no layoff rights under chapter 357-46 WAC and is considered to have resigned when his/her position is eliminated.

AMENDATORY SECTION (Amending WSR 05-01-193, filed 12/21/04, effective 7/1/05)

**WAC 357-43-115 ~~((What return rights does a former employee business unit member have following appointment to an exempt position?))~~ If an employee business unit member accepts an appointment to an exempt position, what are the employee's return rights?** A former employee business unit member who was appointed to an exempt position from the employee business unit has return rights provided in RCW 41.06.070.

AMENDATORY SECTION (Amending WSR 05-19-004, filed 9/8/04 [9/8/05], effective 10/10/05)

**WAC 357-46-012 Following the award of a contract under the competitive contracting process (as described in Title 236 WAC), how does an employer layoff ~~((displaced))~~ employees ~~((as defined by WAC 357-43-001))~~ whose positions are being eliminated due to the awarded contract? (1) If an employee business unit as defined by WAC 357-43-001 is not awarded the contract, all ~~((displaced))~~ employees ~~((as defined by WAC 357-43-001))~~ whose positions are being eliminated are subject to the employer's layoff procedure when the positions are eliminated or reduced.**

(2) ~~((Displaced employees as defined by WAC 357-43-001))~~ Employees whose positions are being eliminated who are not part of the employee business unit awarded the contract are subject to the employer's layoff procedure when the

employees' positions are eliminated or reduced. (See WAC 357-43-008 for what happens if an ~~((displaced))~~ employee chooses to ~~((be removed from an))~~ not be a part of the employee business unit.)

~~((3))~~ ~~Displaced employees as defined by WAC 357-43-001 who are part of the employee business unit awarded the contract become an employee business unit member on the effective date of the contract. The layoff rights of employee business unit members are determined by the employee business unit's layoff procedure as provided in WAC 357-43-100. Employee business unit members do not have layoff rights under chapter 357-46 WAC.~~)

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-020 What must be included in the employer's layoff procedure?** The employer's layoff procedure must:

(1) Identify clearly defined layoff unit(s) that minimize disruption of the employer's total operation and provide options to employees scheduled for layoff;

- Employers may establish separate and exclusive layoff units for project employment, employee business units, or special employment programs.

(2) Provide opportunities to avoid or minimize layoff, such as transfers, voluntary demotion, voluntary reduced work schedule, or voluntary leave without pay;

(3) Require the appointing authority to provide written notice of layoff to employees in accordance with WAC 357-46-025;

(4) Provide layoff options for permanent employees being laid off as provided in WAC 357-46-035;

(5) Address the time frame in which employees must select a layoff option;

(6) Define what the employer considers when determining the comparability of a position;

(7) Identify the employer's legitimate business requirements if the employer is going to consider those requirements in determining layoff options under WAC 357-46-035;

- Legitimate business requirements may include requirements such as circumstances or characteristics that render a position uniquely sensitive to disruption in continuity such as meeting critical deadlines, continuity in patient care, or research progress.

(8) Describe how employment retention ratings will be calculated, including options for factoring performance into ratings; and

(9) Specify how the employer will break ties when more than one employee has the same employment retention rating.

AMENDATORY SECTION (Amending WSR 05-21-060, filed 10/13/05, effective 11/15/05)

**WAC 357-58-065 Definitions for WMS.** The following definitions apply to chapter 357-58 WAC:

(1) **Competencies.** Those measurable or observable knowledge, skills, abilities, and behaviors critical to success in a key job role or function.

(2) **Dismissal.** The termination of an individual's employment for disciplinary purposes.

(3) **Employee.** An individual working in the classified service. Employee business unit members are ~~((covered by chapter 357-43 WAC and))~~ defined in WAC 357-43-001.

(4) **Evaluation points.** Evaluation points are the points resulting from an evaluation of a position using the managerial job value assessment chart.

(5) **Layoff unit.** A clearly identified structure within an employer's organization within which layoff options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

(6) **Management bands.** Management bands are a series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

(7) **Performance management confirmation.** Approval granted by the director of the department of personnel to an employer allowing the employer to link individual employee performance to compensation or layoff decisions.

(8) **Premium.** Pay added to an employee's base salary on a contingent basis in recognition of special requirements, conditions, or circumstances associated with the job.

(9) **Reassignment.** A reassignment is an employer initiated movement of:

(a) a WMS employee from one position to a different position within WMS with the same salary standard and/or evaluation points; or

(b) a WMS position and its incumbent from one section, department, or geographical location to another section, department, or geographical location.

(10) **Review period.** The review period is a period of time that allows the employer an opportunity to ensure the WMS employee meets the requirements and performance standards of the position.

(11) **Salary standard.** Within a management band a salary standard is the maximum dollar amount assigned to a position in those agencies that use a salary standard in addition to, or in place of, evaluation points.

(12) **Separation.** Separation from state employment for nondisciplinary purposes.

(13) **Suspension.** An absence without pay for disciplinary purposes.

(14) **Transfer.** A WMS transfer is an employee initiated movement from one position to a different position with the same salary standard and/or same evaluation points.

(15) **Washington general service (WGS).** Washington general service is the system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW which do not meet the definition of manager found in RCW 41.06.022.

(16) **Washington management service (WMS).** Washington management service is the system of personnel administration that applies to classified managerial employees or

positions under the jurisdiction of RCW 41.06.022 ~~((and))~~ and 41.06.500.

REPEALER

The following sections of the Washington Administrative Code is repealed:

|                |  |
|----------------|--|
| WAC 357-43-010 | Do the other rules in Title 357 WAC governing classified employees apply to employee business unit members?  |
| WAC 357-43-055 | Can employee business unit members accrue vacation leave?  |
| WAC 357-43-060 | Can employee business unit members accrue sick leave?  |
| WAC 357-43-065 | Can employee business unit members cash out sick leave?  |
| WAC 357-43-070 | Are employee business unit members eligible for legal holidays?  |
| WAC 357-43-075 | Are employee business unit members eligible to receive a personal holiday?   |
| WAC 357-43-080 | Are employee business unit members eligible to participate in the employer's shared leave program?   |
| WAC 357-43-085 | Are employee business unit members eligible to receive military leave?   |
| WAC 357-43-095 | Must an employee business unit have a layoff procedure?  |
| WAC 357-43-100 | What layoff rights must be included in the employee business unit's layoff procedure?  |
| WAC 357-43-105 | When is a general government employee business unit member eligible for placement in the general government transition pool?   |
| WAC 357-43-120 | Can EBU members receive financial incentives for any cost savings that result from completing performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU? |

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-11-093**  
**PERMANENT RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed May 16, 2007, 10:17 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: This change clarifies that the employer's policy may allow leave with pay when an employee is absent due to inclement weather.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-255.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 07-08-037 on March 27, 2007.

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 15, 2007.

Eva N. Santos  
 Director

AMENDATORY SECTION (Amending WSR 05-08-137, filed 4/6/05, effective 7/1/05)

**WAC 357-31-255 What types of leave may an employee use when absent from work or arriving late to work because of inclement weather?** When the employer determines inclement weather conditions exist, the employer's leave policy governs the order in which accrued leave and compensatory time may be used to account for the time an employee is absent from work due to the inclement weather. The employer's policy must allow the use of accrued vacation leave, accrued sick leave up to a maximum of three days in any calendar year, and the use of leave without pay in lieu of paid leave at the request of the employee. The employer's policy may allow leave with pay when an employee is absent due to inclement weather.

**WSR 07-11-094**  
**PERMANENT RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed May 16, 2007, 10:18 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: This change is housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-480.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 07-08-036 on March 27, 2007.

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 15, 2007.

Eva N. Santos  
 Director

AMENDATORY SECTION (Amending WSR 05-08-140, filed 4/6/05, effective 7/1/05)

**WAC 357-31-480 Is parental leave in addition to any leave for sickness or temporary disability because of pregnancy and/or childbirth?** Under RCW ((49.78.005)) 49.78.390, the family leave required by ((U.S.C. 29.2612 (a)(1)(A) and (B) of)) the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) must be in addition to any leave for sickness or temporary disability because of pregnancy or childbirth as provided in WAC 357-31-500.

**WSR 07-11-095**  
**PERMANENT RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed May 16, 2007, 10:19 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: These rules are required due to the passage of SB 6059. This bill created the ability for agencies to allow their employees to participate in sick leave pools.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-400 and 357-31-150.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 07-08-031 on March 27, 2007.

Changes Other than Editing from Proposed to Adopted Version: In WAC 357-31-620 removed the word "other" from the second sentence of that 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 14, 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 14, Amended 2, Repealed 0.

Date Adopted: May 15, 2007.

Eva N. Santos  
Director

#### NEW SECTION

**WAC 357-31-570 What is the purpose of a sick leave pool?** The purpose of a sick leave pool is to allow general government state employees, within an agency, to pool sick leave to be used by participating employees who have a personal illness, accident, or injury. Sick leave contributed to a sick leave pool will be deducted from the contributing employee's sick leave balance.

#### NEW SECTION

**WAC 357-31-575 Must an agency have a written policy regarding sick leave pools?** Prior to creating a sick leave pool, an agency that decides to participate in the sick leave pool program must appoint an administrator for each sick leave pool and develop a written policy which at a minimum addresses:

- (1) Eligibility requirements for employees who wish to participate;
- (2) Enrollment process including when open enrollment will occur;
- (3) Amount of sick leave an employee must initially contribute to become a participant;
- (4) Amount of sick leave a participating employee must contribute when a pool becomes depleted;
- (5) When a pool will be considered to be "depleted";
- (6) What happens when a participating employee does not have enough leave to contribute to the pool;
- (7) The process and criteria that will be used when a sick leave pool participant needs to withdraw sick leave from the pool;
- (8) What happens when there is not enough leave in a pool to cover pool participants' requests to withdraw leave;
- (9) The manner in which alleged abuse of the sick leave pool will be investigated and what actions will be taken if it has been determined that abuse has occurred;
- (10) The manner in which employees can request an internal review of a finding of wrongdoing under subsection (9) of this section;
- (11) Transferring of sick leave credits when a pool participant moves from one pool to another pool; and

(12) What happens to leave credits that are in a pool if the pool is disbanded.

#### NEW SECTION

**WAC 357-31-580 What criteria does an employee have to meet to be eligible to participate in a sick leave pool?** An employee is eligible to participate in a sick leave pool after one continuous year of state employment and after accruing at least forty-eight hours of unused sick leave.

#### NEW SECTION

**WAC 357-31-585 Is participation in a sick leave pool voluntary?** Participation in a sick leave pool must, at all times, be voluntary on the part of the employee.

#### NEW SECTION

**WAC 357-31-590 When is an employee who participates in a sick leave pool eligible to use sick leave from the pool?** A participating employee is eligible to use sick leave from a pool only when the employee has a personal illness, accident, or injury and the employee has exhausted all of his/her personal holiday and all of his/her sick, vacation, and compensatory time.

#### NEW SECTION

**WAC 357-31-595 Is a participant eligible to use sick leave from a pool if his/her illness or injury is work-related?** If the illness or injury is work-related and the participant has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW the participant may be eligible to use leave from a pool if he/she has exhausted all of his/her personal holiday and all of his/her sick, vacation, and compensatory time.

#### NEW SECTION

**WAC 357-31-600 Is there a limit to the amount of sick leave a participating employee may withdraw from a sick leave pool?** A participating employee may not withdraw more than two hundred sixty-one (261) days from a sick leave pool for the entire duration of state employment. The two hundred sixty-one (261) days includes any days an employee has received under the Washington Shared Leave Program. One day equals eight hours of leave.

#### NEW SECTION

**WAC 357-31-605 What rate of pay is the participant who withdraws sick leave from the pool paid?** A participant who withdraws sick leave from a sick leave pool will be paid his/her regular rate of pay.

#### NEW SECTION

**WAC 357-31-610 How does a part-time participating employee withdraw sick leave credits from a sick leave**

**pool?** A part-time participating employee withdraws sick leave credits from a sick leave pool on a pro-rata basis.

NEW SECTION

**WAC 357-31-615 When a participating employee uses leave from a sick leave pool will he/she be required to retribute such sick leave to the pool?** When a participating employee uses leave from a sick leave pool he/she will not be required to retribute such leave to the pool unless the agency has determined that abuse of the pool has occurred.

NEW SECTION

**WAC 357-31-620 When an agency has determined that abuse of a sick leave pool has occurred will the employee have to repay the sick leave credits drawn from the pool?** Alleged abuse of the use of a sick leave pool will be investigated, and, on a finding of wrongdoing, the employee must repay all of the sick leave credits drawn from the sick leave pool. The employee may be subject to disciplinary action as determined by the agency head. The only time an employee will have to repay sick leave credits is when there is a finding of wrongdoing.

NEW SECTION

**WAC 357-31-625 When an employee cancels his/her membership in a sick leave pool, can the employee withdraw the days of sick leave he/she had contributed to the pool?** An employee who cancels his/her membership in a sick leave pool is not eligible to withdraw the hours of sick leave he/she had contributed to the pool.

NEW SECTION

**WAC 357-31-630 Can a participant who moves from one general government position to a different general government position transfer from one sick leave pool to another sick leave pool?** A participant who moves between general government positions within his/her agency or with a different agency may transfer from one pool to another if the eligibility criteria of the pools are comparable and the administrators of the pools have agreed on a formula for transfer of credits.

NEW SECTION

**WAC 357-31-635 What records must an employer maintain pertaining to sick leave pools?** Each agency shall maintain accurate and reliable records showing the amount of sick leave which has been accumulated and available to sick leave pool participants and the amount of leave that has been used by participants.

AMENDATORY SECTION (Amending WSR 05-08-139, filed 4/6/05, effective 7/1/05)

**WAC 357-31-400 How much shared leave may an employee receive?** The employer determines the amount of

leave, if any, which an employee may receive under these rules. However, an employee must not receive more than two hundred sixty-one (261) days of shared leave during total state employment and a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the expected end date of the appointment. Leave used under the sick leave pool program, as described in WAC 357-31-570, is included in the two hundred sixty-one (261) day limit.

Employers are encouraged to consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.

AMENDATORY SECTION (Amending WSR 07-03-051, filed 1/12/07, effective 2/15/07)

**WAC 357-31-150 Can an employee be paid for accrued sick leave?** In accordance with the attendance incentive program established by RCW 41.04.340, employees are eligible to be paid for accrued sick leave as follows:

(1) In January of each year, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(a) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(b) Monetary compensation for converted hours is paid at the rate of twenty-five percent and is based on the employee's current salary.

(c) All converted hours are deducted from the employee's sick leave balance.

(d) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year may be included in the converted hours for monetary compensation.

(e) For the purpose of this section, hours which are contributed to a sick leave pool per WAC 357-31-570 are considered hours used.

(2) Employees who separate from state service because of retirement or death must be compensated for their total unused sick leave accumulation at the rate of twenty-five percent or the employer may deposit equivalent funds in a medical expense plan as provided in WAC 357-31-375. Compensation must be based on the employee's salary at the time of separation. For the purpose of this subsection, retirement does not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(3) No contributions are to be made to the department of retirement systems (DRS) for payments under subsection (1) or (2) of this section, nor are such payments reported to DRS as compensation.

**WSR 07-11-096**  
**PERMANENT RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed May 16, 2007, 10:20 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: This change clarifies that for overtime-eligible employees, if the employee chooses leave without pay (LWOP) and wants to make up the lost work time, the employee can make up the time during the work week which results in no LWOP. The employer can require an overtime-exempt to use accrued paid leave to cover the absence. If the overtime-exempt employee has no paid leave to cover the absence, then the employee's pay may be docked. Employers can require overtime-exempt employees to work additional hours to make up lost work time.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 357-31-265.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 07-08-035 on March 27, 2007.

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 15, 2007.

Eva N. Santos  
 Director

AMENDATORY SECTION (Amending WSR 05-08-137, filed 4/6/05, effective 7/1/05)

**WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure?** At a minimum, employees not required to work during suspended operations must be allowed to use their personal holiday(=) or accrued vacation leave(=). Overtime-eligible employees must also be allowed to use accrued compensatory time(=, or leave without pay) to account for the time lost due to the closure. ((If an employer's suspended operations procedure allows, employees may also be released without a loss in pay or given a reasonable opportunity to make up work time lost as a result of the suspended operations.)) Overtime-eligible employees may be allowed to use leave without pay and given an opportunity to make up work time lost (as a result of suspended operations) within the work week. For overtime eligible employees, compensation for making up lost work time must be ~~((granted on a compensatory time basis at not less than straight time nor~~

~~more than time and one-half))~~ in accordance with WAC 357-28-255, 357-28-260, and 357-28-265 if it causes the employee to work in excess of forty hours in the workweek, and must be part of the employer's suspended operations procedures. The amount of compensation earned under this section must not exceed the amount of salary lost by the employee due to suspended operation.

If the employer's suspended operations procedure allows, employees may be released without a loss in pay.

**WSR 07-11-100**  
**PERMANENT RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed May 16, 2007, 10:11 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: The change in WAC 357-28-125 will result in an employee's salary being adjusted to the same step in the new range as held in the previous range (unless otherwise determined by the director) when an employee's position is reallocated to a new class as a result of the director taking action to implement the new classification plan.

The change in WAC 357-28-130 states that when reallocation to a class with a higher salary range is necessary because the director creates, abolishes, or revises a class after the initial implementation of the classification plan, the employee must have his/her base salary adjusted to the same step in the new range as held in the previous range unless otherwise determined by the director.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 357-28-125 and 357-28-130.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 07-08-033 on March 27, 2007.

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 15, 2007.

Eva N. Santos  
 Director

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

**WAC 357-28-125 How is an employee's base salary affected when the employee's position is allocated to a**

**new class as a result of the director taking action to implement the new classification plan as required by ((RCW 41.06.136)) WAC 357-10-010(1)?** When an employee's position is reallocated to a new class as a result of the director taking action to implement the new classification plan as required by ((RCW 41.06.136)) WAC 357-10-010(1), the ((employee retains his/her previous base salary and periodic increment date upon reallocation unless the employee's previous base salary is less than the minimum step of the salary range assigned to the new class. In that case, the employee's base salary is the minimum step of the salary range assigned the new class and the periodic increment date is six months from the effective date of reallocation)) employee's salary will be adjusted to the same step in the new range as held in the previous range unless otherwise determined by the director.

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

**WAC 357-28-130 How is an employee's base salary determined if the director creates, abolishes, or revises a class after the initial implementation of the classification plan?** When reallocation is necessary because the director creates, abolishes, or revises a class after the initial implementation of the classification plan, an employee's base salary is determined as follows:

(1) An employee occupying a position reallocated to a class with the same or lower salary range must be paid an amount equal to his/her previous base salary.

(2) An employee occupying a position reallocated to a class with a higher salary range must have his/her base salary ((set in accordance with the salary provisions established by the director)) adjusted to the same step in the new range as held in the previous range unless otherwise determined by the director.

**WSR 07-11-110  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 07-88—Filed May 18, 2007, 1:28 p.m., effective June 18, 2007]

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

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-95-100 and 220-95-110.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 07-05-023 on February 13, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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

Date Adopted: May 18, 2007.

Susan Yeager  
for Jerry Gutzwiler, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 02-184, filed 8/9/02, effective 9/9/02)

**WAC 220-95-100 Sea urchin license reduction program.** In order to provide for economic stability in the commercial sea urchin fishery, and in accordance with RCW 77.70.150, the department establishes the sea urchin license reduction program (program).

(1) Eligibility: All persons who currently hold a sea urchin commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea urchin licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.150, with a maximum purchase price of \$((8,000)) 11,000 per license.

(3) Offer process: The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea urchin commercial fishery.

(7) Program termination: This program terminates when the number of sea urchin commercial fishery licensees is reduced to twenty-five.

AMENDATORY SECTION (Amending Order 05-170, filed 8/5/05, effective 9/5/05)

**WAC 220-95-110 Sea cucumber license reduction program.** In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) Eligibility: All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea cucumber licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.190, with a maximum purchase price of ~~\$(12,000)~~ 15,000 per license.

(3) Offer process: The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea cucumber commercial fishery.

(7) Program termination: This program terminates when the number of sea cucumber commercial fishery licensees is reduced to twenty-five.

**WSR 07-11-111**  
**PERMANENT RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**  
 [Filed May 18, 2007, 1:42 p.m., effective June 18, 2007]

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

Purpose: Revise SCAPCA Regulation I, Article VI, Section 6.17—Standards for Municipal Solid Waste Combustors, to implement revised federal emission guidelines for municipal solid waste combustors as established in 40 C.F.R. 60, Subpart Cb. This version replaces the earlier CR-103 that was sent, which inadvertently included a different version of the rule than the one adopted by SCAPCA's board on April 5, 2007. This corrected CR-103 contains the correct version of the rule that was adopted on April 5, 2007.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation I, Article VI, Section 6.17—Standards for Municipal Solid Waste Combustors.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380(2).

Adopted under notice filed as WSR 07-05-075 on February 20, 2007.

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: April 5, 2007.

April L. Westby  
 Environmental Engineer

**APPENDIX A – RESOLUTION 07-10**

**AMENDATORY SECTION**

REGULATION I, ARTICLE VI, SECTION 6.17

**SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS**

A. Purpose. This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.

B. Definitions. The definitions in 40 CFR §60.31b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference except:

1. The references to §60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to §60.33b (c)(1). ~~((i) and (ii))~~

2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.

C. Applicability. Section 6.17 applies to all facilities within Spokane County that are designated facilities as established in 40 CFR §60.32b, as in effect on ~~((September 1, 1998))~~ December 1, 2006.

D. Emission Standards. The following emission standards are adopted by reference. ~~((All facilities (i.e., each municipal solid waste combustor unit) designated in C. of this section shall comply with these standards in accordance with the compliance schedule given in J. below.))~~

1. Particulate matter emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(1)(i), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

2. Opacity shall not exceed the emission limit in 40 CFR §60.33b (a)(1)(iii), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

3. Cadmium emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(2)(i), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

4. Lead emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(4), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

5. Mercury emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(3), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR §60.33b (b)(3)(i), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR §60.33b (b)(3)(ii), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR §60.33b (c)(1)~~(i) or (ii)~~, as in effect on ~~((September 1, 1998))~~ December 1, 2006.

9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR §60.33b(d) (24-hour daily arithmetic average), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR §60.34b(a), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

E. Operating Practices. The operating practices of 40 CFR §60.53b (b) and (c), as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference. ~~((All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.))~~

F. Operator Training and Certification. The operator training and certification requirements of 40 CFR §60.54b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference with the following change:

1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.

~~((All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.))~~

G. Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR §60.55b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference. ~~((All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.))~~

H. Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR §60.58b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference with the following changes:

1. In §60.58b (a)(1)(iii), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).

2. In §60.58b(c), the reference to §60.52b (a)(1) and (a)(2) is hereby changed to §60.33b (a)(1)(i) and (iii).

3. In §60.58b(d), the reference to §60.52b(a) is hereby changed to §60.33b (a)(2), (a)(3), and (a)(4).

4. In §60.58b (d)(1), the reference to §60.52b (a)(3) and (4) is hereby changed to §60.33b (a)(2) and (a)(4).

5. All references to §60.52b (a)(5) in §60.58b are hereby changed to §60.33b (a)(3).

6. In §60.58b(e), the reference to §60.52b (b)(1) is hereby changed to §60.33b (b)(3)(i).

7. In §60.58b(f), the reference to §60.52b (b)(2) is hereby changed to §60.33b (b)(3)(ii).

8. All references to §60.52b(c) in §60.58b are hereby changed to §60.33b (c)(1). ~~((i) and (ii).))~~

9. In §60.58b (g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.

10. In §60.58b(h), the references to §60.52b(d) are hereby changed to Table 1 of §60.33b(d).

11. In §60.58b(i), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b (b) and (c).

12. In §60.58b(i), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).

~~((All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this subsection in accordance with the compliance schedule given in J. below.))~~

I. Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR §60.59b, as in effect on December 1, 2006, are adopted by reference with the following changes:

1. §60.59b (a), (b)(5), and (d)(11) are hereby deleted.

2. In §60.59b(d), the reference to §60.52b is hereby changed to §60.33b.

3. In §60.59b(d), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b (b) and (c).

~~((All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this subsection in accordance with the compliance schedule given in J. below.))~~

J. Compliance Schedule. All designated facilities, as determined in B. above, shall comply with the requirements of Section 6.17 as of the effective date of this regulation ~~((December 1, 1999))~~ except for the following:

1. The requirement specified in §60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

2. The owner or operator may request that the EPA Administrator waive the requirement specified in §60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

~~((3. The initial training requirements specified in §60.54b (f)(1) shall be completed no later than 12 months after December 1, 1999, or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.))~~

~~4. The initial performance evaluation/test, required in H. above, shall be completed no later than 180 days after December 1, 1999.))~~

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-11-112**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed May 18, 2007, 2:27 p.m., effective June 18, 2007]

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

Purpose: To repeal chapter 260-42 WAC, Postponements, cancellations and preferences, and add two sections (from chapter 260-42 WAC) to chapter 260-40 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-42-010, 260-42-020, 260-42-030, and 260-42-040.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Adopted under notice filed as WSR 07-07-046 on March 13, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 0, Repealed 4; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 18, 2007.

R. J. Lopez  
Deputy Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

|                |                                       |
|----------------|---------------------------------------|
| WAC 260-42-010 | Postponement from day to day.         |
| WAC 260-42-020 | Refunds when stake race declared off. |
| WAC 260-42-030 | Public notice.                        |
| WAC 260-42-040 | Preferences—Preferred list.           |

**NEW SECTION**

**WAC 260-40-245 Refunds when stake race declared off.** If a stake race is declared off, all nomination and entry fees paid in connection with that race will be refunded.

**NEW SECTION**

**WAC 260-40-275 Postponement from day to day.** The stewards may postpone a race from day to day until an off day intervenes.

**WSR 07-11-114**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed May 18, 2007, 3:16 p.m., effective June 18, 2007]

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

Purpose: To amend sections of chapter 260-12 WAC as part of the agency's regulatory reform effort and to modernize the rules of racing with the national model rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-12-030, 260-12-060, 260-12-090, 260-12-170, 260-12-190, 260-12-200, and 260-12-240; and amending WAC 260-12-001, 260-12-010, 260-12-020, 260-12-040, 260-12-050, 260-12-070, 260-12-080, 260-12-100, 260-12-110, 260-12-115, 260-12-120, 260-12-150, 260-12-180, 260-12-210, 260-12-220, 260-12-235, and 260-12-250.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Adopted under notice filed as WSR 07-07-100 on March 19, 2007.

Changes Other than Editing from Proposed to Adopted Version: WAC 260-12-001 the term "thoroughbred" has been removed; WAC 260-12-010, in subsection (19) term "official" added, in subsection (34) reworded to simplify, in subsection (48) language regarding "any female horse that has been bred" has been removed, in subsection (49), (76) moved definition of "meet" to definition of "race meet," in subsection (80) added "race" meet, in subsection (96) redefined tongue tie and in subsection (104) redefined workout; WAC 260-12-040 changed the title of the section; WAC 260-12-050 reworded this section to include some language in new section WAC 260-12-065 (deleted); WAC 260-12-110 added the term "employees"; WAC 260-12-150 added persons "denied" to this section; WAC 260-12-210 reworded this section; and WAC 260-12-230 removed some unnecessary language.

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 18, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 18, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 18, Repealed 7; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 18, 2007.

R. J. Lopez  
Deputy Secretary

**AMENDATORY SECTION** (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-001 ((Promulgation-)) Intent.** ((Chapter 55, Laws of 1933, created and established the Washington

horse racing commission, and vested said commission with full powers to prescribe rules, regulations and conditions under which all horse racing, upon the result of which there shall be wagering, shall be conducted within the state of Washington.

The rules of racing as adopted and herein set forth are published and declared the rules and regulations of racing for the state of Washington. They have been compiled with the hope that they will promote racing on a high plane and encourage the breeding and ownership of thoroughbred horses in this state.

Anyone who enters or causes a horse to run, or who owns a share of any horse which takes part in any race held at a meeting conducted under a license from the Washington horse racing commission, or any corporation, association, official or person participating in any such meeting in any capacity, is expected to be conversant with and to comply with the present rules governing racing.

Such persons, corporations and associations hereby agree to submit, without any reservation, to all the rules and consequences resulting therefrom.

WASHINGTON HORSE RACING COMMISSION

Will Bachofner, Chairman,  
Robert Mead, Commissioner,  
Warren Chinn, Commissioner,  
Blaine Johnson, Secretary-)

The rules adopted by the Washington horse racing commission will be known as the "rules of racing." They have been compiled with the intent to promote integrity in racing and to encourage the breeding and ownership of horses in this state.

AMENDATORY SECTION (Amending Order 81-06, filed 7/10/81)

**WAC 260-12-010 Definitions.** ((In applying the rules herein set forth and all amendments thereof the following definitions, constructions and interpretations shall apply, except where otherwise indicated in said rules:

(1) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

(2) "Arrears" shall mean all moneys due for entrance forfeits, fees (including jockey's, etc. fees), forfeitures, subscriptions, stake, purchase money in claiming races, and also any default in money incident to the rules.

(3)) The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Added money." Money added to the purse of a race by the association, or other fund, in the amount paid by owners for nominations, entry, and starting fees.

(2) "Allowance race." An overnight race for which there is no claiming price established.

(3) "Also eligible."

(a) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(b) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(4) "Apprentice jockey." A jockey who has not won a certain number of races within a specific period of time who is granted an extra weight allowance as provided in WAC 260-32-370(9).

(5) "Apprentice allowance." A weight allowance given to an apprentice jockey ranging from five to ten pounds.

(6) "Authorized agent," ((shall mean)) A person appointed by a written ((instrument)) document signed ((and acknowledged before a notary public)) by the owner ((and filed in accordance with the rules)) with authority to act for the owner.

((4)) (7) "Association," ((shall mean)) Any person or persons, associations, or corporations licensed by the commission to conduct ((racing for any stake, purse or reward)) parimutuel wagering on a race meet.

((5) "Breeder" of a horse shall mean the owner of its dam at the time of foaling.

(6) "Breeding place" shall mean the place of horse's birth.

(7) "Calendar day" shall mean twenty four hours ending at midnight.

(8) "Declaration" shall mean the act of withdrawing an entered horse from a race before the closing of overnight entries.

(9) "Entry" shall mean according to the requirement of the text (a) a horse made eligible to run in a race, (b) two or more which are entered or run in a race owned by the same owner or trained by the same trainer.

(10) "Equipment," as applied to a horse, shall mean whips, blinkers, tongue straps, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(11) "Forfeit" shall mean money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

(12) "Grounds" shall mean all real property owned or leased by an association used in the conduct of a race meet.

(13) "Horse" includes filly, mare, colt, horse, gelding or ridgling.

(14) "Jockey" shall mean a race rider, whether a licensed jockey, apprentice or amateur.

(15) "Maiden" shall mean a horse which at the time of starting has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden which has been disqualified after finishing first is still to be considered a maiden.

(16) "Meeting" shall mean the entire consecutive period for which license to race has been granted to any one association by the commission.

(17) "Month" shall mean a calendar month.

(18) "Nominator" shall mean a person in whose name a horse is entered for a race.

(19) "Owner" includes sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

(20) "Place" in racing shall mean first, second or third and in that order is called "win," "place," and "show."

(21) "Post position" shall mean the position assigned to the horse at the starting line of the race.

(22) "Post time" shall mean the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displayed and clearly readable from the grandstand.

(23) "Race" shall mean a contest between horses for purse, stakes, or reward on any licensed course and in the presence of judge or judges. A race which overfills may be contested in two or more divisions.

(a) "Claiming race" shall mean a race in which any horse entered therein may be claimed in conformity with the rules.

(b) "Free handicap" shall mean a handicap in which no liability for entrance money is incurred.

(c) "Handicap" shall mean a race in which the weights to be carried by the entered horses are adjusted by a handicapper or board of handicappers for the purpose of equalizing their respective chances of winning.

(d) "Highweight handicap" shall mean a handicap in which the weight assigned to the top horse in that handicap is not less than 140 pounds.

(e) "Match" shall mean a private sweepstakes between two horses which are the property of two different owners. If prior to the running of the race either of the horses entered in the match dies, or if either owner dies the match is void. It remains a match even if money or any other award is added to the stakes.

(f) "Optional claiming race" shall mean a race restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purposes of these rules, a claiming race.

(g) "Overnight race" shall mean a race for which entries close seventy-two hours, or less, before the time set for the first race of the day on which such race is to be run.

(h) "Owner's handicap" shall mean a race wherein the owner fixes, at the time of entry, the weight his horse is to carry.

(i) "Post race" shall mean a race in which the subscribers announce at declaration time the horse, or horses, each intends to start, without limitations of choice other than prescribed by the rules and conditions of the race.

(j) "Private sweepstakes" shall mean a race to which no money or other prize is added, and which, previous to closing, has not been advertised, either by publication, or by circular or entry blank, or in any other way.

(k) "Produce race" shall mean a race to be run for by the produce of horses named or described at the time of entry.

(l) "Purse race" shall mean a race for money or any other prize to which the owners of the horses engaged do not contribute.

(24) "Race day" shall mean any period of twenty-four hours beginning at midnight and included in the period of a race meeting and in the matter of penalties the word "day" means a "calendar day."

(25) "Recognized meeting" shall mean any meeting wherever held under the sanction of a turf authority having reciprocal relations with the commission and other turf authorities (approved by said commission) for the mutual

enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

(26) "Rules" shall mean the rules herein prescribed and any amendments or additions thereto.

(27) "Scratch" shall mean the act of withdrawing an entered horse from the race after the closing of overnight entries.

(28) "Scratch time" shall mean the time set by the association for the closing of applications for permission to withdraw from races of that day.

(29) "Stake race" or "sweepstakes" shall mean a race for which nominations close more than seventy-two hours in advance of its running and for which subscribers contributed money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of stakes.

(30) "Starter." A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(31) "Stewards" shall mean the stewards of the meeting or their duly appointed deputies.

(32) "Subscription" shall mean the act of nominating to a stake race.

(33) "Untried horse" shall mean a horse whose produce are maidens.

(34) "Walk-over" shall mean a situation in which two horses in entirely different interest do not run in a race.

(35) "Weight for age" shall mean standard weight according to the rules. A "weight for age" race is one in which all horses carry weight according to the scale without penalties or allowances.

(36) "Year" shall mean a calendar year.) (8) "Association grounds." All real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, and parking lots and any other areas under the jurisdiction of the commission.

(9) "Bar shoe." A special shoe with a solid bar that runs across the rear of the shoe for extra protection.

(10) "Bit." The metal mouthpiece on a bridle used to guide and control a horse.

(11) "Bleeder." A horse that demonstrates exercise induced pulmonary hemorrhaging.

(12) "Blinkers." A hood with different size cups to limit the peripheral vision of a horse.

(13) "Breakage." The remaining cents after parimutuel payoffs are rounded down to a dime or nickel.

(14) "Breeder." For thoroughbreds, the breeder is the owner of the horse's dam at the time of foaling. For quarter horses, appaloosas, arabians and paint horses, the breeder is the owner of the dam at the time of service.

(15) "Claiming." The act of buying a horse out of a race for a specific price.

(16) "Claim box." A box in a specified location where a claim must be deposited to be valid.

(17) "Claiming race." Races in which horses are entered subject to being claimed for a specified price.

(18) "Clerk of scales." An official who weighs the jockeys prior to and after each race.

(19) "Clocker." An official that times horses when horses are performing an official workout.

(20) "Colors." Racing silks with owners' distinct designs and color worn by jockeys while racing.

(21) "Colt." Male horse under the age of five.

(22) "Commission."

(a) The five-member commission established by RCW 67.16.012; or

(b) The state agency known as the Washington horse racing commission.

(23) "Condition book." A book issued by the racing secretary with specific eligibility conditions for scheduled races.

(24) "Coupled entry." Two or more horses running as a single betting interest for parimutuel wagering purposes.

(25) "Daily double." Type of wager calling for the selection of the winner of two consecutive races.

(26) "Dead heat." Two or more horses in an exact tie at the finish line.

(27) "Eligible." A horse that is qualified to start in a race as established by the racing secretary's conditions.

(28) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

(29) "Entry."

(a) A horse eligible for and entered in a race.

(b) Two or more horses which are entered or run in a race with common ownership.

(30) "Equipment." Tack carried or used on a racehorse including whips, blinkers, tongue ties, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(31) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

(32) "Exercise rider." A person licensed by the commission to ride horses for the purpose of exercising.

(33) "Field." The total horses scheduled to run in a race.

(34) "Filly." A female horse four years and younger.

(35) "Front leg wraps." Bandages that extend at least four inches up the horse's front legs for support.

(36) "Furlong." One-eighth of a mile, two hundred twenty yards, or six hundred sixty feet.

(37) "Furosemide." Generic term for a medication used for the treatment of bleeders.

(38) "Furosemide list." A list of horses maintained by the official veterinarian eligible to race in this jurisdiction on furosemide.

(39) "Gelding." A male horse that has been castrated.

(40) "Groom" A person licensed by the commission who is employed by a licensed trainer to care for the trainer's horses.

(41) "Handicap."

(a) A race in which the racing secretary designates the weight to be carried for each horse.

(b) Making wagering selections on the basis of a horse's past performances.

(42) "Handle." Total amount of money wagered in the parimutuel pool for a race, race card, or a race meet.

(43) "Horse."

(a) A registered filly, mare, colt, horse, gelding or ridgling of a breed that is eligible to race in the state of Washington.

(b) Any male horse five years old or older.

(44) "Inquiry." A review of a race conducted by the board of stewards to determine if a racing violation was committed.

(45) "Jockey." A person licensed by the commission to ride a horse in a race meet, whether a jockey or an apprentice jockey.

(46) "Jockey fee." The money paid to a jockey for riding in a race.

(47) "Maiden." A horse, which at the time of starting in a race, has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden who has been disqualified after finishing first is still considered a maiden.

(48) "Mare." A female horse five years old or older.

(49) "Minus pool." A mutuel pool caused when one horse is heavily bet and after all mandatory deductions there is not enough money in the pool to pay the legally prescribed minimum on each winning wager.

(50) "Morning line." A handicapper's approximate odds quoted in the program.

(51) "Mutuel field." A group of horses, with no common ties, coupled by the association for wagering purposes in a single race.

(52) "Net pool price calculations." The method of calculating the parimutuel pools when international pools are conducted (WAC 260-48-800).

(53) "Nerved" or "heel nerved." A horse upon which a digital neurectomy has been performed.

(54) "Nomination." The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

(55) "Objection." When a claim of foul is lodged by a jockey, owner, or trainer following the running of the race.

(56) "Official."

(a) When the board of stewards has determined that the order of finish of a race is correct for the mutuel payouts.

(b) An individual designated to perform functions to regulate a race meet.

(57) "Off-track betting." Parimutuel wagering on horse races conducted at a location other than the racing association's grounds, often referred to as a satellite location.

(58) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

(59) "Overnight race." A contest for which entries close at a time set by the racing secretary.

(60) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

(61) "Owner." Any person licensed by the commission with an ownership interest in a horse, including a lessee. An interest only in the winnings of a horse does not constitute part ownership.

(62) "Owners' bonus." A percentage of the gross mutuel pool the association is required by RCW 67.16.102 to withhold to be paid to owners of Washington bred horses at the conclusion of the meet based on the owner's horse finishing first, second, third or fourth.

(63) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

(64) "Paddock judge." An official who monitors the saddling of the horses before a race to ensure consistent equipment on each horse and supervises the paddock.

(65) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

(66) "Pick six." A type of wager requiring the patron to select the winners of six consecutive races.

(67) "Pick three" or "pick four." A type of wager requiring the patron to select the winners of three or four consecutive races.

(68) "Place." To finish second in a race.

(69) "Poles." Markers positioned around the track indicating the distance to the finish line.

(70) "Post." The starting position on the track.

(71) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

(72) "Post position." Position assigned to the horse to break from the starting gate determined by lot at the time of the draw of the race.

(73) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

(74) "Purse." The amount of prize money offered by the racing association for each race.

(75) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

(76) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

(77) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

(78) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

(79) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

(80) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

(81) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

(82) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

(83) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

(84) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

(85) "Show." To finish third in a race.

(86) "Simulcast." Broadcasting a live race from another racing association for purposes of parimutuel wagering on that race, or sending a broadcast of a live race to another racing association for purposes of parimutuel wagering on that race.

(87) "Stake race." A race for which nominations close more than seventy-two hours in advance of its running and for which owners or nominators contribute money toward its purse, or a race for which horses are invited by an association

to run for a guaranteed purse of thirty thousand dollars or more without payment of nomination, entry, or starting fees.

(88) "Stallion." A male horse which can be used for breeding purposes.

(89) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

(90) "Starter."

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses; or

(b) An official responsible for dispatching the horses from the starting gate.

(91) "Starter's list." A list, maintained by the official starter, of horses that have been unruly when loading in the starting gate. Horses on the starter's list are ineligible to enter.

(92) "Starter race." An allowance or handicap race restricted to horses who have started for a specific claiming price or less.

(93) "Stewards." The officials designated by the commission responsible for enforcing the rules of racing.

(94) "Stewards' list." A list, maintained by the stewards, of horses which are ineligible to enter for various reasons, e.g., poor performance, ownership disputes, etc.

(95) "Test barn." The enclosure to which selected horses are taken for post race testing.

(96) "Tongue tie." Bandage or other apparatus used to tie down a horse's tongue to prevent the tongue from getting over the bit, which can affect the horse's breathing and the jockey's ability to control the horse.

(97) "Trifecta." A wager picking the first three finishers in exact order in a specific race.

(98) "Turf course." A racing surface comprised of grass.

(99) "Veterinarian's list." A list of horses ineligible to enter due to sickness, lameness, or other conditions as determined by an official veterinarian.

(100) "Washington bred." A horse that was foaled in the state of Washington.

(101) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

(102) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

(103) "Weight allowance." A reduction in weight to be carried by a horse as established by the conditions for each race.

(104) "Workout" or "official workout." An exercise at moderate to extreme speed for a predetermined distance of a horse as required in WAC 260-40-105 to make a horse eligible to be entered or run in a race.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-020 To whom rules apply.** (1) The rules of racing (~~herein prescribed, and any amendments or additions thereto,~~) apply to all persons, associations, partnerships, or corporations holding or conducting a (~~meeting~~) race meet within the state of Washington (~~licensed by the commission where racing shall be permitted for any stake,~~

purse or reward) where the parimutuel wagering system is used.

(2) ~~((The))~~ These rules ~~((shall))~~ also apply to any participant in, or patron of, any ~~((such licensed meetings))~~ race meet.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-040 Every license(s) is conditioned on (observance) licensee enforcing and observing the rules of racing.** Every license to hold a ~~((meeting))~~ race meet is granted upon the condition that the licensee ~~((shall))~~ will accept, observe, and enforce ~~((said))~~ the rules of racing. ~~((Furthermore, it shall be))~~ It is the duty of each ~~((and every))~~ officer, director, and every official and employee of ~~((said))~~ the licensee to (observe and enforce) comply with the rules of racing and to report violations to the commission.

AMENDATORY SECTION (Amending Order 81-07, filed 8/25/81)

**WAC 260-12-050 (Execution, filing, of application for license.) When are race dates required to be submitted for approval?** ~~((Application to the Washington horse racing commission for a license to conduct a race meeting during the next succeeding season of racing must be filed with the secretary of the commission, over the signature of an executive officer of the association not later than February 1st. Once a license is granted, the commission may at any time, upon a showing of good cause, extend, reduce or otherwise modify the dates over which a racing association may conduct a race meet pursuant to that license.))~~ Racing associations must submit their proposed live race dates to the executive secretary by February 1st of each year. The commission will consider and determine whether to approve the dates at the next regularly scheduled commission meeting. The commission may extend, reduce or otherwise modify the race dates.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-070 The commission may refuse to issue license—Criteria.** The commission may refuse to issue a license to conduct a race ~~((meeting when in its judgment such refusal shall appear to be for the best interest of legitimate racing and of the public))~~ meet. The commission will consider ~~((especially))~~ the following ~~((matters))~~ factors in making its decision:

- (1) Opportunity for the sport to properly develop;
- (2) Avoidance of competition with established tracks;
- (3) Extent of community support for the promotion and continuance of the tracks;
- (4) The character and reputation of the ~~((men))~~ individuals identified ~~((with))~~ in the ~~((undertaking))~~ license application; and
- (5) Any other relevant factors.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-080 Assignment of license—Racing days.** No license or any part ~~((thereof shall be))~~ of a license is transferable or assignable in any manner ~~((or in any particular))~~ without the ~~((consent of the racing))~~ prior approval of the commission ~~((and it shall not be permissible of any racing days other than those stipulated)).~~

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-100 Laws and rules ((paramount—Misconduct, punishment)) supersede race conditions.** The laws of Washington and the rules promulgated by the commission supersede the conditions of a race ~~((or the regulations of a race meeting. The racing commission may punish independently any misconduct of any persons connected with racing)).~~

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-110 Commission's right of entry.** Members of the commission ~~((and)),~~ its (designated representatives shall) officials, and employees have the right of full and complete entry to any and all parts of the association grounds ~~((and mutuel plants of the association licensed to conduct horse racing)).~~

AMENDATORY SECTION (Amending Order 77.1, filed 4/22/77)

**WAC 260-12-115 Parimutuel equipment ((and apparatus)) subject to approval.** All equipment, ~~((devices or apparatus used to officially record, time, photograph, film or videotape the racing program, or))~~ used within the parimutuel department for the sale, calculation, display of odds, or ~~((encashment))~~ cashing of tickets, is subject to the approval of the commission.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-120 Commission offices and personnel.** Each association ~~((shall))~~ must provide within its grounds an office for the use ~~((and to be at the disposal))~~ of the commission ~~((and all)),~~ its officials and employees. ~~((The commission shall have such employees or inspectors, who shall perform such duties as may be assigned to them by the commission.))~~

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-150 Denial of admission to grounds—Suspended persons and horses.** ~~((No person or horse ruled off, by or under suspension, by any recognized turf authority, trotting association, quarter horse association included, shall be admitted to the grounds of any association. For exception, see WAC 260-12-170.))~~ A person who is denied, suspended,

or revoked by another recognized racing jurisdiction may not be admitted to the grounds of any racing association in Washington. A horse owned or trained by a person who is denied, suspended, or revoked may not be allowed on the grounds.

AMENDATORY SECTION (Amending WSR 06-07-067, filed 3/10/06, effective 4/10/06)

**WAC 260-12-180 Safety equipment required.** (1) When on association grounds, all persons on horseback ~~((shall))~~ must wear a securely fastened safety helmet that meets current standards for equipment designed and manufactured for use while riding horses as established by the American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI), the British Standards Institute (BSI) or similar organization.

(2) All persons on horseback ~~((shall))~~ must wear a securely fastened safety vest that is designed to provide shock-absorbing protection of ~~((at least a rating of 5,))~~:

(a) Level 1," as defined by the 2000 British Equestrian Trade Association (BETA) Horse Rider's Body and Shoulder Protectors; or

(b) American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI) standard F1937-04 (Specification for Body Protectors Used in Horse Sports and Horseback Riding).

(3) ~~((In addition,))~~ All persons on horseback ~~((shall))~~ must wear equestrian footwear that covers the rider's ankle with a minimum of a 1/2 ((to 3/4)) inch heel ~~((and that covers the rider's ankle)),~~ except jockeys while riding in a race ~~((or while on their mount immediately prior to riding in a race, shall))~~ who must wear jockey boots as required by WAC 260-32-100.

This rule does not apply to nonracing related events conducted for entertainment purposes. Safety equipment for such entertainment events shall be at the discretion of the racing association.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-210 Post time of first race.** ~~((Post time of the first race at each meeting must be approved by the commission.))~~ The commission will approve the post time of the first race of each race day for each licensed race meet.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-220 Race conditions ~~((and rewards))~~ to be ~~((filed))~~ provided.** Each association conducting racing ~~((on))~~ in Washington ~~((tracks shall file with the commission,))~~ must provide the stewards a copy of the conditions of races ~~((it))~~ the association proposes to hold, together with the stakes ~~((, purse or rewards))~~ schedule.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-12-230 Information to be filed before opening ~~((of meeting))~~ a race meet.** ~~((In not))~~ No less than

ten days before opening of a race ~~((meeting,))~~ meet each association licensed to conduct a race ~~((meeting or meetings on))~~ in Washington ~~((tracks shall))~~ must file with the commission:

(1) ~~((A complete schedule of the rates of admission fees the association proposes to make at the meeting or meetings for which dates have been awarded.~~

~~((2))~~ A financial statement of the association.

~~((3))~~ (2) A list of stockholders ~~((as of the date of application))~~ and the amount of stock held by each. Any change in the ~~((personnel of))~~ officers or stockholders, or in the holdings of any individual stockholder of an association ~~((shall))~~ must be reported to the commission immediately. This rule ~~((shall))~~ will apply during the ~~((life))~~ entire term of any ~~((permit))~~ license granted by the commission.

The commission may ~~((call for further data and))~~ require additional information in writing from the association, or it may ask the officers of any association to appear in person ~~((before it. There shall thereafter be no change made in any said admission fees except upon the desire changes being submitted to the commission in writing five days prior to the effective date of such changes))~~ to provide additional information.

AMENDATORY SECTION (Amending Order 75-1, filed 2/18/75)

**WAC 260-12-235 Accepted conditions of race meeting.** ~~((1) The commission, recognizing the necessity of an association to comply with the requirements of its license and to fulfill its obligation to the public and the state of Washington with the best possible uninterrupted services, in the comparatively short licensed period, herein provides that all associations, officials, horsemen, owners, trainers, jockeys, grooms, horseshoers, employees, and all licensees, who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said association engages and plans to conduct such race meeting, shall be bound thereby.~~

(2) Any association, officials, horsemen, owners, trainers, employees, and all licensees who so accept such conditions shall, before they terminate or discontinue their employment engagements or activities, give the commission and the association with whom they are engaged, at least fifteen days notice in writing of their intentions to terminate or discontinue their employment, engagements or activities under such conditions. The commission may upon notice to all parties of interest, conduct a hearing or hearings with respect to any termination or discontinuance of employment. Provided, however, That no group of licensees shall be required to comply with the notice requirements of this rule when track conditions are deemed to be unsafe or hazardous.) The association is obligated to conduct parimutuel racing, except in the case of emergencies, on each race date allocated. The commission must approve any change in race dates. In the case of emergencies the stewards may authorize cancellation of all or a portion of any race day.

AMENDATORY SECTION (Amending WSR 05-17-084, filed 8/12/05, effective 9/12/05)

**WAC 260-12-250 Problem gambling information sign must be posted.** ~~((The legislature recognizes that some individuals in Washington state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, gambling commission and horse racing commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, gambling commission and horse racing commission shall jointly develop informational signs concerning problem and compulsive gambling, and that signs shall be placed in establishments of horse racing licensees, gambling licensees and lottery retailers.))~~

All Class A, B and C licensees ~~((shall)), including satellite locations, must~~ post problem and compulsive gambling informational signs ~~((in locations of their establishments, including satellite locations, which are clearly visible in patron traffic areas)), which contain a toll-free help line number in locations of their establishments. The informational signs must be clearly visible to patrons, and must remain posted whenever parimutuel wagering is authorized. The informational signs will be provided to the licensee by the horse racing commission ((and will contain a toll-free hot line number for problem and compulsive gamblers)).~~

NEW SECTION

**WAC 260-12-260 Disposition of Class C purse funds due to the cancellation of races.** (1) In the event a Class C race meet cancels races (due to weather or the inability to fill races) the unused purse funds provided under RCW 67.16.105 may, with approval, be used by the racing association to adjust purses for other races at the licensed race meet for which the purse funds were provided. If only one race is canceled per day, the stewards may approve an adjustment of purses. If more than one race is canceled, approval to adjust purses must come from the executive secretary.

(2) The racing association must return the unused purse funds if adjustment of purses is not appropriate (for example - only one race is held during the race meet).

(3) If the entire Class C race meet is canceled or if an adjustment to purses is not appropriate, all undistributed purse funds provided under RCW 67.16.105 must be returned to the commission within thirty days of cancellation of the race meet.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 260-12-030 Rules limited to Washington.
- WAC 260-12-060 Application does not commit commission.
- WAC 260-12-090 Amendment, etc., of rules.

- WAC 260-12-170 Eligibility of horses of suspended person.
- WAC 260-12-190 Racing hours.
- WAC 260-12-200 Number of races per day.
- WAC 260-12-240 Commission to approve distribution of passes, etc.

**WSR 07-11-115**

**PERMANENT RULES**

**HORSE RACING COMMISSION**

[Filed May 18, 2007, 3:33 p.m., effective June 18, 2007]

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

Purpose: To amend chapter 260-20 WAC, Association grounds and facilities.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-20-020, 260-20-060, 260-20-070, 260-20-100, 260-20-110, 260-20-120, 260-20-130, 260-20-140, 260-20-150, 260-20-170 and 260-20-200; and amending WAC 260-20-010, 260-20-030, 260-20-040, 260-20-050, 260-20-075, 260-20-090, 260-20-180, 260-20-190, 260-20-210 and 260-20-220.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Adopted under notice filed as WSR 07-07-047 on March 13, 2007.

Changes Other than Editing from Proposed to Adopted Version: WAC 260-20-005 added "decisions of the" stewards; WAC 260-20-012 removed subsection (9) requiring a racing association to provide an area of owners, trainers, jockeys, or other persons of interest to view videotape of a race; and WAC 260-20-013 removed "designated training dates" and added "at least five weeks prior to the first day of their live race meet."

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 7, Amended 10, Repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 10, Repealed 11.

Number of Sections Adopted Using Negotiated Rule Making: New 7, Amended 10, Repealed 11; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 18, 2007.

R. J. Lopez  
Deputy Secretary

NEW SECTION

**WAC 260-20-005 General duty of a racing association.** A racing association, its officers, directors, officials and employees will abide by and enforce the rules of racing and the orders of the commission and decisions of the stewards. A racing association may request an exemption from a requirement in this chapter to utilize new technology or innovative construction in the design of the racetrack facilities. The commission may grant an exemption if the commission determines that the racing association's proposal substantially satisfies the purpose of the requirement, and the exemption is in the best interests of horse racing.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-010 Duty to maintain ((~~race track~~)) racetrack.** (~~(Racing associations shall at all times maintain their race tracks in good condition and with a special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race thereat, and of all whose business requires their attendance thereat; and to this end shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.)~~) Weather conditions permitting, the racing association must:

(1) Maintain their racetrack in a condition that is safe for the riders and horses; and

(2) Have implements available to maintain a uniform track.

NEW SECTION

**WAC 260-20-012 Audio and visual equipment.** (1) A racing association must provide and maintain a working communication system between the stewards' stand, race office, tote room, jockeys' quarters, paddock, test barn, starting gate, weigh-in scale, video camera locations, clockers' stand, track announcer, location of the aid vehicle and equine ambulance, and other locations and persons designated by the commission or designee.

(2) A racing association must have a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(3) If the commission does not provide photo finish service, a racing association is required to:

(a) Provide two electronic photo finish devices with mirror image to photograph the finish of each race. The commission, or designee will approve the location and operation of the photo finish devices before their first use in a race.

(b) Promptly post a photograph or digital image of each photo finish for win, place or show in an area accessible to the public.

(c) Ensure the photo finish devices are calibrated before the first day of each race meet and at other times as required by the commission, or designee.

(d) Provide, when requested, and without cost, a print of a photo finish to the commission, or designee.

(4) A racing association must provide an electronic timing system that records the time of each race in at least fifths

of a second. The association will maintain this system and all split time marker sensors in good working order.

(5) A racing association must provide a videotaping system approved by the commission, or designee. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, will be provided in the stewards' stand. The commission, or designee will approve the location and construction of video towers.

(a) One camera will videotape the prerace loading of all horses into the starting gate and will continue to videotape them until the starter dispatches the field.

(b) One camera will videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

(c) The board of stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.

(6) Races run at a Class A or B track must be recorded by at least three video cameras. Races run at a Class C track must be recorded by at least two video cameras.

(7) A racing association must, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(8) Videotapes recorded prior to, during and following each race will be maintained by the association for not less than six months after the end of the race meet, or such other period as is directed by the stewards, the commission, or designee.

(9) Following any race in which there is an inquiry or objection, the association will display to the public the videotaped replays of the incident in question, which were utilized by the stewards in making their decision.

NEW SECTION

**WAC 260-20-013 Racetrack, rails and starting gate.**

(1) The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the riders and horses.

(2) Prior to the first race meet at an association racetrack, a licensed surveyor may be required to provide to the commission a certified report of the grade and measurement of the distances to be run. If required, the surveyor's report must be submitted to the commission for approval prior to the first race day of the meet.

(3) Distances to be run will be measured from the starting line at a distance three feet out from the inside rail.

(4) A racing association will provide a drainage system for the racetrack.

(5) A racing association will provide backup equipment for maintaining the track surface. An association that conducts races on a turf track will:

(a) Maintain an adequate stockpile of growing medium; and

(b) Provide a system capable of adequately watering the entire turf course evenly.

(6) Racetracks, including turf tracks, will have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of riders and horses.

The top of the rail must be at least thirty-eight inches but not more than forty-two inches above the top of the cushion. The commission, or designee must approve the design and construction of rails prior to the first race at the track.

(7) During racing hours, Class A and B associations must provide at least two operable padded starting gates. Class C associations must provide at least one operable padded starting gate. The stewards will approve all starting gates.

(8) A racing association must make at least one starting gate and qualified starting gate personnel available for schooling at least five weeks prior to the first day of their live race meet.

(9) A racing association will ensure that an adequate amount of assistant starters are available for each horse in an official race.

(10) If a race is started at a place other than in a chute, the association will provide backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

#### NEW SECTION

**WAC 260-20-015 Lighting.** (1) A racing association will provide lighting for the racetrack and the patron facilities to ensure the safety and security of the patrons, licensees and horses.

(2) A racing association will provide additional lighting in the stable area.

(3) If a racing association conducts racing at night, the association will maintain a backup lighting system that is sufficient to ensure the safety of race participants and patrons.

#### NEW SECTION

**WAC 260-20-016 Barns.** (1) All racing associations will ensure that the barns are kept clean and in good repair. At Class A and B racing associations, each barn, including the receiving and test barns, must have a hot and cold water supply available, be well-ventilated, and have proper drainage.

(2) All racing associations will ensure that each horse is stabled in an individual box stall with minimum dimensions of ten by ten feet.

#### NEW SECTION

**WAC 260-20-017 Test barn.** (1) All racing associations must provide a test barn for taking specimens for testing. The test barn must be equipped with:

(a) A walk ring that is large enough to accommodate four horses;

(b) An approved amount of enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;

(c) Facilities for the collection, identification and storage of samples;

(d) A wash-rack that is large enough to accommodate an adequate number of horses at the same time;

(e) Hot and cold running water at Class A and B racing associations.

(2) A racing association will limit access to the test barn to persons authorized by the official veterinarian.

AMENDATORY SECTION (Amending Order 79-05, filed 12/17/79)

**WAC 260-20-030 Fire prevention.** ~~((Associations shall make reasonable provisions for fire prevention, protection against fire, and fire suppression within the enclosure. Smoking is prohibited in barns (except tackrooms), stables, shedrows, hay sheds, and any area prohibited by state or local law.))~~ (1) A racing association will develop and implement a program for fire prevention on association grounds. An association will instruct employees working on association grounds of the procedures for fire prevention. The racing association must retain inspection reports for three years and upon request make them available to the commission, or designee.

(2) No person may:

(a) Smoke in stalls, feed rooms, dormitory rooms, stable offices, or under shed rows;

(b) Tamper with a fire protection, prevention or suppression system or device;

(c) Burn open fires or oil and gas lamps in the stable area;

(d) Leave unattended any electrical appliance that is plugged in to an electrical outlet;

(e) Permit horses to come within reach of electrical outlets or cords;

(f) Store flammable materials such as cleaning fluids or solvents in the stable area; or

(g) Lock a stall that is occupied by a horse.

(3) A racing association must post a notice in the stable area that lists the prohibitions outlined above.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-040 ~~((Credentials for))~~ Admission to grounds~~((, stables, and enclosures))~~—Restricted areas.** ~~((No one shall))~~ (1) A person may only be permitted to enter ~~((in or about the grounds, stables or stable enclosures who does not have in his possession))~~ the restricted areas of the racing association grounds under the following conditions:

(a) The person possesses a license or credentials issued by the commission ~~((as owner, trainer, jockey, apprentice, agent, stable foreman, groom, exercise boy, plater, valet or veterinarian, or proper credentials)).~~

(b) The person possesses a pass issued by the association ~~((, and a full record of these credentials shall [be] compiled and open to inspection at all times)).~~

(c) The person has been signed-in by a person licensed by the commission.

(2) The restricted areas of a racing association will include, but not be limited to the stable area, and the jockey's quarters.

(3) Children may be granted access to the stable areas as long as they are in the company of a parent or guardian who has a properly issued license, credential, or pass.

(4) Persons escorted by a licensee must remain in the company of the licensee who signed them in.

(5) At a Class C racing association, the stable areas will not be considered a restricted area, except that the racing association may limit access to this area.

(6) Passes must be displayed while in a restricted area.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-050 ((Badges and) Passes.** ((No tax free badge or pass may be issued to any horseman, in any capacity, without the approval of the commission; all badges or passes so approved must be recorded in a book kept by the racing secretary and each badge or pass must be numbered and kept in numerical order in the records; the commission shall have the right at all times to inspect such records.)) The racing association may issue passes to allow access to restricted areas of the grounds. Each pass must be numbered and kept in numerical order in the association's records. The commission may inspect these records at any time.

AMENDATORY SECTION (Amending Order 81-01, filed 3/24/81)

**WAC 260-20-075 Firearms prohibited on association grounds.** ((Each racing association shall exclude from its grounds any person found to have firearms in his possession, except security personnel employed by the association or commission and law enforcement officers. Any licensee or permit holder who brings firearms onto the grounds of any racing association, except security personnel and law enforcement officers, may be subject to revocation or suspension of such license or permit, and any other authorized penalty the stewards may deem necessary.)) Firearms are not permitted on the grounds of any racing association, except by security personnel employed by the association and law enforcement officers. Any person who brings or possesses firearms on the grounds may be suspended and/or ejected from the grounds.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-090 Association((s to maintain police and watchman service — List)) security.** ((Each association shall maintain and furnish complete police and watchman service night and day in and about all stable enclosures and furnish to the commission each day a complete tabulation list thereof, showing name, duty, place stationed and portions of enclosures supervised by such policeman and watchman.)) (1) A racing association conducting a race meet must maintain security controls over its grounds.

(2) An association will prevent access to, and will remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

(3) Class A or B racing associations must provide continuous security in the stable area during all times that horses are stabled on the grounds. An association will require any person entering the stable area to display a valid license or credential issued by the commission or a pass issued by the association.

(4) Class A or B racing associations must provide fencing around the stable area in a manner that is approved by the commission.

(5) Not later than twenty-four hours after an incident occurs requiring the attention of security personnel, the chief of security must deliver to commission security a written report describing the incident, which may be forwarded to the stewards for disciplinary action. The report must include the name of each individual involved in the incident and the circumstances of the incident.

#### NEW SECTION

**WAC 260-20-165 Equine ambulance.** (1) A racing association must provide an equine ambulance staffed by trained personnel on association grounds each day that the racetrack is open for racing or training. The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use. The ambulance must be a vehicle that restricts view of the injured horse and large enough to accommodate a horse in distress. The ambulance must be able to navigate on the racetrack during all weather conditions and transport a horse off the racing surface. The ambulance must be equipped with:

- (a) Large, portable screens to shield a horse from public view;
- (b) A system to facilitate loading an injured horse;
- (c) Adequate means of loading a horse that is down;
- (d) A rear door and a door on each side;
- (e) A shielded area for the person who is attending to the horse; and
- (f) An adequate area for the storage of water and veterinary drugs and equipment.

(2) A racing association may not conduct a race unless an equine ambulance or an official veterinarian approved substitute is available.

(3) The official veterinarian, its supplies and attendants and the operating procedures for the equine ambulance are subject to review and approval by the official veterinarian.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-180 ((Sanitary)) Facilities for jockeys.** Each racing association ((shall make such sanitary arrangements as baths, toilets, etc., for the use of jockeys, as may be reasonably required by the commission, the same to be conveniently located on the grounds)) will provide facilities for the use of jockeys separate from the public areas.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-190 Living quarters for stable employees.** ((Each)) Class A and B racing associations ((shall)) will

provide (~~adequate and~~) sanitary living quarters (~~(with proper sanitary arrangements pertaining thereto, for stable employees)) for grooms and other stable employees.~~

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

**WAC 260-20-210 Manure and refuse disposal.** Each racing association (~~(shall) will~~) provide (~~(proper and well located boxes or pits for separately receiving stable manure and other refuse, situated well distant from living quarters, and such boxes and pits shall be emptied and their contents entirely removed from the premises of the association daily, and the area sprayed or dusted for insects each day))~~ an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area in a timely manner.

AMENDATORY SECTION (Amending Rules of racing, filed 3/11/65)

**WAC 260-20-220 Standard color designations for distance poles.** (~~The distance poles shall be~~) A racing association must provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand. The starting point markers and distance poles must be marked as follows:

- 1/4 Poles            Red and White Horizontal Stripes
- 1/8 Poles            Green and White Horizontal Stripes
- 1/16 Poles           Black and White Horizontal Stripes

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 260-20-020      Duty of commission employees relative to health, safety, and order.
- WAC 260-20-060      Unauthorized persons—Exclusion from stables.
- WAC 260-20-070      Unauthorized persons—Exclusion from paddock.
- WAC 260-20-100      Responsibility of police and watchmen—Letter of instructions.
- WAC 260-20-110      Stable enclosures—Fencing—Admission to.
- WAC 260-20-120      Report by bureau or security officer of arrests and bookings.
- WAC 260-20-130      Report by officer in charge of night force.
- WAC 260-20-140      Electric timing apparatus.
- WAC 260-20-150      Patron gates.

- WAC 260-20-170      First-aid equipment and personnel.
- WAC 260-20-200      Drinking water, toilets, for patrons and invitees.

**WSR 07-11-124**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed May 21, 2007, 3:49 p.m., effective June 21, 2007]

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

Purpose: WAC 458-16-115 explains the personal property tax exemption for household goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for other taxable personal property. These exemptions are provided by RCW 84.36.110.

A constitutional amendment was approved by the voters at the November 2006 election. The amendment changed the amount of the exemption for the personal property of a head of a family from \$3,000 to \$15,000 and also changed the implementing statute, RCW 84.36.110. This change was effective January 1, 2007. The department previously amended this rule on an emergency basis (WSR 07-06-017), and this action amends the permanent rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-115 Personal property exemptions for household goods, furnishings, and personal effects, and for the head of a family.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.36.865.

Adopted under notice filed as WSR 07-06-016 on February 26, 2007.

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 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 21, 2007.

Janis P. Bianchi  
Assistant Director  
Interpretations and  
Technical Advice Division

AMENDATORY SECTION (Amending WSR 06-24-043, filed 11/30/06, effective 12/31/06)

**WAC 458-16-115 Personal property exemptions for household goods, furnishings, and personal effects, and for the head of a family.** (1) **Introduction.** This ~~((rule))~~ section explains the personal property tax exemption for household goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for otherwise taxable personal property up to a value of ~~((three))~~ fifteen thousand dollars. These exemptions are provided by RCW 84.36.110. (For ~~((rules))~~ sections dealing with exemptions of intangible personal property under RCW 84.36.070, see WAC 458-50-150 through 458-50-190.)

(2) **Exemption for household goods, furnishings, and personal effects.** All household goods and furnishings actually being used to equip and outfit the owner's residence or place of abode and all personal effects held by any person for his or her exclusive use and benefit are exempt from property taxation. Any household goods and furnishings or personal effects held for sale or commercial use do not qualify for this exemption. RCW 84.36.110(1).

(a) **What are household goods and furnishings?** "Household goods and furnishings" are all items of tangible personal property normally located in or about a residence and used or held to enhance the value or enjoyment of the residence, including its premises. The phrase includes, but is not limited to, movable items of necessity, convenience, or decoration, such as furniture, appliances, food, pictures, and tools and equipment used to maintain the residence. Personal property qualifying for this exemption retains its exempt status while temporarily in storage or while being used temporarily at locations other than the owner's residence.

"Household goods and furnishings" do not include items of personal property constructed primarily for use independent of and separate from a residence such as boats, motor vehicles, campers, and travel trailers. However, certain motor vehicles, campers, and travel trailers may be entitled to an exemption from property taxation under RCW 84.36.595. Also, some boats may be wholly or partially exempt from property taxation under RCW 84.36.080 and 84.36.090.

(b) **What are personal effects?** "Personal effects" are items of tangible property of a personal or intimate nature that usually and ordinarily accompany a person such as wearing apparel, jewelry, and articles of a similar nature. RCW 84.36.120.

(c) **When are household goods, furnishings, and personal effects not exempt?** Personal property held for sale or used for any business or commercial purpose does not qualify for the household goods exemption. Thus, property used to equip and outfit a motel, hotel, apartment, sorority, fraternity, boarding house, rented home, duplex, or any other premises not used by the owner for his or her own personal residence or place of abode does not qualify for this exemption. Likewise, a hairdresser who uses any portion of his or her home as a beauty salon cannot claim a household goods exemption for personal property held for sale or otherwise used in the business. Business inventories, however, are exempt from property taxation under RCW 84.36.477.

Following is a nonexclusive list of items that are exempt as household goods or furnishings if they are used in a resi-

dence or place of abode but are fully taxable if they are used for business or commercial purposes.

(i) Desks are exempt as household goods if they are used in a residence but are taxable if they are used in a business office, including an office located in the owner's residence.

(ii) Silverware and china are exempt if they are used in a residence but are taxable if they are used in a restaurant.

(iii) Art or other collections are exempt if they are located in a residence but are taxable if they are located in a public display or used for commercial purposes.

(iv) Power equipment such as lawnmowers used exclusively to enhance the value or enjoyment of a residence, including its premises, are exempt, but they are taxable when used to maintain a golf course or for any other business or commercial purpose.

(3) **Exemption for the head of a family.** Each head of a family is entitled to an exemption from his or her taxable personal property in an amount up to ~~((three))~~ fifteen thousand dollars of actual value. RCW 84.36.110(2). For purposes of this exemption, "actual value" has the same meaning as "true and fair value" as defined in WAC 458-07-030. The taxpayer must qualify for the head of a family exemption on January 1st of the assessment year (the assessment date) or the exemption is lost for taxes payable the following year. As noted above, household goods, furnishings, and personal effects not used for business or commercial purposes are exempt from property taxation; therefore, the exemption for the head of a family does not apply to such property.

(a) **Who qualifies as the head of a family?** The exemption for the head of a family applies only to individuals (i.e., natural persons); it does not apply to artificial entities such as corporations, limited liability companies, or partnerships. The "head of a family" includes the following residents of the state of Washington:

(i) Any person receiving an old age pension under the laws of this state;

(ii) Any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years;

(iii) The husband or wife, when the claimant is a married person, or a surviving spouse not remarried; and

(iv) Any person who resides with, and has under his or her care and maintenance, any of the following:

(A) His or her minor child or grandchild, or the minor child or grandchild of his or her deceased spouse;

(B) His or her minor brother or sister or the minor child of a deceased brother or sister;

(C) His or her father, mother, grandmother, or grandfather, or the father, mother, grandmother, or grandfather of a deceased spouse; or

(D) Any of the other relatives mentioned in this subsection who have attained the age of majority and are unable to take care of or support themselves.

(b) **What property is not exempt?** The personal property exemption for the head of a family does not apply to the following:

(i) Private motor vehicles. A "private motor vehicle" is any motor vehicle used for the convenience or pleasure of the owner, which carries a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor

truck, motor truck trailer, or dealer's license. RCW 84.36.-120;

(ii) Mobile homes. A "mobile home" is a trailer designed for human habitation, which is capable of being moved upon the public streets and highways and is either more than thirty-five feet in length or more than eight feet in width. RCW 84.36.120;

(iii) Floating homes. A "floating home" is a building on a float, used in whole or in part for human habitation as a single-family dwelling and is on the property tax rolls of the county in which it is located. A floating home is not designed for self-propulsion by mechanical means or by means of wind. RCW 82.45.032; or

(iv) Houses, cabins, boathouses, boat docks, or other similar improvements that are located on publicly owned land.

(c) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(i) A husband and wife operate a catering business as a limited liability company (LLC). The wife also operates a consulting business as a sole proprietor out of the family home. Husband and wife are not entitled to the head of family exemption for property held by the LLC. However, the wife is entitled to the head of family exemption for the taxable personal property used in her consulting business.

(ii) Jane Doe is a citizen of the United States, over the age of sixty-five, and has resided in the state of Washington continuously for over ten years. Jane owns a farm. She has transferred title to the farm property, both real and personal, into a trust. An attorney is the trustee, and Jane is the sole beneficiary. Since Jane Doe has beneficial ownership of the trust property and she qualifies as the head of a family, Jane may claim the head of a family exemption for the taxable personal property held in the trust.

(4) **How do the exemptions included in this ((rule)) section affect listing?** If the county assessor is satisfied that all of the personal property of any person is exempt from taxation, no listing is required by the owner or taxpayer. If the value of taxable personal property exceeds ((three)) fifteen thousand dollars, then the taxpayer must make a complete listing, and the assessor will deduct ((three)) fifteen thousand dollars from the total amount of the assessment and assess the remainder. RCW 84.36.110(2).

#### WSR 07-11-128

#### PERMANENT RULES DEPARTMENT OF

#### LABOR AND INDUSTRIES

[Filed May 22, 2007, 8:52 a.m., effective June 30, 2007]

Effective Date of Rule: June 30, 2007.

Purpose: Why is this rule making being adopted? The purpose of this rule making is to increase fees 3.38%, which is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2007. We evaluated

the programs' budgets and projected revenue and determined fee increases are necessary to help cover the cost of ongoing services of the contractor registration, elevator, factory-assembled structures, and plumber certification programs. The electrical program determined a fee increase is not necessary this year.

What changes will be adopted? Fee changes by 3.38%, the fiscal growth rate factor for fiscal year 2007, for contractor registration, elevator, factory-assembled structures, and plumber certification programs.

Related issues: No related issues. The fees are increased on an annual basis.

Stakeholder comments to date: All affected boards and advisory committees were notified of fee increases and are supportive of the changes.

Rule-making plan:

- Preproposal - January 23, 2007
- Proposal - March 20, 2007
- Hearing - May 7, 2007, location: Tumwater
- Adoption - May 22, 2007
- Effective - June 30, 2007

Code reviser filing date: May 22, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 296-96-00922 What are the fees associated with licensing?, 296-96-01005 When do I need a permit?, 296-96-01010 What are the installation permit fees for conveyances, material lists, and hoists and how are they calculated?, 296-96-01012 What are the permit fees for alterations to conveyances, material lists, and hoists and how are they calculated?, 296-96-01027 Are initial installation permit fees refundable?, 296-96-01030 What is the process for installation and alteration plan approval?, 296-96-01035 Are there inspection fees?, 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary elevators to provide transportation for construction personnel, tools, and materials only?, 296-96-01045 What are the inspection requirements and fees for conveyances in private residences?, 296-96-01050 How do I get a supplemental inspection?, 296-96-01055 Are technical services available and what is the fee?, 296-96-01060 Can I request an after hours inspection and what is the fee?, 296-96-01065 What are the annual operating permits fees?, 296-96-01070 What are the civil (monetary) penalties for violating the conveyance permit and option requirements of chapter 70.87 RCW and this chapter?, 296-150C-3000 Commercial coach fees, 296-150F-3000 Factory-built housing and commercial structure fees, 296-150M-3000 Manufactured/mobile home fees, 296-150P-3000 Recreational park trailer fees, 296-150T-3000 Factory-built temporary worker housing fees, 296-150V-3000 Conversion vendor units and medical units—Fees, 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?, and 296-400A-045 What fees will I have to pay?

Statutory Authority for Adoption: Chapters 18.27, 18.106, 43.22, and 70.87 RCW.

Adopted under notice filed as WSR 07-07-119 on March 20, 2007.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-150M-3000, the fee for miscellaneous plan review was removed since it was duplicative.

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 22, 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 22, Repealed 0.

Date Adopted: May 22, 2007.

Judy Schurke  
Director

**AMENDATORY SECTION** (Amending WSR 07-05-063, filed 2/20/07, effective 4/1/07)

**WAC 296-150M-3000 Manufactured/mobile home fees.**

|   |                              |
|---|------------------------------|
| <b>INITIAL FILING FEE</b>   | <del>\$(32.20)</del> 33.20   |
| <b>DESIGN PLAN FEES:</b>  |                              |
| STRUCTURAL ALTERATION - MASTER DESIGN (CODE CYCLE)  | <del>\$(130.10)</del> 134.40 |
| STRUCTURAL ALTERATION - ONE YEAR DESIGN   | <del>\$(87.20)</del> 90.10   |
| RENEWAL FEE   | <del>\$(38.80)</del> 40.10   |
| RESUBMITTAL FEE   | <del>\$(64.80)</del> 66.90   |
| ADDENDUM (Approval expires on the same date as original plan.)  | <del>\$(64.80)</del> 66.90   |
| ELECTRONIC PLAN SUBMITTAL FEE <del>\$(4.90)</del> 5.00 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. |                              |
| <b>DEPARTMENT INSPECTION FEES:</b>  |                              |
| INSPECTION  |                              |
| <b>MECHANICAL</b>   |                              |
| Heat Pump   | <del>\$(31.80)</del> 32.80   |
| Combination Heat Pump (new) and Furnace (replacement)   | <del>\$(42.40)</del> 43.80   |
| Air Conditioning  | <del>\$(31.80)</del> 32.80   |
| Combination Air Conditioning (new) and Furnace (replacement)  | <del>\$(42.40)</del> 43.80   |
| Furnace Installation (gas*** or electric)   | <del>\$(31.80)</del> 32.80   |
| Gas*** Piping   | <del>\$(31.80)</del> 32.80   |
| Wood Stove  | <del>\$(31.80)</del> 32.80   |
| Pellet Stove  | <del>\$(31.80)</del> 32.80   |
| Gas*** Room Heater  | <del>\$(31.80)</del> 32.80   |
| Gas*** Decorative Appliance   | <del>\$(31.80)</del> 32.80   |
| Range: Changing from electric to gas***   | <del>\$(31.80)</del> 32.80   |
| Gas*** Water Heater Replacement   | <del>\$(21.20)</del> 21.90   |
| Water Heater: Changing from electric to gas***  | <del>\$(21.20)</del> 21.90   |
| Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge   | <del>\$(63.70)</del> 65.80   |
| <b>ELECTRICAL</b>   |                              |
| Heat Pump   | <del>\$(42.40)</del> 43.80   |
| Heat Pump (when home is prewired for a heat pump)   | <del>\$(10.60)</del> 10.90   |
| Combination Heat Pump (new) and Furnace (replacement)   | <del>\$(53.10)</del> 54.80   |
| Air Conditioner   | <del>\$(42.40)</del> 43.80   |
| Air Conditioner (when home is prewired for an air conditioner)  | <del>\$(10.60)</del> 10.90   |
| Combination Air Conditioner (new) and Furnace (replacement)   | <del>\$(53.10)</del> 54.80   |
| Furnace Installation (gas or electric)  | <del>\$(42.40)</del> 43.80   |
| Wood Stove (if applicable)  | <del>\$(42.40)</del> 43.80   |
| Pellet Stove (if applicable)  | <del>\$(42.40)</del> 43.80   |
| Gas*** Room Heater (if applicable)  | <del>\$(42.40)</del> 43.80   |
| Gas*** Decorative Appliance (if applicable)   | <del>\$(42.40)</del> 43.80   |

|  |                          |
|--|--------------------------|
| Range: Changing from gas*** to electric  | \$((42.40)) <u>43.80</u> |
| Electric Water Heater Replacement  | \$((42.40)) <u>43.80</u> |
| Electric Water Heater replacing Gas*** Water Heater  | \$((42.40)) <u>43.80</u> |
| Each added or modified 120 volt circuit (maximum charge is two circuits)   | \$((42.40)) <u>43.80</u> |
| Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas) | \$((42.40)) <u>43.80</u> |
| Hot Tub or Spa (power from home electrical panel)  | \$((42.40)) <u>43.80</u> |
| Replace main electrical panel  | \$((42.40)) <u>43.80</u> |
| Low voltage fire/intrusion alarm   | \$((42.40)) <u>43.80</u> |
| Fire Safety  | \$((42.40)) <u>43.80</u> |
| Any combination of Furnace, Range and Water Heater changing from electric to gas***  | \$((42.40)) <u>43.80</u> |
|  |                          |
| <b>PLUMBING</b>  |                          |
| Fire sprinkler system (also requires a plan review)  | \$((21.20)) <u>21.90</u> |
| Each added fixture   | \$((21.20)) <u>21.90</u> |
| Replacement of water piping system (this includes two inspections)   | \$((95.60)) <u>98.80</u> |
|  |                          |
| <b>STRUCTURAL</b>  |                          |
| Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking)                           | \$((42.40)) <u>43.80</u> |
| Reroofs (may require a plan review)  | \$((74.30)) <u>76.80</u> |
| Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)             | \$((74.30)) <u>76.80</u> |
| Other structural changes (may require a plan review)   | \$((74.30)) <u>76.80</u> |
| Fire Safety (may also require an electrical fire safety inspection)  | \$((42.40)) <u>43.80</u> |
|  |                          |
| <b>MISCELLANEOUS</b>   |                          |
| <del>((Other structural changes (may require a plan review)</del>  | <del>\$74.30</del>       |
| Plan Review  | \$84.90))                |
| OTHER REQUIRED INSPECTIONS (Per hour*)   | \$((58.40)) <u>60.30</u> |
| ALL REINSPECTIONS (Per hour*)  | \$((58.40)) <u>60.30</u> |
| Refund   | \$((10.60)) <u>10.90</u> |
|  |                          |
| <b>INSIGNIA FEES:</b>  |                          |
| ALTERATION   | \$((10.60)) <u>10.90</u> |
| FIRE SAFETY CERTIFICATE  | \$((10.60)) <u>10.90</u> |
| REISSUED - LOST/DAMAGED  | \$((10.60)) <u>10.90</u> |
|  |                          |
|  |                          |
| <b>IPIA</b>  |                          |
| <b>DEPARTMENT AUDIT FEES</b>   |                          |
| REGULARLY SCHEDULED IPIA AUDIT:  |                          |
| First inspection on each section (one time only)   | \$((29.50)) <u>30.40</u> |
| Second and succeeding inspections of unlabeled sections (Per hour*)  | \$((64.80)) <u>66.90</u> |
| OTHER IPIA FEES:   |                          |
| Red tag removal during a regularly scheduled IPIA audit (Per hour*separate from other fees)                                  | \$((64.80)) <u>66.90</u> |
| Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)            | \$((64.80)) <u>66.90</u> |
| Increased frequency surveillance (Per hour* plus travel time* and mileage**)   | \$((64.80)) <u>66.90</u> |
| Attendance at manufacturers training classes (Per hour* only)  | \$((64.80)) <u>66.90</u> |
| Subpart "I" investigations (Per hour* plus travel time* and mileage**)   | \$((64.80)) <u>66.90</u> |
| Alterations to a labeled unit (Per hour* plus travel time* and mileage**)  | \$((64.80)) <u>66.90</u> |
| IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)  | \$((64.80)) <u>66.90</u> |
| Monthly surveillance during a regularly scheduled IPIA audit (Per hour*plus travel time* and mileage**)                      | \$((64.80)) <u>66.90</u> |
| Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)       | \$((64.80)) <u>66.90</u> |
| Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)    | \$((64.80)) <u>66.90</u> |
| Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)  | \$((64.80)) <u>66.90</u> |
| Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time*and mileage**)       | \$((64.80)) <u>66.90</u> |
| Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time*and mileage**)                | \$((64.80)) <u>66.90</u> |

|   |                                     |
|---|-------------------------------------|
| Replacement of HUD labels (Per hour* plus travel time* and mileage**)                         | \$( <del>64.80</del> ) <u>66.90</u> |
| State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**)  | \$( <del>64.80</del> ) <u>66.90</u> |
| <b>OTHER FEES:</b>  |                                     |
| FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)                            | \$( <del>60.00</del> ) <u>62.00</u> |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)  | \$( <del>11.90</del> ) <u>12.30</u> |
| VARIANCE INSPECTION FEE   | \$( <del>84.90</del> ) <u>87.70</u> |
| HOMEOWNER REQUESTED INSPECTION  | \$( <del>84.90</del> ) <u>87.70</u> |
| DECERTIFICATION OF A MOBILE/MANUFACTURED HOME   | \$( <del>84.90</del> ) <u>87.70</u> |
| DEMOLITION OF A MOBILE/MANUFACTURED HOME  | \$( <del>84.90</del> ) <u>87.70</u> |
| ENERGY CONSERVATION PERMIT  | \$15.00                             |
| <b>NOTE: Local jurisdictions may have other fees that apply.</b>                              |                                     |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. |                                     |
| ** Per state guidelines.  |                                     |
| *** Gas means all gases; natural, propane, etc.   |                                     |

**AMENDATORY SECTION** (Amending WSR 07-05-063, filed 2/20/07, effective 4/1/07)

**WAC 296-150F-3000 Factory-built housing and commercial structure fees.**

|  |                                       |
|--|---------------------------------------|
| <b>INITIAL FILING FEE</b>  | \$( <del>58.90</del> ) <u>60.80</u>   |
| <b>DESIGN PLAN FEES:</b>   |                                       |
| INITIAL FEE - MASTER DESIGN (CODE CYCLE)   | \$( <del>290.70</del> ) <u>300.50</u> |
| INITIAL FEE - ONE YEAR DESIGN  | \$( <del>170.30</del> ) <u>176.00</u> |
| RENEWAL FEE  | \$( <del>58.90</del> ) <u>60.80</u>   |
| RESUBMIT FEE   | \$( <del>85.10</del> ) <u>87.90</u>   |
| ADDENDUM (Approval expires on same date as original plan.)   | \$( <del>85.10</del> ) <u>87.90</u>   |
| ELECTRONIC PLAN SUBMITTAL FEE \$( <del>4.80</del> ) <u>4.90</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. |                                       |
| <b>ELECTRICAL PLAN REVIEW</b> (Plan review for educational, institutional or health care facilities and other buildings):  |                                       |
| Electrical Plan submission fee   | \$( <del>64.80</del> ) <u>66.90</u>   |
| Service/feeder Ampacity:   |                                       |
| 0 - 100  | \$( <del>28.70</del> ) <u>29.60</u>   |
| 101 - 200  | \$( <del>35.80</del> ) <u>37.00</u>   |
| 201 - 400  | \$( <del>67.10</del> ) <u>69.30</u>   |
| 401 - 600  | \$( <del>79.20</del> ) <u>81.80</u>   |
| 601 - 800  | \$( <del>102.10</del> ) <u>105.50</u> |
| 801 - 1000   | \$( <del>124.90</del> ) <u>129.10</u> |
| Over 1000  | \$( <del>135.50</del> ) <u>140.00</u> |
| Over 600 volts surcharge   | \$( <del>21.40</del> ) <u>22.10</u>   |
| Thermostats:   |                                       |
| First  | \$( <del>12.70</del> ) <u>13.10</u>   |
| Each additional  | \$( <del>3.00</del> ) <u>3.10</u>     |
| Low voltage fire alarm and burglar alarm:  |                                       |
| Each control panel and up to four circuits or zones  | \$( <del>11.60</del> ) <u>11.90</u>   |
| Each additional circuit or zone  | \$2.00                                |
| Generators, refer to appropriate service/feeder ampacity fees  |                                       |

|  |                            |
|--|----------------------------|
| <i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>                             |                            |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour* | \$((76.70)) <u>79.20</u>   |
| <b>ELECTRICAL COMMERCIAL/INDUSTRIAL</b>  |                            |
| Electrical Service /feeders 200 Ampacity plus  |                            |
| Service/feeder   | \$((195.10)) <u>201.60</u> |
| Additional Feeder  | \$((37.00)) <u>38.20</u>   |
| <b>ELECTRICAL MULTIFAMILY RESIDENTIAL</b>  |                            |
| Electrical Service/feeders 200 Ampacity plus   |                            |
| Service/feeder   | \$((103.50)) <u>106.90</u> |
| Additional Feeder  | \$((26.40)) <u>27.20</u>   |
| <b>MEDICAL GAS PLAN REVIEW:</b>  |                            |
| SUBMISSION FEE   | \$((80.80)) <u>83.50</u>   |
| FIRST STATION  | \$((80.80)) <u>83.50</u>   |
| EACH ADDITIONAL STATION  | \$((29.40)) <u>30.30</u>   |
| <b>RECIPROCAL PLAN REVIEW:</b>   |                            |
| INITIAL FEE-MASTER DESIGN  | \$((130.00)) <u>134.30</u> |
| INITIAL FEE-ONE YEAR DESIGN  | \$((78.60)) <u>81.20</u>   |
| RENEWAL FEE  | \$((78.60)) <u>81.20</u>   |
| ADDENDUM   | \$((78.60)) <u>81.20</u>   |
| <b>PLANS APPROVED BY DESIGN PROFESSIONALS</b>  | \$((58.90)) <u>60.80</u>   |
| <b>APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST THREE SETS</b>  | \$((15.20)) <u>15.70</u>   |
| <b>DEPARTMENT INSPECTION FEES</b>  |                            |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)  | \$((75.30)) <u>77.80</u>   |
| TRAVEL (Per hour*)   | \$((75.30)) <u>77.80</u>   |
| PER DIEM**   |                            |
| HOTEL***   |                            |
| MILEAGE**  |                            |
| RENTAL CAR***  |                            |
| PARKING***   |                            |
| AIRFARE***   |                            |
| <b>DEPARTMENT AUDIT FEES:</b>  |                            |
| AUDIT (Per hour*)  | \$((75.30)) <u>77.80</u>   |
| TRAVEL (Per hour*)   | \$((75.30)) <u>77.80</u>   |
| PER DIEM**   |                            |
| HOTEL***   |                            |
| MILEAGE**  |                            |
| RENTAL CAR***  |                            |
| PARKING***   |                            |
| AIRFARE***   |                            |
| <b>INSIGNIA FEES:</b>  |                            |
| FIRST SECTION  | \$((240.30)) <u>248.40</u> |
| EACH ADDITIONAL SECTION  | \$((21.70)) <u>22.40</u>   |
| REISSUED-LOST/DAMAGED  | \$((58.90)) <u>60.80</u>   |
| <b>OTHER FEES:</b>   |                            |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)  | \$((75.30)) <u>77.80</u>   |

|  |                          |
|--|--------------------------|
| NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)  | \$((32.60)) <u>33.70</u> |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request) | \$((12.20)) <u>12.60</u> |
|  |                          |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.  |                          |
| ** Per state guidelines.   |                          |
| *** Actual charges incurred.   |                          |

**AMENDATORY SECTION** (Amending WSR 06-24-040, filed 11/30/06, effective 12/31/06)

**WAC 296-400A-045 What fees will I have to pay?** The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

| <b><u>Type of Fee</u></b>  | <b><u>Period Covered by Fee</u></b>               | <b><u>Dollar Amount of Fee</u></b>  |
|--|---|---|
| Examination application  | Per examination                                   | \$((122.00)) <u>126.10</u>  |
| Domestic pump specialty application fee*****   | Per application                                   | \$((122.00)) <u>126.10</u>  |
| Reciprocity application*   | Per application                                   | \$((122.00)) <u>126.10</u>  |
| Trainee certificate**  | One year  | \$((36.50)) <u>37.70</u>  |
| Domestic pump specialty trainee certificate**  | Two years   | \$((73.00)) <u>75.40</u>  |
| Temporary permit (not applicable for backflow assembly maintenance and repair specialty) | 90 days   | \$((60.70)) <u>62.70</u>  |
| Journeyman or residential specialty certificate***                                       | Two years (fee may be prorated based on months)   | \$((97.70)) <u>101.00</u>   |
| Domestic pump specialty plumber certificate***   | Three years (fee may be prorated based on months) | \$((146.55)) <u>151.50</u>  |
| Backflow assembly maintenance and repair specialty certificate                           | Two years (fee may be prorated based on months)   | \$((67.50)) <u>69.70</u>  |
| Medical gas endorsement application  | Per application                                   | \$((45.00)) <u>46.50</u>  |
| Medical gas endorsement***   | One year  | \$((33.60)) <u>34.70</u>  |
| Medical gas endorsement examination fee****  |   | See note below.   |
| Medical gas endorsement training course fee*****   |   | See note below.   |
| Domestic pump specialty examination fee****  |   | See note below.   |
| Reinstatement fee for residential and journeyman certificates                            |   | \$((195.80)) <u>202.40</u>  |
| Reinstatement fee for backflow assembly maintenance and repair specialty certificates    |   | \$((112.70)) <u>116.50</u>  |
| Reinstatement fee for domestic pump  |   | \$((293.10)) <u>303.00</u>  |
| Replacement fee for all certificates   |   | \$((16.60)) <u>17.10</u>  |
| Refund processing fee  |   | \$((26.40)) <u>27.20</u>  |
| Unsupervised trainee endorsement   |   | \$((26.40)) <u>27.20</u>  |
| Inactive status fee  |   | \$((26.40)) <u>27.20</u>  |
| Honorary plumbing certification  |   | \$((97.70)) <u>101.00</u>   |
| Certified letter fee   |   | \$((26.40)) <u>27.20</u>  |
| Continuing education new course fee*****   |   | \$((158.80)) <u>164.10</u>  |
| Continuing education renewal course fee*****   |   | \$((79.30)) <u>81.90</u>  |
| Continuing education classes provided by the department                                  |   | \$12 per continuing education training hour<br>\$8 per continuing education training hour for correspondence and internet courses |

\* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement. The reciprocity application is valid for one year.

\*\* The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration. The domestic pump specialty trainee certificate shall expire two years from the date of issuance and must be renewed on or before the date of expiration.

- \*\*\* This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.  
The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed biannually.
- \*\*\*\* This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**
- \*\*\*\*\* This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**
- \*\*\*\*\* This fee is for a three-year period or code cycle.
- \*\*\*\*\* The domestic pump specialty application is valid for one year.

(2) If your birth year is:

- (a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.
- (b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

AMENDATORY SECTION (Amending WSR 05-12-032, filed 5/24/05, effective 6/30/05)

**WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration,**

**and reinstatement of certificates of registration?** The department charges the following fees:

- (1) ~~\$(109.70)~~ 113.40 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.
- (2) ~~\$(51.90)~~ 53.60 for the reinstatement of a certificate of registration.
- (3) ~~\$(12.20)~~ 12.60 for providing a duplicate certificate of registration.
- (4) ~~\$(24.80)~~ 25.60 for each requested certified letter prepared by the department.
- (5) \$162.00 for the construction and electrical contractor listing publication on CD ROM per year, prorated according to the number of issues left in the subscription year, which runs from November 1 through October 31. Each issue costs \$13.50.
- (6) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be ~~\$(27.20)~~ 28.10.
- (7) \$20.00 is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.
- (8) \$25.00 is required to cover the costs for the service of processing refunds.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-150V-3000 Conversion vendor units and medical units—Fees.**

|  |                                     |
|--|-------------------------------------|
| <b>INITIAL FILING FEE</b>  | <del>\$(33.20)</del> <u>34.30</u>   |
| <b>DESIGN PLAN FEES:</b>   |                                     |
| INITIAL FEE - MASTER DESIGN  | <del>\$(229.00)</del> <u>236.70</u> |
| INITIAL FEE - ONE YEAR DESIGN  | <del>\$(93.70)</del> <u>96.80</u>   |
| RENEWAL FEE  | <del>\$(39.90)</del> <u>41.20</u>   |
| RESUBMIT FEE   | <del>\$(66.90)</del> <u>69.10</u>   |
| ADDENDUM (Approval expires on same date as original plan)  | <del>\$(66.90)</del> <u>69.10</u>   |
| ELECTRONIC PLAN SUBMITTAL FEE <del>\$(4.80)</del> <u>4.90</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. |                                     |
| <b>ELECTRICAL PLAN REVIEW</b> (Plan review for educational, institutional or health care facilities and other buildings)   |                                     |
| Electrical plan submission fee   | <del>\$(66.90)</del> <u>69.10</u>   |
| Service/feeder ampacity:   |                                     |
| 0 - 100  | <del>\$(29.60)</del> <u>30.60</u>   |
| 101 - 200  | <del>\$(36.90)</del> <u>38.10</u>   |
| 201 - 400  | <del>\$(69.30)</del> <u>71.60</u>   |
| 401 - 600  | <del>\$(81.70)</del> <u>84.40</u>   |
| 601 - 800  | <del>\$(105.30)</del> <u>108.80</u> |
| 801 - 1000   | <del>\$(128.90)</del> <u>133.20</u> |
| Over 1000  | <del>\$(139.90)</del> <u>144.60</u> |
| Over 600 volts surcharge   | <del>\$(22.10)</del> <u>22.80</u>   |

|   |                            |
|---|----------------------------|
| Thermostats:  |                            |
| First   | \$((13.00)) <u>13.40</u>   |
| Each additional   | \$((3.00)) <u>3.10</u>     |
| Low voltage fire alarm and burglar alarm:   |                            |
| Each control panel and up to four circuits or zones   | \$((11.90)) <u>12.30</u>   |
| Each additional circuit or zone   | \$2.00                     |
| Generators, refer to appropriate service/feeder ampacity fees   |                            |
| <i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>                              |                            |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour* | \$((79.20)) <u>81.80</u>   |
| <b>RECIPROCAL PLAN REVIEW:</b>  |                            |
| INITIAL FEE - MASTER DESIGN   | \$((102.10)) <u>105.50</u> |
| INITIAL FEE - ONE YEAR DESIGN   | \$((61.70)) <u>63.70</u>   |
| RENEWAL FEE   | \$((61.70)) <u>63.70</u>   |
| ADDENDUM  | \$((61.70)) <u>63.70</u>   |
| <b>APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS</b>   | \$((12.50)) <u>12.90</u>   |
| <b>DEPARTMENT INSPECTION FEES:</b>  |                            |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)   | \$((66.90)) <u>69.10</u>   |
| TRAVEL (Per hour)*  | \$((66.90)) <u>69.10</u>   |
| PER DIEM**  |                            |
| HOTEL***  |                            |
| MILEAGE**   |                            |
| RENTAL CAR***   |                            |
| PARKING***  |                            |
| AIRFARE***  |                            |
| ALTERATION INSPECTION (One hour plus insignia alteration fee)   | \$((100.10)) <u>103.40</u> |
| <b>DEPARTMENT AUDIT FEES:</b>   |                            |
| AUDIT (Per hour*)   | \$((66.90)) <u>69.10</u>   |
| TRAVEL (Per hour*)  | \$((66.90)) <u>69.10</u>   |
| PER DIEM**  |                            |
| HOTEL***  |                            |
| MILEAGE**   |                            |
| RENTAL CAR***   |                            |
| PARKING***  |                            |
| AIRFARE***  |                            |
| <b>INSIGNIA FEES:</b>   |                            |
| FIRST SECTION/ALTERATION  | \$((19.30)) <u>19.90</u>   |
| REISSUED-LOST/DAMAGED   | \$((12.50)) <u>12.90</u>   |
| EXEMPT  | \$((33.20)) <u>34.30</u>   |
| <b>ELECTRICAL COMMERCIAL/INDUSTRIAL</b>   |                            |
| Electrical Service/feeders ((Ampacity)) <u>200 Amperage plus</u>  | ((212.80 plus))            |
| Service/feeder  | \$((195.10)) <u>201.60</u> |
| Additional Feeder   | \$((37.00)) <u>38.20</u>   |
| <b>ELECTRICAL MULTIFAMILY RESIDENTIAL</b>   |                            |
| Electrical Service/feeders <u>200 Amperage plus</u>   | ((212.80 plus))            |
| Service/feeder  | \$((103.50)) <u>106.90</u> |

|  |                          |
|--|--------------------------|
| Additional Feeder  | \$((26.40)) <u>27.20</u> |
| <b>OTHER FEES:</b>   |                          |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)                            | \$((66.90)) <u>69.10</u> |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request) | \$((12.50)) <u>12.90</u> |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.  |                          |
| ** Per state guidelines.   |                          |
| *** Actual charges incurred.   |                          |

**AMENDATORY SECTION** (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-150T-3000 Factory-built temporary worker housing fees.**

|   |                            |
|---|----------------------------|
| <b>INITIAL FILING FEE</b>   | \$((46.50)) <u>48.00</u>   |
| <b>DESIGN PLAN FEES:</b>  |                            |
| INITIAL ONE YEAR DESIGN   | \$((134.30)) <u>138.80</u> |
| RENEWAL FEE   | \$((46.50)) <u>48.00</u>   |
| RESUBMIT FEE  | \$((66.90)) <u>69.10</u>   |
| ADDENDUM (Approval expires on same date as original plan)   | \$((66.90)) <u>69.10</u>   |
| ELECTRONIC PLAN SUBMITTAL FEE \$((4.80)) <u>4.90</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. |                            |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*   |                            |
|   | \$((79.30)) <u>81.90</u>   |
| <b>APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS</b>   |                            |
|   | \$((12.50)) <u>12.90</u>   |
| <b>DEPARTMENT INSPECTION FEES</b>   |                            |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)   | \$((66.90)) <u>69.10</u>   |
| TRAVEL (Per hour)*  | \$((66.90)) <u>69.10</u>   |
| PER DIEM**  |                            |
| HOTEL***  |                            |
| MILEAGE**   |                            |
| RENTAL CAR***   |                            |
| PARKING***  |                            |
| AIRFARE***  |                            |
| <b>DEPARTMENT AUDIT FEES:</b>   |                            |
| AUDIT (Per hour*)   | \$((66.90)) <u>69.10</u>   |
| TRAVEL (Per hour*)  | \$((66.90)) <u>69.10</u>   |
| PER DIEM**  |                            |
| HOTEL***  |                            |
| MILEAGE**   |                            |
| RENTAL CAR***   |                            |
| PARKING***  |                            |
| AIRFARE***  |                            |
| <b>INSIGNIA FEES:</b>   |                            |
| FIRST SECTION   | \$((188.30)) <u>194.60</u> |
| EACH ADDITIONAL SECTION   | \$((18.30)) <u>18.90</u>   |
| REISSUED-LOST/DAMAGED   | \$((46.50)) <u>48.00</u>   |
| <b>ELECTRICAL COMMERCIAL/INDUSTRIAL</b>   |                            |
| Electrical Service/feeders ((Ampacity)) <u>200 Amperage plus</u>  | ((212.80 plus))            |
| Service/feeder  | \$((195.10)) <u>201.60</u> |
| Additional Feeder   | \$((37.00)) <u>38.20</u>   |

|  |                            |
|--|----------------------------|
| <b>ELECTRICAL MULTIFAMILY RESIDENTIAL</b>  |                            |
| Electrical Service/feeders <u>200 Amperage plus</u>  | (212.80 plus)              |
| Service/feeder   | \$((103.50)) <u>106.90</u> |
| Additional Feeder  | \$((26.40)) <u>27.20</u>   |
| <b>OTHER FEES:</b>   |                            |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)                          | \$((66.90)) <u>69.10</u>   |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)                 | \$((12.50)) <u>12.90</u>   |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments |                            |
| ** Per state guidelines  |                            |
| *** Actual charges incurred  |                            |

**AMENDATORY SECTION** (Amending WSR 05-12-032, filed 5/24/05, effective 6/30/05)**WAC 296-150P-3000 Recreational park trailer fees.**

|   |                            |
|---|----------------------------|
| <b>INITIAL FILING FEE</b>   | \$((32.30)) <u>33.30</u>   |
| <b>DESIGN PLAN FEES:</b>  |                            |
| NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS   | \$((91.20)) <u>94.20</u>   |
| NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS  | \$((120.50)) <u>124.50</u> |
| RESUBMITTAL FEE   | \$((65.10)) <u>67.30</u>   |
| ADDENDUM (Approval expires on same date as original plan.)  | \$((65.10)) <u>67.30</u>   |
| ELECTRONIC PLAN SUBMITTAL FEE \$((4.90)) <u>5.00</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. |                            |
| <b>QUALITY CONTROL/MANUAL FEES:</b>   |                            |
| INITIAL APPROVAL  | \$((12.20)) <u>12.40</u>   |
| RESUBMITTAL FEE   | \$((65.10)) <u>67.30</u>   |
| ADDENDUM  | \$((65.10)) <u>67.30</u>   |
| <b>DEPARTMENT AUDIT FEES:</b>   |                            |
| AUDIT (per hour)*   | \$((65.10)) <u>67.30</u>   |
| TRAVEL (per hour)*  | \$((65.10)) <u>67.30</u>   |
| PER DIEM**  |                            |
| HOTEL***  |                            |
| MILEAGE**   |                            |
| RENTAL CAR***   |                            |
| PARKING***  |                            |
| AIRFARE***  |                            |
| <b>DEPARTMENT INSPECTION FEES:</b>  |                            |
| INSPECTION (per hour)*  | \$((65.10)) <u>67.30</u>   |
| TRAVEL (per hour)*  | \$((65.10)) <u>67.30</u>   |
| PER DIEM**  |                            |
| HOTEL***  |                            |
| MILEAGE**   |                            |
| RENTAL CAR***   |                            |
| PARKING***  |                            |
| AIRFARE***  |                            |
| ALTERATION INSPECTION (One hour plus insignia alteration fee)   | \$((97.40)) <u>100.60</u>  |
| <b>INSIGNIA FEES:</b>   |                            |
| STATE CERTIFIED   | \$((12.00)) <u>12.40</u>   |
| ALTERATION  | \$((32.30)) <u>33.30</u>   |
| REISSUED-LOST/DAMAGED   | \$((12.00)) <u>12.40</u>   |

|   |                          |
|---|--------------------------|
| <b>OTHER FEES:</b>  |                          |
| FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)                           | \$((65.10)) <u>67.30</u> |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)  | \$((12.20)) <u>12.60</u> |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. |                          |
| ** Per state guidelines.  |                          |
| *** Actual charges incurred.  |                          |

**AMENDATORY SECTION** (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-150C-3000 Commercial coach fees.**

|   |                            |
|---|----------------------------|
| <b>INITIAL FILING FEE</b>   | \$((33.20)) <u>34.30</u>   |
| <b>DESIGN PLAN FEES:</b>  |                            |
| INITIAL FEE - MASTER DESIGN   | \$((229.00)) <u>236.70</u> |
| INITIAL FEE - ONE YEAR DESIGN   | \$((93.70)) <u>96.80</u>   |
| RENEWAL FEE   | \$((39.60)) <u>40.90</u>   |
| RESUBMIT FEE  | \$((66.90)) <u>69.10</u>   |
| ADDENDUM (Approval expires on same date as original plan)   | \$((66.90)) <u>69.10</u>   |
| ELECTRONIC PLAN SUBMITTAL FEE \$((4.90)) <u>5.00</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. |                            |
| <b>ELECTRICAL PLAN REVIEW</b> (Plan review for educational, institutional or health care facilities and other buildings)  |                            |
| Electrical Plan submission fee  | \$((66.90)) <u>69.10</u>   |
| Service/feeder Ampacity:  |                            |
| 0 - 100   | \$((29.60)) <u>27.20</u>   |
| 101 - 200   | \$((36.90)) <u>38.10</u>   |
| 201 - 400   | \$((69.30)) <u>71.60</u>   |
| 401 - 600   | \$((81.70)) <u>84.40</u>   |
| 601 - 800   | \$((105.30)) <u>108.80</u> |
| 801 - 1000  | \$((128.90)) <u>133.20</u> |
| Over 1000   | \$((139.90)) <u>144.60</u> |
| Over 600 volts surcharge  | \$((22.10)) <u>22.80</u>   |
| Thermostats:  |                            |
| First   | \$((13.00)) <u>13.40</u>   |
| Each additional   | \$((3.00)) <u>3.10</u>     |
| Low voltage fire alarm and burglar alarm:   |                            |
| Each control panel and up to four circuits or zones   | \$((11.90)) <u>12.30</u>   |
| Each additional circuit or zone   | \$2.00                     |
| Generators, refer to appropriate service/feeder ampacity fees   |                            |
| <i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>  |                            |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*   |                            |
|   | \$((79.20)) <u>81.80</u>   |
| <b>ELECTRICAL COMMERCIAL/INDUSTRIAL</b>   |                            |
| Electrical Service/feeders ((Ampacity)) <u>200 Amperage plus</u>  | ((212.80 plus))            |
| Service/feeder  | \$((195.10)) <u>201.60</u> |
| Additional Feeder   | \$((37.00)) <u>38.20</u>   |

|  |                            |
|--|----------------------------|
| <b>ELECTRICAL MULTIFAMILY RESIDENTIAL</b>  |                            |
| Electrical Service/feeders <u>200 Amperage plus</u>  | ((212.80 plus))            |
| Service/feeder   | \$((103.50)) <u>106.90</u> |
| Additional Feeder  | \$((26.40)) <u>27.20</u>   |
| <b>MEDICAL GAS PLAN REVIEW:</b>  |                            |
| SUBMISSION FEE   | \$((64.10)) <u>66.20</u>   |
| FIRST STATION  | \$((64.10)) <u>66.20</u>   |
| EACH ADDITIONAL STATION  | \$((23.40)) <u>24.10</u>   |
| <b>RECIPROCAL PLAN REVIEW:</b>   |                            |
| INITIAL FEE - MASTER DESIGN  | \$((102.10)) <u>105.50</u> |
| INITIAL FEE - ONE YEAR DESIGN  | \$((61.70)) <u>63.70</u>   |
| RENEWAL FEE  | \$((61.70)) <u>63.70</u>   |
| ADDENDUM   | \$((61.70)) <u>63.70</u>   |
| <b>PLANS APPROVED BY PROFESSIONALS</b>   |                            |
|  | \$((46.50)) <u>48.00</u>   |
| <b>APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS</b>                              |                            |
|  | \$((12.50)) <u>12.90</u>   |
| <b>DEPARTMENT INSPECTION FEES</b>  |                            |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)                            | \$((66.90)) <u>69.10</u>   |
| TRAVEL (Per hour)  | \$((66.90)) <u>69.10</u>   |
| PER DIEM**   |                            |
| HOTEL***   |                            |
| MILEAGE**  |                            |
| RENTAL CAR***  |                            |
| PARKING***   |                            |
| AIRFARE***   |                            |
| <b>DEPARTMENT AUDIT FEES:</b>  |                            |
| AUDIT (Per hour*)  | \$((66.90)) <u>69.10</u>   |
| TRAVEL (Per hour*)   | \$((66.90)) <u>69.10</u>   |
| PER DIEM**   |                            |
| HOTEL***   |                            |
| MILEAGE**  |                            |
| RENTAL CAR***  |                            |
| PARKING***   |                            |
| AIRFARE***   |                            |
| ALTERATION INSPECTION (One hour plus insignia alteration fee)                                  | \$((100.10)) <u>103.40</u> |
| <b>INSIGNIA FEES:</b>  |                            |
| FIRST SECTION/ALTERATION   | \$((20.20)) <u>20.80</u>   |
| EACH ADDITIONAL SECTION  | \$((12.50)) <u>12.90</u>   |
| REISSUED-LOST/DAMAGED  | \$((12.50)) <u>12.90</u>   |
| <b>OTHER FEES:</b>   |                            |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)                            | \$((66.90)) <u>69.10</u>   |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request) | \$((12.50)) <u>12.90</u>   |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments   |                            |
| ** Per state guidelines  |                            |
| *** Actual charges incurred  |                            |

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**with licensing?** The following are the department's elevator license fees:

**WAC 296-96-00922 What are the fees associated**

| Type of Fee  | Period Covered by Fee | Dollar Amount of Fee                       |
|--|-----------------------|--|
| Elevator contractor/mechanic application fee (not required for renewal of valid license) | Per application       | \$(( <del>52.90</del> ))<br><u>54.60</u>   |
| Elevator contractor/mechanic examination fee   | Per application       | \$(( <del>158.80</del> ))<br><u>164.10</u> |
| Reciprocity application fee*   | Per application       | \$(( <del>52.90</del> ))<br><u>54.60</u>   |
| Elevator mechanic license  | 2 years               | \$(( <del>105.90</del> ))<br><u>109.40</u> |
| Elevator contractor license  | 2 years               | \$(( <del>105.90</del> ))<br><u>109.40</u> |
| Temporary elevator mechanic license  | 30 days               | \$(( <del>26.40</del> ))<br><u>27.20</u>   |
| Elevator mechanic/contractor timely renewal fee**  | 2 years               | \$(( <del>105.90</del> ))<br><u>109.40</u> |
| Elevator mechanic/contractor late renewal fee***   | 2 years               | \$(( <del>211.80</del> ))<br><u>218.90</u> |
| Training provider application/renewal fee  | 2 years               | \$(( <del>105.90</del> ))<br><u>109.40</u> |
| Continuing education course fee by approved training provider****                        | 1 year                | Not applicable                             |
| Replacement of any licenses  |                       | \$(( <del>15.80</del> ))<br><u>16.30</u>   |
| Refund processing fee  |                       | \$(( <del>31.70</del> ))<br><u>32.70</u>   |

\* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity agreement.

\*\* Renewals will be considered "timely" when the renewal application is received on or prior to the expiration date of the license.

\*\*\* Late renewal is for renewal applications received no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

\*\*\*\* This fee is paid directly to the continuing education training course provider approved by the department.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

**WAC 296-96-01005 When do I need a permit? (1)**

You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance. To obtain your permit, you need to complete the permit application and pay the appropriate fee. Once your application is approved, a permit will be issued and you may begin work on your project.

(2) Construction and alteration permits are valid for one year from the date of issue. However, permits may be renewed if you:

- (a) Apply for a renewal permit before your current permit expires;
- (b) The department approves your request for a renewal permit; and
- (c) You pay a ((~~fifty dollar~~)) \$51.60 renewal fee to the department for each permit you renew;

(3) If your permit has expired you must reapply for a new permit.

(4) You are not required to obtain permits and pay fees for repairs and replacement associated with normal functions and necessary maintenance done with parts of equivalent materials, strength and design; or for any conveyance exempted by RCW 70.87.200.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated?** Installation permit fees are based on the total cost of the conveyance and the labor to install the conveyance. The following permit fees apply to the construction or relocation of all conveyances and material lifts:

| TOTAL COST OF CONVEYANCE                              | FEE   |
|---|---|
| \$0 to and including \$1,000 . . . . .                | \$(( <del>52.90</del> ))<br><u>54.60</u>      |
| \$1,001 to and including \$5,000 . . . . .            | (( <del>79.30</del> ))<br><u>81.90</u>        |
| \$5,001 to and including \$7,000 . . . . .            | (( <del>132.30</del> ))<br><u>136.70</u>      |
| \$7,001 to and including \$10,000 . . . . .           | (( <del>158.80</del> ))<br><u>164.10</u>      |
| \$10,001 to and including \$15,000 . . . . .          | (( <del>211.80</del> ))<br><u>218.90</u>      |
| OVER \$15,000 . . . . .                               | (( <del>296.50</del> ))<br><u>306.50</u> plus |
| Each additional \$1,000 or fraction thereof . . . . . | (( <del>7.40</del> )) <u>7.60</u>             |

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01012 What are the permit fees for alterations to conveyances, material lifts, and hoists and how are they calculated?** Permit fees are based on the total cost of the equipment, materials and labor to perform the alteration. The following permit fees apply to the alteration of all conveyances and material lifts:

| TOTAL COST OF ALTERATION                              | FEE                                   |
|---|---------------------------------------|
| \$0 to and including \$1,000 . . . . .                | \$(( <del>52.90</del> )) <u>54.60</u> |
| \$1,001 to and including \$5,000. . . . .             | (( <del>79.30</del> )) <u>81.90</u>   |
| \$5,001 to and including \$7,000. . . . .             | (( <del>132.30</del> )) <u>136.70</u> |
| \$7,001 to and including \$10,000. . . . .            | (( <del>158.80</del> )) <u>164.10</u> |
| \$10,001 to and including \$15,000. . . . .           | (( <del>211.80</del> )) <u>218.90</u> |
| OVER \$15,000 . . . . .                               | (( <del>211.80</del> )) <u>218.90</u> |
| Each additional \$1,000 or fraction thereof . . . . . | \$(( <del>7.40</del> )) <u>7.60</u>   |

**AMENDATORY SECTION** (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01027 Are initial installation permit fees refundable?** Your initial installation permit fees are refundable if the installation work has not been performed minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits and the reasons for which the refunds are requested.

The processing fee for each refund is . . . . . \$((~~31.70~~)) 32.70

**AMENDATORY SECTION** (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01030 What is the process for installation and alteration plan approval?** Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME), the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration. . . . . \$((~~26.40~~)) 27.20  
 If more than two sets of plans are submitted, the fee for each additional set . . . . . \$((~~10.50~~)) 10.80

**AMENDATORY SECTION** (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01035 Are there inspection fees?** Yes. The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the initial installation of the conveyance you will be issued a temporary operating permit that is valid

for 30 days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following inspections require an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$((~~105.90~~)) 109.40 per conveyance plus \$((~~51.40~~)) 53.10 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$((~~105.90~~)) 109.40 plus \$((~~52.90~~)) 54.60 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is \$((~~158.80~~)) 164.10 per conveyance plus \$((~~52.90~~)) 54.60 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance that does not require an on-site inspection is \$((~~52.90~~)) 54.60 per conveyance. The individual requesting the variance must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" status fee.** The annual fee for a conveyance in "Red tag" status is \$((~~26.40~~)) 27.20.

**Note:** You must provide the department with written approval from the building official, indicating that the conveyance is not required for building occupancy, when you apply to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$((~~52.90~~)) 54.60. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit must be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$((~~105.90~~)) 109.40 per conveyance and \$((~~52.90~~)) 54.60 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary elevators to provide transportation for construction personnel, tools, and materials only?** (1) The fee for the inspecting and testing of regular elevators used as temporary elevators is \$((84.70)) 87.50, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted in the elevator.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01045 What are the inspection requirements and fees for conveyances in private residences?** (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to inspection, you must complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating permit is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating permit, the following fee must be paid prior to an inspection:

| TYPE OF CONVEYANCE  | FEE                         |
|---|-----------------------------|
| Each inclined stairway chair lift in private residence . . . . .    | \$((24.70))<br><u>25.50</u> |
| Each inclined wheel chair lift in a private residence . . . . .     | ((24.70))<br><u>25.50</u>   |
| Each vertical wheel chair lift in a private residence . . . . .     | ((31.20))<br><u>32.20</u>   |
| Each dumbwaiter in a private residence. . . . .                     | ((24.70))<br><u>25.50</u>   |
| Each inclined elevator at a private residence . . . . .             | ((88.10))<br><u>91.00</u>   |
| Each private residence elevator . . . . .                           | ((56.70))<br><u>58.60</u>   |
| Duplication of a lost, damaged or stolen operating permit . . . . . | ((10.50))<br><u>10.80</u>   |

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01050 How do I get a supplemental inspection?** Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of \$((63.50)) 65.60 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. This fee is for inspections occurring during regular working hours.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01055 Are technical services available and what is the fee?** You may request elevator field technical services from the department by paying a fee of \$((63.50)) 65.60 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01060 Can I request an after hours inspection and what is the fee?** You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. The minimum fee for an after-hours inspection is \$((79.30)) 81.90 and \$((79.30)) 81.90 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01065 What are the annual operating permits fees?** An annual operating permit will be issued to you upon payment of the appropriate fee:

| TYPE OF CONVEYANCE  | FEE                           |
|---|-------------------------------|
| Each hydraulic elevator . . . . .                         | \$((105.90))<br><u>109.40</u> |
| Each roped-hydraulic elevator . . . . .                   | ((132.30))<br><u>136.70</u>   |
| plus for each hoistway opening in excess of two . . . . . | ((10.50))<br><u>10.80</u>     |
| Each cable elevator . . . . .                             | ((132.30))<br><u>136.70</u>   |
| plus for each hoistway opening in excess of two . . . . . | ((10.50))<br><u>10.80</u>     |

| TYPE OF CONVEYANCE   | FEE                                       |
|--|---|
| Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled . . . . . | (( <del>10.50</del> )<br><u>10.80</u> )   |
| Each limited-use/limited-application (—LULA) elevator . . . . .  | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each escalator . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Each dumbwaiter in other than a private residence . . . . .  | (( <del>56.70</del> )<br><u>58.60</u> )   |
| Each material lift . . . . .   | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each incline elevator in other than a private residence . . . . .                                      | (( <del>113.80</del> )<br><u>117.60</u> ) |
| Each belt manlift . . . . .  | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each stair lift in other than a private residence . . . . .  | (( <del>56.70</del> )<br><u>58.60</u> )   |
| Each wheel chair lift in other than a private residence . . . . .                                      | (( <del>56.70</del> )<br><u>58.60</u> )   |
| Each personnel hoist . . . . .   | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each grain elevator personnel lift . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Each material hoist . . . . .  | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each special purpose elevator . . . . .  | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each private residence elevator installed in other than a private residence . . . . .                  | (( <del>105.90</del> )<br><u>109.40</u> ) |
| Each casket lift . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Each sidewalk freight elevator . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Each hand-powered manlift or freight elevator . . . . .  | (( <del>59.60</del> )<br><u>61.60</u> )   |
| Each boat launching elevator . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Each auto parking elevator . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Each moving walk . . . . .   | (( <del>88.00</del> )<br><u>90.90</u> )   |
| Duplication of a damaged, lost or stolen operating permit . . . . .                                    | (( <del>10.50</del> )<br><u>10.80</u> )   |

AMENDATORY SECTION (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-96-01070 What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter?** (1) Any licensee, installer, owner or operator of a con-

veyance who violates a provision of chapter 70.87 RCW or this chapter shall be subject to the following civil penalties:

- (a) Operation of a conveyance without a permit:
  - First violation . . . . . \$((~~158.80~~)  
164.10)
  - Second violation . . . . . ((~~317.70~~)  
328.40)
  - Each additional violation . . . . . 500.00
- (b) Installation of a conveyance without a permit:
  - First violation . . . . . \$((~~158.80~~)  
164.10)
  - Second violation . . . . . ((~~317.70~~)  
328.40)
  - Each additional violation . . . . . 500.00
- (c) Relocation of a conveyance without a permit:
  - First violation . . . . . \$((~~158.80~~)  
164.10)
  - Second violation . . . . . ((~~317.70~~)  
328.40)
  - Each additional violation . . . . . 500.00
- (d) Alteration of a conveyance without a permit:
  - First violation . . . . . \$((~~158.80~~)  
164.10)
  - Second violation . . . . . ((~~317.70~~)  
328.40)
  - Each additional violation . . . . . 500.00
- (e) (i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit or operation of a decommissioned elevator . . . . . \$500.00
  - (ii) Removal of a red tag from a conveyance . . . . . \$500.00
- (f) Failure to comply with a correction notice:
  - Within 90 days . . . . . \$((~~105.90~~)  
109.40)
  - Between 91 and 180 days . . . . . ((~~264.70~~)  
273.60)
  - Between 181 and 270 days . . . . . ((~~423.70~~)  
438.00)
  - Between 271 and 360 days . . . . . 500.00
  - Each 30 days after 360 days . . . . . 500.00
- (g) Failure to submit official written notification that all corrections have been completed:
  - Within 90 days . . . . . \$((~~105.90~~)  
109.40)
  - Between 91 and 180 days . . . . . ((~~264.70~~)  
273.60)
  - Between 181 and 270 days . . . . . ((~~423.70~~)  
438.00)

Between 271 and 360 days . . . . . 500.00  
 Each 30 days after 360 days . . . . . 500.00

Note: Penalties are cumulative

(h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$500.00 penalty per day. The conveyance must be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$500.00 penalty per day.

(2) A violation as described in subsection (1)(a), (b), (c), and (d) of this section will be a "second" or "additional" violation only if it occurs within one year of the first violation.

(3) The department must serve notice by certified mail to an installer, licensee, owner, or operator for a violation of chapter 70.87 RCW, or this chapter.

**WSR 07-11-129**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed May 22, 2007, 9:09 a.m., effective August 1, 2007]

Effective Date of Rule: August 1, 2007.

Purpose: The purpose of these changes is to amend sections in chapter 388-550 WAC relating to the long-term acute care (LTAC) program in order to change verbiage from "medical assistance administration (MAA)" to "the department," change verbiage from "facility" to "hospital," add verbiage that special client service contracts that complement a core provider agreement for an out-of-state LTAC hospital take precedence over any conflicting payment program policies set in WAC by the department, and to clarify and update existing language for the LTAC program WAC sections, and WAC 388-550-1000.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1000, 388-550-2565, 388-550-2570, 388-550-2575, 388-550-2580, 388-550-2590, 388-550-2595, and 388-550-2596.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Adopted under notice filed as WSR 07-08-107 on April 4, 2007.

A final cost-benefit analysis is available by contacting Larry Linn, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1856, fax (360) 753-9152, e-mail linld@dshs.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 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 9, Repealed 0.

Date Adopted: May 14, 2007.

Stephanie E. Schiller  
 Rules Consultant

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-1000 Applicability.** The department (~~shall~~) pay for hospital services provided to eligible clients when:

(1) The eligible client is a patient in (~~a general~~) an acute care hospital and the hospital meets the definition of hospital or psychiatric hospital in RCW 70.41.020, WAC 388-500-0005 or 388-550-1050;

(2) The services are medically necessary as defined under WAC 388-500-0005; and

(3) The conditions, exceptions and limitations in this chapter are met.

AMENDATORY SECTION (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

**WAC 388-550-2565 The long-term acute care (LTAC) program—General.** The long-term acute care (LTAC) program is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided in a (~~medical assistance administration (MAA))~~ department-approved LTAC ((facility)) hospital during the acute phase of a client's care. (~~MAA~~) The department requires prior authorization for LTAC stays. See WAC 388-550-2590 for prior authorization requirements.

(1) A facility's multidisciplinary team coordinates individualized LTAC services at (~~an MAA~~) a department-approved LTAC ((facility)) hospital.

(2) (~~MAA~~) The department determines the authorized length of stay for LTAC services based on the client's need as documented in the client's medical records and the criteria described in WAC 388-550-2590.

(3) When the (~~MAA~~) department-authorized length of stay ends, the provider transfers the client to a more appropriate level of care or, if appropriate, discharges the client to the client's residence.

AMENDATORY SECTION (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

**WAC 388-550-2570 LTAC program definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the LTAC program.

"Level 1 services" means long-term acute care (LTAC) services provided to clients who require more than eight hours of direct skilled nursing care per day. Level 1 services include one or both of the following:

(1) Active ventilator weaning care and any specialized therapy services, such as physical, occupational, and speech therapies; or

(2) Complex medical care that may include: Care for complex draining wounds, care for central lines, multiple medications, frequent assessments and close monitoring, third degree burns that may involve grafts and/or frequent transfusions, and specialized therapy services, such as physical, occupational, and speech therapies.

"Level 2 services" means long-term acute care (LTAC) services provided to clients who require four to eight hours of direct skilled nursing care per day. Level 2 services include at least two of the following:

(1) Ventilator care for clients who are stable, dependent on a ventilator, and have complex medical needs;

(2) Care for clients who have tracheostomies, complex airway management and medical needs, and the potential for decannulation; and

(3) Specialized therapy services, such as physical, occupational, and speech therapies.

"Long-term acute care" means inpatient intensive long-term care services provided in ~~((MAA))~~ department-approved LTAC ((facilities)) hospitals to eligible medical assistance clients who require Level 1 or Level 2 services.

"Survey" or "review" means an inspection conducted by a federal, state, or private agency to evaluate and monitor a facility's compliance with LTAC program requirements.

"Transportation company" means either ~~((an MAA))~~ a department-approved transportation broker or a transportation company doing business with ((MAA)) the department.

**AMENDATORY SECTION** (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

**WAC 388-550-2575 Client eligibility requirements for LTAC services.** Only a client who is eligible for one of the following programs may receive LTAC services, subject to the restrictions and limitations in WAC 388-550-2565, 388-550-2570, 388-550-2580, 388-550-2585, 388-550-2590, 388-550-2595, 388-550-2596, and other ~~((published))~~ rules:

(1) Categorically needy program (CNP);

(2) ~~((CNP--))~~ State children's health insurance program ((CNP--))SCHIP;

(3) Limited casualty program - medically needy program (LCP-MNP);

(4) ~~((CNP--))~~ Alien emergency medical ((only)) (AEM)(CNP); or

(5) ~~((LCP-MNP--))~~ Alien emergency medical ((only)) (AEM)(LCP-MNP).

**AMENDATORY SECTION** (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

**WAC 388-550-2580 Requirements for becoming an LTAC ((facility)) hospital.** (1) To apply to become ~~((an MAA))~~ a department-approved LTAC ((facility)) hospital, ~~((MAA))~~ the department requires a hospital ~~((provider))~~ to:

(a) Submit a letter of request to:

LTAC Program Manager  
Division of ~~((Medical Management))~~  
Healthcare Services  
~~((Medical Assistance))~~  
Health and Recovery Services Administration  
P.O. Box 45506  
Olympia WA 98504-5506; and

(b) Include documentation that confirms the facility is:

(i) Medicare certified for LTAC;

(ii) Accredited by the Joint Commission on Accreditation of ((hospital)) Healthcare Organizations (JCAHO);

(iii) ~~((Licensed by the department of health (DOH)))~~ For an in-state hospital licensed as an acute care hospital ((as defined)) by the department of health (DOH) under WAC 246-310-010; ((and))

(iv) ~~((Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirements by MAA))~~ For a hospital located out-of-state, licensed as an acute care hospital by that state; and

(v) Contracted with the department to provide LTAC services if the LTAC hospital is located outside the state of Washington.

(2) The hospital ~~((facility))~~ qualifies as ~~((an MAA))~~ a department-approved LTAC ((facility)) hospital when:

(a) The ~~((facility))~~ hospital meets all the requirements in this section;

(b) ~~((MAA's))~~ The department's clinical staff has conducted ~~((a facility))~~ an on-site visit; and

(c) ~~((MAA))~~ The department provides written notification that the ~~((facility))~~ hospital qualifies to be ~~((reimbursed))~~ paid for providing LTAC services to eligible medical assistance clients.

(3) ~~((MAA))~~ Department-approved LTAC ((facilities)) hospitals must meet the general requirements in chapter 388-502 WAC ~~((Administration of medical programs providers)).~~

**AMENDATORY SECTION** (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

**WAC 388-550-2585 LTAC ((facilities)) hospitals—Quality of care.** (1) To ensure quality of care, ~~((MAA))~~ the department may conduct post-pay or on-site reviews of any ~~((MAA))~~ department-approved LTAC ((facility)) hospital. See WAC 388-502-0240, Audits and the audit appeal process for contractors/providers, for additional information on audits conducted by department staff.

(2) A provider of LTAC services must act on any reports of substandard care or violations of the ~~((facility's))~~ hospital's medical staff bylaws. The provider must have and follow written procedures that provide a resolution to either a complaint or grievance or both.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(a) The department of health (DOH);

(b) The Joint Commission on Accreditation of ~~((Hospital))~~ Healthcare Organizations (JCAHO);

(c) ~~((MAA))~~ The department; or

(d) Other agencies with review authority for ~~((MAA))~~ the department's programs.

AMENDATORY SECTION (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

**WAC 388-550-2590 ~~((MAA's))~~ Department prior authorization requirements for Level 1 and Level 2 LTAC services.** (1) ~~((MAA))~~ The department requires prior authorization for Level 1 and Level 2 LTAC inpatient stays. The prior authorization process includes all of the following:

(a) For an initial thirty-day stay:

(i) The client must:

(A) Be eligible under one of the programs listed in WAC 388-550-2575;

(B) Meet the high cost outlier or high outlier status, respectively, at the transferring hospital as described in WAC 388-550-3700~~((and))~~. Exception: If the claim is paid under a payment method other than the DRG or per diem payment method, the claim must meet the same outlier threshold described in WAC 388-550-3700.

(C) Require Level 1 or Level 2 LTAC services as defined in WAC 388-550-2570.

(ii) The LTAC provider of services must:

(A) Before admitting the client to the LTAC ~~((facility))~~ hospital, submit a request for prior authorization to the ~~((MAA))~~ the department's clinical consultation team by fax, electronic mail, or telephone, as published in ~~((MAA's))~~ the department's LTAC billing instructions; ~~((and))~~

(B) Include sufficient medical information to justify the requested initial stay.

(C) Receive prior authorization from the department's medical director or designee, based on clinical quality review by the department's clinical consultation team to determine the client's circumstances and the medical justification for transfer from the transferring hospital; and

(D) Meet all the requirements in WAC 388-550-2580.

(b) For extensions of stay:

(i) The client must:

(A) Be eligible under one of the programs listed in WAC 388-550-2575; and

(B) Require Level 1 or Level 2 LTAC services as defined in WAC 388-550-2570.

(ii) The LTAC provider of services must:

(A) Before the client's current authorized period of stay expires, submit a request for the extension of stay to the ~~((MAA))~~ the department's clinical consultation team by fax, electronic mail, or telephone; and

(B) Include sufficient medical information to justify the requested extension of stay.

(2) The ~~((MAA))~~ department's clinical consultation team authorizes~~((, in writing,))~~ Level 1 or Level 2 LTAC services for initial stays or extensions of stay based on the client's circumstances and the medical justification received. A client who does not agree with a decision regarding a length of stay has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, ~~((MAA))~~ the department may request additional information from the client and the facility, or both. After ~~((MAA))~~ the department reviews the available information, the result may be:

(a) A reversal of the initial ~~((MAA))~~ department decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter 388-02 WAC.

(3) ~~((MAA))~~ The department may authorize administrative day rate ~~((reimbursement))~~ payment for a client who:

(a) Does not meet the requirements described in this section;

(b) Is waiting for placement in another hospital or other facility; or

(c) If appropriate, is waiting to be discharged to the client's residence.

AMENDATORY SECTION (Amending WSR 03-02-056, filed 12/26/02, effective 1/26/03)

**WAC 388-550-2595 Identification of and payment methodology for services and equipment included in the LTAC fixed per diem rate.** (1) In addition to room and board, the LTAC fixed per diem rate includes, but is not limited to, the following (see ~~((MAA's))~~ the department's LTAC billing instructions for applicable revenue codes):

(a) Room and board - Rehabilitation;

(b) Room and board - Intensive care;

(c) Pharmacy - Up to and including two hundred dollars per day in total allowed covered charges for any combination of pharmacy services that includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and/or epogen/neupogen therapy;

(d) Medical/surgical supplies and devices;

(e) Laboratory - General;

(f) Laboratory - Chemistry;

(g) Laboratory - Immunology;

(h) Laboratory - Hematology;

(i) Laboratory - Bacteriology and microbiology;

(j) Laboratory - Urology;

(k) Laboratory - Other laboratory services;

(l) Respiratory services;

(m) Physical therapy;

(n) Occupational therapy; and

(o) Speech-language therapy.

(2) ~~((MAA))~~ The department pays the LTAC ~~((facility))~~ hospital for services covered by the LTAC fixed per diem rate by the rate in effect at the ~~((time the LTAC services are provided))~~ date of admission, minus the sum of:

(a) Client liability, whether or not collected by the provider; and

(b) Any amount of coverage from third parties, whether or not collected by the provider, including, but not limited to, coverage from:

(i) Insurers and indemnitors;

(ii) Other federal or state ~~((medical care))~~ healthcare programs;

(iii) Payments made to the provider on behalf of the client by individuals or organizations not liable for the client's financial obligations; and

(iv) Any other contractual or legal entitlement of the client, including, but not limited to:

(A) Crime victims' compensation;

(B) Workers' compensation;

- (C) Individual or group insurance;
- (D) Court-ordered dependent support arrangements; and
- (E) The tort liability of any third party.

(3) ~~((MAA))~~ The department may make annual rate increases to the LTAC fixed per diem rate by using ~~((the same inflation factor and date of rate increase that MAA uses for acute care hospital diagnostic-related group (DRG) rates. This DRG rate adjustment method is described in WAC 388-550-3450(5)))~~ a vendor rate increase. The department may rebase the LTAC fixed per diem rate periodically.

(4) When the department establishes a special client service contract to complement the core provider agreement with an out-of-state LTAC hospital for services, the contract terms take precedence over any conflicting payment program policies set in WAC by the department.

AMENDATORY SECTION (Amending WSR 06-24-036, filed 11/30/06, effective 1/1/07)

**WAC 388-550-2596 Services and equipment covered by the department but not included in the LTAC fixed per diem rate.** (1) The department uses the ratio of costs-to-charges (RCC) payment method to ~~((reimburse))~~ pay an LTAC ~~((facility))~~ hospital for the following that are not included in the LTAC fixed per diem rate:

(a) Pharmacy - After the first two hundred dollars per day in total allowed covered charges for any combination of pharmacy services that includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and/or epogen/neupogen therapy;

- (b) Radiology services;
- (c) Nuclear medicine services;
- (d) Computerized tomographic (CT) scan;
- (e) Operating room services;
- (f) Anesthesia services;
- (g) Blood storage and processing;
- (h) Blood administration;
- (i) Other imaging services - Ultrasound;
- (j) Pulmonary function services;
- (k) Cardiology services;
- (l) Recovery room services;
- (m) EKG/ECG services;
- (n) Gastro-intestinal services;
- (o) Inpatient hemodialysis; and
- (p) Peripheral vascular laboratory services.

(2) The department uses the appropriate inpatient or outpatient payment method described in other published WAC to ~~((reimburse))~~ pay providers other than LTAC ~~((facilities))~~ hospitals for services and equipment that are covered by the department but not included in the LTAC fixed per diem rate. The provider must bill the department directly and the department ~~((reimburses))~~ pays the provider directly.

(3) Transportation services that are related to transporting a client to and from another facility for the provision of outpatient medical services while the client is still an inpatient at the LTAC ~~((facility))~~ hospital, or related to transporting a client to another facility after discharge from the LTAC ~~((facility))~~ hospital:

(a) Are not covered or reimbursed through the LTAC fixed per diem rate;

(b) Are not ~~((reimbursable))~~ payable directly to the LTAC ~~((facility))~~ hospital;

(c) Are subject to the provisions in chapter 388-546 WAC; and

(d) Must be billed directly to the:

(i) Department by the transportation company to be reimbursed if the client required ambulance transportation; or

(ii) Department's contracted transportation broker, subject to the prior authorization requirements and provisions described in chapter 388-546 WAC, if the client:

(A) Required ~~((nonemergent))~~ nonemergency transportation; or

(B) Did not have a medical condition that required transportation in a prone or supine position.

(4) The department evaluates requests for covered transportation services that are subject to limitations or other restrictions, and approves such services beyond those limitations or restrictions under the provisions of WAC 388-501-0165 and 388-501-0169.

(5) When the department established a special client service contract to complement the core provider agreement with an out-of-state LTAC hospital for services, the contract terms take precedence over any conflicting payment program policies set in WAC by the department.

#### WSR 07-11-137

#### PERMANENT RULES

#### DEPARTMENT OF

#### LABOR AND INDUSTRIES

[Filed May 22, 2007, 9:58 a.m., effective June 30, 2007]

Effective Date of Rule: June 30, 2007.

Purpose: The board of boiler rules is proposing a 3.38% (rounded down to the nearest tenth of a dollar) general fee increase. The 3.38% rate is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2007. The general fee increase is necessary to help offset inflation and to maintain the financial health and operational effectiveness of the program. The board also recommended making clarifying changes to how rules are interpreted and revised.

Citation of Existing Rules Affected by this Order: Amending WAC 296-104-018 and 296-104-700.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Adopted under notice filed as WSR 07-08-090 on April 3, 2007.

Changes Other than Editing from Proposed to Adopted Version: There was a calculation error in WAC 296-104-700, the current fee of \$25.60 was changed to \$26.40, instead of \$25.80.

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

Date Adopted: May 22, 2007.

Craig Hopkins, Chair  
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 05-22-092, filed 11/1/05, effective 1/1/06)

**WAC 296-104-018 Administration—How are rules interpreted and revised?** Stakeholders may request clarifications and interpretations of these rules by contacting the chief inspector. Interpretations will be brought to the board if the inquirer is aggrieved by the interpretation of the chief inspector (RCW 70.79.360). The board will consider written requests for interpretations and revisions to these definitions, rules, and regulations. Inquiries shall be limited to requests for interpretation of the rules or to proposed revisions to the existing rules and shall be submitted to the department of labor and industries forty-five days prior to the board of boiler rules meeting date. The requests shall be in writing upon the form furnished by the chief inspector located on the boiler program web site. Requests not using the form must be in the following format:

(1) Scope. Identify a single rule or closely related rules that are in dispute.

(2) Background. State the purpose of the inquiry, which should be either to obtain an interpretation or to propose a revision to existing rules. Provide concise information needed for the board's understanding of the inquiry, including references to the WAC section as well as other code and/or standards paragraphs.

(3) Inquiry structure. Provide statements in a condensed and precise question format and, where appropriate, compose in such a way that "yes" or "no" (perhaps with provisos) would be an acceptable reply.

(4) Proposed reply. State what it is believed the rule requires. If in the inquirer's opinion a revision to the definitions, rules, and regulations is needed, recommended wording should be provided.

Inquiries shall be submitted by mail to:  
Board of Boiler Rules  
(%) c/o Chief Inspector  
Department of Labor & Industries  
Boiler Section  
P.O. Box 44410  
Olympia, WA 98504-4410

or

Inquiries shall be submitted by delivery to:  
Board of Boiler Rules  
(%) c/o Chief Inspector  
Department of Labor & Industries

Boiler Section  
7273 Linderson Way SW  
Tumwater, WA 98501

or

Inquiries shall be submitted electronically to:  
Board of Boiler Rules  
c/o Chief Inspector  
BoilerBoardInquires@lni.wa.gov

AMENDATORY SECTION (Amending WSR 06-12-032, filed 5/31/06, effective 7/1/06)

**WAC 296-104-700 What are the inspection fees— Examination fees—Certificate fees—Expenses?** The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

|   |                                      |                                      |
|---|--------------------------------------|--------------------------------------|
| Heating boilers:  | Internal                             | External                             |
| Cast iron—All sizes   | <del>\$(32.00)</del><br><u>33.00</u> | <del>\$(25.60)</del><br><u>26.40</u> |
| All other boilers less than 500 sq. ft.   | <del>\$(38.60)</del><br><u>39.60</u> | <del>\$(25.60)</del><br><u>26.40</u> |
| 500 sq. ft. to 2500 sq. ft.   | <del>\$(63.70)</del><br><u>65.80</u> | <del>\$(32.00)</del><br><u>33.00</u> |
| Each additional 2500 sq. ft. of total heating surface, or any portion thereof           | <del>\$(25.60)</del><br><u>26.40</u> | <del>\$(12.60)</del><br><u>13.00</u> |
| Power boilers:  | Internal                             | External                             |
| Less than 100 sq. ft.   | <del>\$(32.00)</del><br><u>33.00</u> | <del>\$(25.60)</del><br><u>26.40</u> |
| 100 sq. ft. to less than 500 sq. ft.  | <del>\$(38.60)</del><br><u>39.90</u> | <del>\$(25.60)</del><br><u>26.40</u> |
| 500 sq. ft. to 2500 sq. ft.   | <del>\$(63.70)</del><br><u>65.80</u> | <del>\$(32.00)</del><br><u>33.00</u> |
| Each additional 2500 sq. ft. of total heating surface, or any portion thereof           | <del>\$(25.60)</del><br><u>26.40</u> | <del>\$(12.60)</del><br><u>13.00</u> |
| Pressure vessels:   |                                      |                                      |
| Automatic utility hot water supply heaters per RCW 70.79.090                            |                                      | <del>\$(6.00)</del><br><u>6.20</u>   |
| All other pressure vessels:   |                                      |                                      |
| Square feet shall be determined by multiplying the length of the shell by its diameter. | Internal                             | External                             |
| Less than 15 sq. ft.  | <del>\$(25.60)</del><br><u>26.40</u> | <del>\$(19.10)</del><br><u>19.70</u> |
| 15 sq. ft. to less than 50 sq. ft.  | <del>\$(38.00)</del><br><u>39.20</u> | <del>\$(19.10)</del><br><u>19.70</u> |
| 50 sq. ft. to 100 sq. ft.   | <del>\$(44.20)</del><br><u>45.60</u> | <del>\$(25.60)</del><br><u>26.40</u> |

For each additional 100 sq. ft. or any portion thereof ~~\$(44.20)~~ ~~\$(12.60)~~  
45.60 13.00

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is ~~\$(19.10)~~ 19.70 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours ~~\$(38.60)~~  
39.90

For each hour or part of an hour in excess of 8 hours ~~\$(57.70)~~  
59.60

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours ~~\$(57.70)~~  
59.60

For each hour or part of an hour in excess of 8 hours ~~\$(90.10)~~  
93.10

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:  
 For each hour or part of an hour up to 8 hours ~~\$(38.60)~~  
39.90

For each hour or part of an hour in excess of 8 hours ~~\$(57.70)~~  
59.60

When insurance company is authorized inspection agency:  
 For each hour or part of an hour up to 8 hours ~~\$(57.70)~~  
59.60

For each hour or part of an hour in excess of 8 hours ~~\$(90.10)~~  
93.10

Examination fee: A fee of ~~\$(71.30)~~ 73.70 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 along with an annual work card fee of \$15.

Expenses shall include:  
 Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Requests for Washington state specials and extensions of inspection frequency: For each vessel to be considered by the board (~~for a Washington state special certificate~~), a fee of ~~\$(358.00)~~ 370.10 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

**WSR 07-11-153**  
**PERMANENT RULES**  
**WASHINGTON STATE LOTTERY**

[Filed May 22, 2007, 4:17 p.m., effective June 22, 2007]

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

Purpose: To repeal the lottery draw game rules regarding the game of Quinto in that the lottery commission voted to retire Quinto and has adopted and launched a new draw game to replace Quinto called Hit 5.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-33A-010, 315-33A-020, 315-33A-030, 315-33A-040, 315-33A-050, and 315-33A-060.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Other Authority: RCW 67.70.040.

Adopted under notice filed as WSR 07-08-001 on March 21, 2007.

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 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 6.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 6; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 22, 2007.

Jana L. Jones  
 Director of Legal Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 315-33A-010 Definitions for Quinto.
- WAC 315-33A-020 Price of Quinto play.
- WAC 315-33A-030 Play for Quinto.
- WAC 315-33A-040 Prizes for Quinto.
- WAC 315-33A-050 Ticket purchases.
- WAC 315-33A-060 Drawings.

**WSR 07-11-154**  
**PERMANENT RULES**  
**WASHINGTON STATE LOTTERY**

[Filed May 22, 2007, 4:19 p.m., effective June 22, 2007]

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

Purpose: In compliance with regulatory reform and rules review, the Washington's lottery commission has revised the language in chapters 315-02 and 315-04 WAC to reflect improved organization of the rules in the chapters. The revisions improve on grammar, organization, and use accurate descriptive words of existing lottery business practice.

Citation of Existing Rules Affected by this Order: Amending chapters 315-02 and 315-04 WAC.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Other Authority: RCW 67.70.040.

Adopted under notice filed as WSR 07-08-002 on March 21, 2007.

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 19, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 19, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 19, 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 22, 2007.

Jana L. Jones  
 Director of Legal Services

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

**WAC 315-02-010 Washington state lottery commission.** The Washington state lottery commission, hereinafter called "the commission," is the commission appointed by the governor pursuant to (~~chapter 7, Laws of 1982 2nd ex. sess.~~) RCW 67.70.030 as the regulatory agency charged with the authority and duty to regulate lottery activities.

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

**WAC 315-02-050 Director of the Washington state lottery.** The director of the Washington state lottery, hereinafter called "the director," is the director appointed by the governor pursuant to (~~section 5, chapter 7, Laws of 1982 2nd ex. sess.~~) RCW 67.70.050, to be responsible for the supervision and administration of the operation of the lottery in accordance with the (~~provisions of chapter 7, Laws of 1982 2nd ex. sess.~~) RCW 67.70.060 and with the rules of the commission. The director may delegate to his or her employees

such responsibilities as the director may deem necessary to carry out the duties and responsibilities of this chapter.

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

**WAC 315-02-100 Definitions.** Words and terms used in these rules shall have the same meaning as each has under chapter (~~(7, Laws of 1982 2nd ex. sess.)~~) 67.70 RCW, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

AMENDATORY SECTION (Amending WSR 98-08-067, filed 3/30/98, effective 4/30/98)

**WAC 315-02-220 Ticket defined.** "Ticket" means a lottery ticket or share issued by the director for sale to the general public (~~(or for use in authorized promotional events and activities and authorized retailer incentive programs)~~).

REPEALER

The following sections of the Washington Administrative Code are repealed:

|                |                              |
|----------------|------------------------------|
| WAC 315-02-150 | General license defined.     |
| WAC 315-02-160 | Lottery retailer defined.    |
| WAC 315-02-200 | Provisional license defined. |

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-010 Lottery retailers.** The director shall license as lottery retailers such persons who will best serve the public interest and convenience, promote the sale of tickets and meet the eligibility criteria for application and licensure. "Lottery retailer," formerly known as "licensed agent" means a person licensed by the director and shall have the same meaning as licensed agent. Said lottery retailers shall be authorized to sell such tickets as in the director's opinion will promote the best interests of the commission and produce maximum revenue, but a lottery retailer need not be authorized to sell tickets for all games operated by the director. A lottery retailer may be required to post a bond or cash in lieu of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-040 General license.** The director may issue a general license, which authorizes a lottery retailer to conduct the routine sale of tickets at a fixed structure or facility, to an applicant who qualifies for licensure. The general license shall authorize the lottery retailer to conduct the routine sale of tickets at the location specified on the general license. An addendum to the general or provisional license may be obtained as provided for in WAC 315-04-220, permitting the lottery retailer to sell tickets in locations other

than that specified on its license. The general license shall be valid until terminated by the lottery or the lottery retailer, provided, the lottery retailer shall provide periodic updates of license information as required by the director.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-060 Provisional license.** A provisional license temporarily authorizes a lottery retailer to conduct the sale of tickets pending processing of the general license or application renewal.

(1) The director may issue a provisional license to an applicant for a general license after receipt of a person's fully completed lottery retailer's application, the authorization of a complete personal background check, and completion of a preliminary background check. The provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first. The provisional license may be extended by the director for one additional ninety-day period of time.

(2) If the ownership of an existing lottery retailer location changes, the director may issue a provisional license to the new owner. The provisional license shall expire twenty working days from the date of issuance if the director has not received the new owner's fully completed lottery retailer's application and authorization of a complete personal background check. If the required materials have been timely received by the director and a preliminary background check has been completed, the provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

**WAC 315-04-080 Bad checks submitted as payment for fees.** The payment of a fee with a check which for any reason is not promptly paid by the drawee bank shall be grounds for immediate denial of an application for the license, or for the suspension or revocation of a license issued for which the fee is due. The director ~~((shall))~~ may add (((\$15.00 to each)) the bank return item charge as a fee when payment of a check originally submitted is denied by the drawee bank, or when the check is required to be resubmitted for payment for any reason.

AMENDATORY SECTION (Amending WSR 98-20-013, filed 9/25/98, effective 10/26/98)

**WAC 315-04-090 License issuance eligibility.** (1) The director may issue a license to any person to act as a lottery retailer who meets the eligibility criteria established by chapter ~~((7, Laws of 1982 2nd ex. sess.))~~ 67.70 RCW, and these rules.

(2) Before issuing a license, the director shall consider:

(a) The financial responsibility and security of the person and its business or activity;

(b) The background and reputation of the ~~((applicant))~~ person in the community for honesty and integrity;

(c) The type of business owned or operated by the ~~((applicant))~~ person to ensure consonance with the dignity of the state, the general welfare of the people and the operation and integrity of the lottery;

(d) The conformance of businesses located in residential areas to local land use and zoning codes, regulations, and ordinances;

(e) The accessibility of the ~~((applicant's))~~ person's place of business or activity to the public;

(f) The sufficiency of existing licenses to serve the public convenience;

(g) The volume of expected sales;

(h) The veracity of the information supplied in the application for a lottery retailer license; and

(i) The ~~((applicant's))~~ person's indebtedness to the state of Washington, local subdivisions of the state and/or the United States government.

(3) The director may condition the issuance of any license upon the posting of a bond or cash in lieu of a bond in such terms and conditions as the director may require.

~~((4) The director shall establish procedures to assure that approval of the appropriate local governmental unit is obtained prior to issuance of a license to a business located in a residential area which is a nonconforming use under local land use and zoning codes, regulations, and ordinances.))~~

AMENDATORY SECTION (Amending WSR 98-20-013, filed 9/25/98, effective 10/26/98)

**WAC 315-04-095 Retailer credit criteria.** (1) The director shall deny ~~((an instant scratch ticket license or an on-line))~~ a lottery retailer license ((endorsement)) to any applicant whose credit is found to be poor.

(2) The director may grant ~~((an instant scratch ticket))~~ a lottery retailer license ((or an on-line license endorsement)) to an applicant whose credit is rated as marginal or minimum as defined in this section. Provided, the director shall require:

(a) Applicants whose credit is rated as marginal as defined in this section to obtain a surety bond or savings certificate under terms and conditions established by the director prior to issuance of the license. Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or certificate shall be in the amount of ~~((seven))~~ three thousand five hundred dollars unless the director determines a higher amount is required.

(b) Applicants whose credit is rated as minimum as defined in this section may be required to obtain a surety bond or post cash in lieu of a bond under terms and conditions established by the director or submit ~~((five))~~ three letters of credit to the lottery prior to issuance of the ~~((on-line license endorsement))~~ a lottery retailer license. Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or cash shall be in the amount of ~~((seven))~~ three thousand five hundred dollars unless the director determines a higher amount is required, based on sales volume and financial solvency of the retailer.

(3) In the event the retailer's credit is rated as poor or marginal subsequent to the issuance of the license the director may:

(a) Revoke or suspend a retailer's license; and/or

(b) Require such a retailer to secure a surety bond from a company licensed to do business in the state of Washington or post a savings certificate under terms and conditions established by the director. The surety bond or saving certificate shall be in the amount of ~~((seven))~~ three thousand five hundred dollars unless the director determines, based on sales volume and financial solvency of the retailer, a higher amount is required.

(4) Credit rating is defined as the ability to meet financial obligations when they become due. It includes current reporting accounts payable and public financial record information including, but not limited to, court records, other public records and reports from credit bureaus or other credit reporting agencies up to three years prior to the lottery's credit check request. A significant incident shall be defined as public financial record information which includes any lien, judgment, bankruptcy, involuntary collection action or any similar incident which reflects on the individual's willingness and ability to pay creditors. A numerical rating of "one" represents excellent credit. A numerical rating of "nine" represents involuntary collection.

(a) A "poor" credit rating indicates public record showing three or more significant incidents within the past three years.

(b) A "marginal" credit rating indicates public record information showing one or more significant incidents within the past three years.

(c) A "minimum" credit rating indicates the information is insufficient for evaluation.

(d) An "acceptable" credit rating indicates that there have been no significant incidents in the public record within the past three years. Provided, at least three accounts must be evaluated in order to receive an "acceptable" rating.

(5) Credit rating checks shall be conducted as follows:

(a) Corporation business credit ratings shall be checked. Personal credit ratings of the corporate officers and owners of ten percent or more equity in the corporation may also be checked.

(b) Sole proprietors and partnership business credit ratings shall be checked. Personal credit ratings of:

- (i) The sole proprietor and his or her spouse; or
- (ii) All partners and their spouses shall also be checked.

(c) Findings shall be applied in accordance with subsections (1), (2) and (3) of this section.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-125 Change of name or location.** Every change of business name or change of location without a change of ownership of a lottery retailer must be reported to the lottery prior to the change. The lottery shall review the change considering standard licensing criteria and compliance with WAC 315-04-090. Upon the lottery's approval, the lottery shall issue a license in the new name or with the new location address.

AMENDATORY SECTION (Amending WSR 98-20-013, filed 9/25/98, effective 10/26/98)

**WAC 315-04-130 Death or incapacity of licensee.** (1) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any lottery retailer, upon approval of the director, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter ~~((7, Laws of 1982 2nd ex. sess.))~~ 67.70 RCW and these rules.

(2) The person to whom a license is transferred hereunder must be otherwise qualified to hold a license.

(3) The license following transfer shall be void upon that person ceasing to hold such a court appointed or court confirmed position.

(4) The director may condition the transfer of any license under this section upon the posting of a bond or cash in lieu of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending WSR 90-11-040, filed 5/10/90, effective 6/10/90)

**WAC 315-04-132 Change of business structure, ownership, or officers.** (1) Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

(2) Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of ten percent or more equity, or the addition or deletion of an owner of ten percent or more of the person.

(3) Every change of officers of a person to whom a license has been issued must be reported to the lottery not later than ten days following the effective day of the change.

(4) If the substantial change of ownership involves the addition or deletion of one or more owners or officers, the lottery retailer shall submit a license application reflecting the change(s) and any other documentation the director may require.

(5) If the substantial change of ownership involves the addition of one or more owners or officers who does not have on file with the lottery current "personal history information" and "criminal history information" forms, the director may require each such owner or officer ~~((shall))~~ to submit the required forms.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-140 License ~~((not a vested right))~~ capacity.** ~~((1))~~ The possession of a license issued by the director to any person to act as a lottery retailer in any capacity is a privilege personal to that person and is not a legal right.

(2)) The possession of a license issued by the director to any person to act as a lottery retailer in any capacity does not entitle that person to sell tickets or obtain materials for any particular game.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-170 Tickets convenient to public.** (1)

Every lottery retailer shall make the purchase of tickets convenient and readily accessible to the public.

(2) Each lottery retailer shall make tickets available for sale during its normal business hours at the location designated on its lottery retailer license, master business license, and lottery retailer contract.

AMENDATORY SECTION (Amending WSR 98-11-091, filed 5/20/98, effective 6/20/98)

**WAC 315-04-180 Obligations of lottery retailers.**

(1)(a) ~~((The method of accounting for a retailer's payment to the director for instant ticket packs received prior to the lottery's instant ticket accounting system (ITAS) being fully operational shall be governed by Title 315 WAC and other applicable law as it was in effect prior to March 2, 1994.~~

~~(b) The method of accounting for a retailer's payment to the director for instant ticket packs received on or after the day ITAS becomes fully operational shall be governed by Title 315 WAC and other applicable law as it was in effect on the day of ITAS' becoming fully operational.~~

~~(c) It is the intent of the Washington state lottery commission that those repeals and amendments filed with the state of Washington office of the code reviser to take effect no earlier than February 9, 1994, shall take effect when ITAS is fully operational.~~

~~(d) The instant ticket accounting system referred to above became fully operational on March 2, 1994.~~

(2)(a)) Upon acceptance of a pack of instant tickets from the director, the retailer shall be responsible for the condition and security of the pack. The retailer shall hold the pack in its own safekeeping until it is ready to begin sale of the pack. Immediately prior to beginning sale, the retailer shall place the pack in "activated" status in the lottery's instant ticket accounting system (ITAS). Placement in activated status designates that the tickets in the pack may be sold, and prizes in the pack may be paid.

(b) In the event that instant tickets accepted by the retailer are lost, stolen or in any way unaccounted for prior to their being placed in activated status on ITAS, the retailer shall, upon discovery of their disappearance, immediately notify the director of each pack or portion of a pack so unaccounted for, lost or stolen. The retailer may be required to provide the director a police report or other evidence of the pack's disappearance. The retailer may be charged twenty-five dollars for each pack or portion of a pack unaccounted for, lost or stolen.

(c) A retailer may return an unopened pack, at no charge, to the director at any time prior to the pack having been placed in activated status. Within thirty days of the official end of an instant game, a retailer shall return to the director all packs never activated in that game. ~~((Retailers shall be~~

~~charged twenty-five dollars for each pack or portion thereof which was not returned to the director and not activated in accordance with this section.))~~

(d) Upon placement of a pack in activated status, the retailer shall be liable to the director for payment for the pack, in the amount calculated under WAC 315-06-035. Payment for a pack shall be due to the director no later than ~~((twenty))~~ fifty calendar days after the pack has been placed in activated status or when eighty percent of the low tiered prizes have been validated, thereby validating the pack. The director shall not reimburse the retailer for any ticket losses which occur after activation of the pack from which the tickets came, except as allowed by WAC 315-04-210(2) or 315-06-190.

(e) Each lottery retailer and lottery license applicant shall sign and comply with a lottery instant retailer agreement. Failure to sign or to comply shall result in revocation or denial of a retailer's lottery license.

~~((3))~~ (2) Each lottery retailer shall abide by the law, these rules and all other directives or instructions issued by the director.

~~((4))~~ (3) Each lottery retailer grants to the director an irrevocable license to enter upon the premises of the lottery retailer in which tickets may be sold or any other location under the control of the lottery retailer where the director may have good cause to believe lottery materials and/or tickets are stored or kept in order to inspect said lottery materials and/or tickets and the licensed premises.

~~((5))~~ (4) All property given, except tickets, to a lottery retailer remains the property of the director, and, upon demand, the lottery retailer agrees to deliver forthwith the same to the director.

~~((6))~~ (5) All books and records pertaining to the lottery retailer's lottery activities shall be made available for inspection and copying, during the normal business hours of the lottery retailer and between 8:00 a.m. and 5:00 p.m., Monday through Friday, upon demand by the director.

~~((7))~~ (6) All books and records pertaining to the lottery retailer's lottery activities shall be subject to seizure by the director without prior notice.

~~((8))~~ (7) No lottery retailer shall advertise or otherwise display advertising in any part of the lottery retailer's premises as a licensed location which may be considered derogatory or adverse to the operations or dignity of the lottery ~~((and the lottery retailer shall remove any advertising forthwith if requested by the director)).~~

AMENDATORY SECTION (Amending WSR 00-24-102, filed 12/6/00, effective 1/6/01)

**WAC 315-04-190 Compensation.** (1) Lottery retailers shall be entitled to a discount on the retail price of the instant game tickets. The commission must approve the discount paid to the retailers.

(2) Lottery retailers authorized to sell ~~((on-line))~~ draw game tickets shall be entitled to a discount on the total of gross ~~((on-line))~~ draw game ticket sales less ~~((on-line))~~ draw game ticket cancellations. The commission must approve the discount paid to the retailers.

(3) Lottery retailers may receive additional compensation through programs including but not limited to additional

discounts, retailer games, retailer awards, and retailer bonuses.

(a) The commission must approve each such program prior to its implementation.

(b) The director shall establish and publish the procedures necessary to implement any such program approved by the commission prior to initiation of the program.

(4) The lottery, when selling instant or ~~((on-line))~~ draw game tickets, as a lottery retailer, may use the proceeds from the applicable discount on the retail price of the tickets sold to pay fees or other charges associated with those sales.

AMENDATORY SECTION (Amending WSR 99-01-038, filed 12/9/98, effective 1/9/99)

**WAC 315-04-200 Denial, suspension or revocation of a license.** The director may deny an application for or suspend or revoke any license issued pursuant to these rules for one or more of the following reasons:

(1) Failure to meet or maintain the eligibility criteria for license application and issuance established by chapter ~~((7, Laws of 1982 2nd ex. sess.))~~ 67.70 RCW, or these rules;

(2) Failure to account for lottery tickets received or the proceeds of the sale of tickets or to post a bond if required by the director or to comply with the instructions of the director concerning the licensed activity;

(3) Failure to pay to the lottery any obligation when due;

(4) Violating any of the provisions of chapter ~~((7, Laws of 1982 2nd ex. sess.))~~ 67.70 RCW, or these rules;

(5) Failure to file any return or report or to keep records required by the director or by these rules;

(6) Failure to pay any federal, state or local tax or indebtedness;

(7) Fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the lottery;

(8) If public convenience is adequately served by other licensees;

(9) Failure to sell a sufficient number of tickets to meet administrative costs;

(10) If there is a history of thefts or other forms of losses of tickets or revenue ~~((therefrom))~~ there from;

(11) Failure to follow the instructions of the director for the conduct of any particular game or special event;

(12) Failure to follow security procedures of the director for the handling of tickets or for the conduct of any particular game or special event;

(13) Makes a misrepresentation of fact to the purchaser, or prospective purchaser, of a ticket, or to the general public with respect to the conduct of a particular game or special event;

(14) Failure to comply with lottery point-of-sale requirements which have been published and disseminated to lottery retailers;

(15) Failure or inability to meet financial obligations as they fall due in the normal course of business;

(16) If there is a delay in accounting or depositing in the designated depository the revenues from the ticket sales;

~~((12))~~ (17) Has violated, failed or refused to comply with any of the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW (Gambling

Act), or chapter 7, Laws of 1982 2nd ex. sess., or when a violation of any provisions of chapter 7, Laws of 1982 2nd ex. sess., has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

~~((13))~~ (18) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this state;

~~((14))~~ (19) Has obtained a license by fraud, misrepresentation, concealment or through inadvertence or mistake;

~~((15))~~ (20) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports ~~((therewith))~~, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any misdemeanor, involving any gambling activity or physical harm to individuals or involving moral turpitude, or of any misdemeanor within the past six months of the license application date, or of any felony within ten years of the license application date; except as specifically provided by law, the provisions of chapter 9.96A RCW apply. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

~~((16))~~ (21) Makes a misrepresentation of, or fails to disclose, a material fact to the commission or director on any report, record, application form or questionnaire required to be submitted to the commission or director. Misrepresentation of, or failure to disclose criminal history shall be considered a material fact for purposes of this section;

~~((17))~~ (22) Denies the commission or director or their authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted, or fails to promptly produce for inspection or audit any book, record, document or item required by law or these rules;

~~((18))~~ (23) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses indicated under subsection ~~((15))~~ (20) of this section: Provided, That at the request of an applicant for an original license, the director may defer decision upon the application during the pendency of such prosecution or appeal;

~~((19))~~ (24) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in lottery or gambling or related activities would be inimical to the proper operation of an authorized lottery or gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

~~((20))~~ (25) Is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this state or to the proper operation of the authorized lottery or gambling or related activities in this state. For the purposes of this section, career offender

shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders((;

~~(21) Failure to follow the instructions of the director for the conduct of any particular game or special event;~~

~~(22) Failure to follow security procedures of the director for the handling of tickets or for the conduct of any particular game or special event;~~

~~(23) Makes a misrepresentation of fact to the purchaser, or prospective purchaser, of a ticket, or to the general public with respect to the conduct of a particular game or special event;~~

~~(24) Failure to comply with lottery point-of-sale requirements which have been published and disseminated to lottery retailers; or~~

~~(25) Failure or inability to meet financial obligations as they fall due in the normal course of business)).~~

AMENDATORY SECTION (Amending WSR 96-03-039, filed 1/10/96, effective 2/10/96)

**WAC 315-04-220 Limited off premises sales permit.**

(1) The director may permit any lottery retailer who has been issued a general or provisional license to sell tickets in locations other than that specified on its license and to employ persons to make such sales provided that:

(a) A lottery retailer requesting a "limited off premises sales permit" shall submit an application, completed in its entirety, using a form approved by the director.

(b) An application for a "limited off premises sales permit" for ~~((instant))~~ lottery tickets must be submitted to the lottery a minimum of thirty days prior to the event to provide adequate time for processing. ~~((An application for a "limited off premises sales permit" for on-line games must be submitted a minimum of thirty days prior to the event to provide adequate time for processing.))~~ Applications received after these time limits may not be approved.

(c) The geographical area and type of location in which such sales are requested shall be individually approved by the director.

(d) Each lottery retailer making such sales shall be individually approved by the director and shall display identification in such form and manner as shall be prescribed by the director.

(e) The lottery retailer and its employees shall abide by such other instructions and restrictions as may be prescribed by the director to govern such sales.

~~(2) ((The lottery retailer's license shall bear an addendum with the phrase "limited off premises sales permitted," and the licensed agent shall display with its license the addendum which sets forth the terms and conditions under which such sales may be made. A photocopy of the addendum shall be posted at each location where off premises sales are permitted.~~

~~(3))~~ Lottery retailers must redeem all tickets winning \$600 or less presented for redemption at the off premises location and at their licensed location. The location of the

licensed location must be posted at the off premises location. Lottery retailers must also provide claim forms to holders of tickets winning more than \$600 at both locations.

~~((4))~~ (3) The "limited off premises sales permit" shall be valid for not more than thirty days and may be renewed twice, if approved by the director, for periods not to exceed thirty days each.

~~((5))~~ (4) Lottery retailers granted "limited off premises sales permits" will not be required to conduct other licensed business activities at the off premises locations.

~~((6))~~ (5) Lottery retailers granted "limited off premises sales permits" shall bear all costs associated with such sales including but not limited to construction of booths, stands, etc.; telephone line installation; telephone line charges and installation of a dedicated electric circuit, provided, that the director, in his/her sole discretion, may agree that the lottery will bear some or all of said associated costs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 315-04-110 Duplicate licenses.

WAC 315-04-150 License to be displayed.

**WSR 07-11-165**

**PERMANENT RULES**

**EVERETT COMMUNITY COLLEGE**

[Filed May 23, 2007, 10:56 a.m., effective June 23, 2007]

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

Purpose: To provide current and updated rules related to student rights and responsibilities.

Statutory Authority for Adoption: Chapters 28B.50 and 28B.10 RCW.

Adopted under notice filed as WSR 07-04-089 on February 6, 2007.

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 23, 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 23, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 23, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 23, 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 12, 2007.

Juli Boyington  
Records Officer

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-120 Academic affairs.** Students' scholastic performance shall be evaluated on the basis of educational performance, not on opinions or conduct in matters unrelated to scholastic standards.

(1) Protection of freedom of expression.

Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course for which they are enrolled.

(2) Right to pursue educational goals.

Students are free to pursue appropriate educational goals from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(3) Protection against improper academic evaluation.

Students shall have protection, through orderly procedures, against prejudice or capricious academic evaluation. At the same time, they are responsible for maintaining the standards of academic performance established for each course in which they are enrolled (see academic grievance procedure in the student handbook, WAC 132E-120-360).

~~(4) ((Protection against improper disclosure-~~

~~Information about student views, beliefs, and political associations acquired by faculty members in the course of their work as instructors, advisers, and counselors will be considered as privileged and confidential-))~~ Rights and responsibilities regarding final examinations.

Students have the right to have course comprehensive final examinations scheduled per the college's final exam schedule and are expected to take these examinations as scheduled by the final exam schedule. A comprehensive final examination is that which includes material covered throughout the entire course. The exception to this rule applies during summer quarter when there is not a scheduled final examination week.

(5) Right to attend classes as regularly scheduled.

Students have the right to expect classes to be held as regularly scheduled and are expected to attend such classes ~~((as scheduled))~~ per the class instructor's attendance expectations as stated in the syllabus for the course.

(6) Rights and responsibilities regarding course syllabi.

Students have the right to expect the class instructor to follow his/her course syllabus and if any changes are made to the grading system and/or course requirements during the quarter, the students must be promptly notified. If a different instructor is assigned to the class during the quarter, the original course syllabus shall be followed; however, if the new instructor determines a need to modify the syllabus for the portion of the course he/she is teaching, the students must be promptly notified. The students are responsible for reading and understanding the information provided in the course syllabus and any changes made to it during the quarter.

(7) Protection against improper disclosure.

Information about student views, beliefs, and political associations acquired by faculty members in the course of their work as instructors, advisers, and counselors will be considered as privileged and confidential.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-130 Students as research subjects.**

(1) Permission may be granted for conduct of research involving students for such purposes as the pursuit of advanced degrees, classroom research, independent student research, and research for off-campus individuals and agencies. Participation therein is the choice of the individual student. Persons planning research utilizing students as subjects must secure permission in advance of the project from the vice-president for student services. Minimally such approval will entail:

(a) Assurance that the project does not conflict with examinations or require a major loss of classroom time;

(b) Assurance that students know they have the alternative of choosing to participate or not;

(c) Explanation of the purpose of the research and disclosure of any possible negative consequence of any procedure to which students might be exposed in the research;

(d) Provision for students to have the opportunity to see the results of the research;

(e) Evidence that the research method is appropriate for the subject to be studied;

(f) Guarantee of confidentiality of student records and responses.

(2) Prior to the initiation of such a project, the researcher shall submit a report of the research covering the points listed above to the vice-president for student services. Written permission may be given with or without college endorsement of the project. In such instances where the vice-president for student services deems appropriate, assistance may be sought from others with related knowledge before permission to proceed is granted or denied.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-150 Student affairs.** (1) Freedom of association - Students are free to organize and join associations to promote their common interests, provided such organizations or associations do not disrupt or interfere with the mission of the college.

(a) The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the student body as determined by current enrollment in the college.

(b) Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.

(c) An organization is free to nominate its own adviser from the campus faculty and staff. Campus advisers shall advise organizations in the exercise of the rights and responsibilities as an organization, but they will not have authority to control the policies of such organizations.

(d) Student organizations shall be required to submit a constitution to the office of student activities which includes a statement of purpose, criteria for membership, rules or procedures, and a current list of officers to the student government recognized by the college.

(e) Campus organizations, including those affiliated with an extramural organization, shall be open to all students.

(2) Right of assembly.

(a) Students have the right to conduct or may participate in any assembly on facilities that are generally available to the public provided that such assemblies:

(i) Are conducted in an orderly manner;

(ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;

(iii) Do not unreasonably interfere with pedestrian or vehicular travel; or

(iv) Do not cause destruction or damage to college property.

(b) Any student group or student organization/club which wishes to schedule an assembly must reserve the college facilities per the appropriate procedures (see commercial and promotional activities in the student handbook).

(c) Assemblies which violate these rules and other college policies and rules may be ordered to disperse by the college.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities.

(3) Student participation in institutional government - As constituents of the educational community, students shall be free, individually and collectively, to express their views on issues of institutional policy and matters of general interest to the student body. The student body shall have a clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government will be made explicit. The actions of the student government within the areas of jurisdiction shall be reviewed by the director of student activities and by the vice-president for student services through orderly procedures.

(4) Right of ownership of works - Employees of the college shall not use students' published and unpublished works for personal gain without written consent of the student.

(5) Right to be interviewed.

(a) Every student has the right to be interviewed on campus by any organization that is legal desiring to recruit at the college.

(b) Any student, student group, or student organization/club may assemble in protest against any such organization provided that such protest does not interfere with any other student's rights to have such an interview, and provided that such protest is in accordance with subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-160 Disclosure of student information.** (1) Unless the student has provided the office of enrollment services with written notice which specifically requests otherwise, designated officials~~((\*)~~) of the college ~~((will))~~ may routinely respond to requests for the following directory information about a student:

(a) Student's name;

(b) Major field of study;

(c) Extracurricular activities;

(d) Height and weight of athletic team members;

(e) ~~((Dates))~~ Quarters of attendance;

(f) Degrees and awards received;

(g) The most recent previous educational agency or institutions attended;

(h) Date of birth;

(i) E-mail address.

~~(2) ((Pursuant to FERPA (Family Educational Rights and Privacy Act) regulations, information from student's educational record may also be released to schools to which the student is seeking enrollment, and to appropriate college officials. The college may also release information to the military pursuant to the Solomon Amendment.))~~ Recognized college student organizations, such as scholastic and service clubs, may obtain information relating to a student's academic record and status; requests of this nature are handled on an individual basis and only through the organization's appointed advisor. Pursuant to the National Defense Authorization Act for Fiscal Year 1995, the college must release directory information to military recruiters unless the student specifically denies permission. The college shares selected records with organizations with which the college has a contractual agreement for services. The college may also release enrollment data for loan processing, enrollment and degree verification, and records archiving purposes through contractual arrangements, and to another school in which a student seeks or intends to enroll. The college releases Social Security and enrollment data to the Federal Government for Financial Aid and Veterans' eligibility evaluation and for Hope Scholarship/Lifetime Learning tax credit programs. The college may release records following the receipt of a lawfully issued subpoena, attempting to notify the student beforehand. The college does not disclose records to family members without student consent.

(3) No other information is to be given without the prior consent of the student or parent/guardian as appropriate. The vice-president for ~~((student services))~~ enrollment management will be responsible for reviewing unusual requests for information and assisting in the interpretation of the provisions of the Federal Family Education Rights and Privacy Act/Buckley Amendment. See Family Educational Rights and Privacy Act of 1974 in the Student Handbook for more information on confidentiality of student information and records.

~~((\*) Designated officials of the college are those employees designated by the president to serve in this capacity.))~~

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-170 Everett Community College distribution of literature procedures.** In order to insure an atmosphere in which the discussion of diverse points of view and ideas may exist, the following policy with regard to the distribution of printed matter will be implemented.

(1) Printed matter by students and student organizations may be distributed in an orderly and nonforceful manner in only such areas as may be designated by the vice-president for student services or ~~((his/her))~~ designee except that:

(a) Noninstructional printed matter shall not be distributed in the classroom during regularly scheduled class time unless otherwise approved by the class instructor. Exceptions to this procedure may be made for special educational purposes and/or emergencies by the president, executive vice-president, vice-president for instruction or designee, and/or vice-president for student services or designee. If and when this occurs, the class instructor, appropriate academic dean, and students in the class shall be notified in a timely fashion;

(b) Printed matter shall not be distributed in ~~((Olympus Hall, the library, (c))~~ college buildings other than in specifically designated areas~~((s))~~ or in any area where the distribution of printed matter would restrict the physical passage of students or interfere with the instructional program and administrative and student support functions unless otherwise approved on a temporary basis for a specific informational purpose by the vice-president for student services or designee;

(c) Printed matter shall not be placed on any vehicle parked on the campus;

(d) Posters and advertising bulletins must be approved ~~((by the office of student activities))~~ before they may be posted on campus, and they shall be posted only on informational display boards/areas designated for this purpose. In general, students have the right to display posters and advertising bulletins and are expected to do so per the campus posting procedures. Class projects by students to be displayed outside the classroom must be on designated boards or areas designed for this purpose and approved by the class instructor. Posters and advertising generated for student activity related events and programs must be approved for posting by the office of student activities. Posting rules and guidelines may change periodically and in some cases be specific to a building and/or area of the campus. In general, material concerning off-campus activities will not be approved unless it is determined to be special service to EvCC students;

(e) In addition, designated points of distribution will be made available on campus.

(2) As to content of printed matter, the college will be guided by ~~((both adherence to the First Amendment of the Federal Constitution and existing laws regarding libel, slander and obscenity))~~ state and federal laws and principles regarding free speech.

(3) A system of prior censorship is to be avoided if at all possible. Therefore, maximum cooperation of students, faculty and administration will be necessary. Matters of interpretation regarding these procedures and questions as to content of any displayed material will be handled by the vice-president for student services.

(4) Printed matter originating with an off-campus individual(s) or organization must be registered with the director of student activities before distribution will be permitted.

**AMENDATORY SECTION** (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-190 Everett Community College—General policies concerning student conduct.** (1) Everett Community College distinguishes its responsibility for stu-

dent conduct from the control functions of the wider community. When a student has been apprehended for the violation of a local, state or federal law, the college will not request or agree to special consideration for the student because of his/her status as a student. The college will cooperate fully, however, with the law enforcement agencies.

(2) Everett Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's:

(a) Primary educational responsibility of ensuring the opportunity of all members of the college's community to attain their educational objectives,

(b) Subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records and other services, and sponsoring nonclassroom activities such as lectures, cultural events, concerts, athletic and other recreational activity events, social functions, and other special activities/events, or

(c) When a student commits any of the offenses listed in WAC 132E-120-220.

(3) Procedural fairness is basic to the proper enforcement of all college rules. In particular, no disciplinary sanction as serious as expulsion, suspension, summary suspension or disciplinary probation, written warning, or restitution shall be imposed unless the student has been notified in writing of the charges against him/her and has had the opportunity:

(a) To appear alone or with ~~((an advocate))~~ another to advise and assist him/her as he/she appears before an appropriate college official and/or the student conduct committee. ~~((The advocate's function is to provide support to the student but may not address the college official or the student conduct committee.))~~ Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official or student conduct committee. An accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the vice-president for student services or designee;

(b) To know the nature and source of the evidence against him/her and to present evidence in his/her behalf~~((s));~~ and

(c) To have his/her case reviewed by the student conduct committee.

(4) Students shall have an opportunity to participate fully in the formulation of all policies and rules pertaining to student conduct.

(5) Rules and sanctions affecting the conduct of students shall be based on principles of equal treatment, including like penalties for like violations.

(6) The general policies, violations and sanctions shall be printed and made available to students of the college.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-210 Everett Community College student conduct—Authority and responsibility.** (1) The board of trustees acting in accordance with RCW 28B.050.140(14) does by written order delegate to the president of the college authority to administer disciplinary action.

(2) The vice-president for student services is directed by the president to represent the college with regard to student affairs including discipline. He/she is responsible for assembling facts regarding incidents referred to his/her office, making provisions for suitable hearings, convening the designated student conduct committee when requested, notifying students and others concerned, determining and imposing appropriate disciplinary action, keeping confidential files and reports regarding incidents following each disciplinary case until it is closed, and destroying out-of-date files related to student disciplinary cases as may be permitted under state law.

(3) The instructor is responsible for the management of student conduct in the classroom. Instructors may remove a student from class on a daily basis if the student is being disruptive to the learning environment for students and/or the teaching environment for the instructor and fails to abide by the instructor's behavioral expectations. The vice-president for student services or designee may through the appropriate disciplinary proceedings as set forth in this chapter permanently remove a student from a class for disruptive behavior.

The student has the right to appeal any disciplinary action taken against him/her by the vice-president for student services or designee in accordance with the procedures set forth in this chapter.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-220 Student conduct code—Violations.** (1) As members of Everett Community College, students are expected to abide by all college rules and regulations. Students shall be subject to disciplinary action as provided for by this code who, either as a principal actor, aider, abettor, or accomplice interferes with the personal rights or privileges of others or the educational process of the college; violates the provisions as set forth in this chapter; or commits any of the offenses as defined in this section.

(2) No sanction or other disciplinary action shall be imposed on a student by or in the name of the college except in accordance with this chapter.

(3) Disciplinary actions and/or sanctions may be imposed on a student for the commission of any of the following offenses:

(a) Academic cheating or plagiarism.

(b) Furnishing false information to the college with the intent to deceive including but not limited to the filing of a formal complaint that falsely accuses another student of violating the student conduct code or a college employee with violating college rules/procedures.

(c) Forgery, alteration, or misuse of college documents, records or identification cards.

(d) Verbal abuse, physical abuse, sexual misconduct, sexual harassment, sexual assault, reckless endangerment, intimidation, or interference of another person in the college community on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations/clubs.

(e) Unlawful discrimination including hate crimes and/or bias incidents. A hate crime includes but is not limited to a criminal offense committed against a person who is motivated, in whole or in part, by the offender's bias against a race, religion, disability, age, status, ethnicity/national origin, sex, or sexual orientation. A bias incident includes but is not limited to an act of conduct, speech, or expression to which a bias motive is evident as a contributing factor, such as racist leaflets or offensive printed materials that exhibit a bias against a race, religion, disability, age, status, ethnicity/national origin, sex, or sexual orientation; verbal, written, cyber/electronic, or physical contact resulting or intending to result in intimidation, harassment, fear, personal assault and/or other violence.

(f) Vandalism of college property, theft or conversion of another's property on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs.

~~((f))~~ (g) Lewd or indecent conduct occurring on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs.

~~((g))~~ Furnishing alcoholic beverages without authorization and proper licenses or illegal drugs on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs.)

(h) Possession or ((consumption of alcoholic beverages except at authorized and properly licensed functions while on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs)) consuming any form of liquor or alcoholic beverage on college property or at off-campus college events is prohibited except as a participant of legal age at a college sponsored program which has the special written permission of the college president.

(i) Illegal possession, ((or)) consumption, selling, or distributing, or being demonstrably under the influence of any narcotic or controlled substance ((identified as prohibited by federal law))) as defined by RCW 69.50.101 as now or hereafter amended on property owned or controlled by the college or at functions sponsored or supervised by the college ((or its student organizations/clubs)) except when the use or possession of a drug is specifically prescribed as medication by an authorized doctor or dentist. For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now or hereafter amended.

(j) Disorderly((-)) or abusive ((or bothersome)) conduct, including conduct resulting from ((drunkenness or drug influence)) being under the influence of drugs or alcohol on college owned or controlled property or at functions sponsored or supervised by the college ((or its student organizations or clubs)). Disorderly or abusive ((behavior)) conduct also includes interfering with the right of others or obstructing or disrupting teaching, research, or administrative functions

including failure to abide by the directive(s) of a member of the college faculty, or exempt, administrative, or classified staff who is acting in their capacity as an agent of the college.

(k) Gambling on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs.

(l) Violation of any condition imposed by the vice-president for student services or ~~((his/her))~~ designee or recommended by the student conduct committee for an infraction of which sanctions may be imposed under this code.

(m) Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(n) Entering any administrative or other employee office that is normally not accessible to the public or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(o) Smoking in or on any college facility except those areas which have been identified as designated smoking areas.

(p) Failure to comply with the following rules governing firearms and weapons on campus or at college sponsored events in facilities leased or rented by the college:

(i) Carrying, exhibiting, displaying, or drawing any weapon, such as a slung shot, ~~((sawd))~~ sling shot, and club, metal knuckles, dagger, sword, or swing blade knife, or any knife of which is automatically released by a spring mechanism or other mechanical ~~((device))~~ device, or any knife having a blade which opens, or falls, or is ejected into position by force of gravity, or by outward, downward, or centrifugal thrust or movement, or any other cutting or stabbing instrument or club or any other weapon apparently capable of inflicting bodily harm and/or property damage is prohibited.

(ii) Explosives, incendiary devices, or any weapon facsimile are prohibited ~~((in or on college facilities))~~.

(iii) Carrying firearms ~~((on college facilities))~~ is prohibited ~~((except and unless the firearm is registered with campus safety and security for a designated period of time that the firearm is carried on campus))~~.

(iv) The regulations in (p)(i) through (iii) of this subsection shall not apply to equipment or material owned, ~~((used))~~ or maintained by the college~~((:))~~ nor will they apply to law enforcement officers.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-230 Everett Community College—Student conduct code—Sanctions for violations.** Sanctions which may be imposed for the commission of college offenses shall include the following~~((:))~~:

(1) Expulsion or disciplinary dismissal from the college: Termination of student status for an indefinite period of time. Disciplinary dismissal may be placed on the student's transcript indefinitely at the discretion of the vice-president for student services. Conditions, if any, of restitution ~~((and))~~ readmission, ~~((if any,))~~ and/or removal of disciplinary dis-

missal from the student's transcript shall be stated in the order of expulsion.

(2) Suspension from the college: Suspension from student status for a definite period of time.

(3) Summary suspension: Exclusion from classes or other privileges, services or activities.

(4) Disciplinary probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation or the infraction of any college rule during the period of disciplinary probation may be grounds for suspension or expulsion from the college. The parents of any student under 18 years of age who is placed on disciplinary probation, suspended, or expelled shall be so notified.

(5) Restitution: Reimbursement for damage to or misappropriation of property. The restitution may be in the form of appropriate service or monetary compensation.

(6) Warning: Notice in writing that continuation or repetition of conduct deemed wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

(7) Admonition: An oral admonition shall not be considered a formal disciplinary action, and shall not be subject to appeal to the student conduct code.

(8) The parents of any student under eighteen years of age who is placed on disciplinary probation, suspension, or expulsion may be notified at the discretion of the vice-president for student services pursuant to FERPA guidelines.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-240 Student conduct—Initial disciplinary procedures.** Allegations of misconduct shall be filed in the vice-president for student services office in writing. Upon investigation, the vice-president for student services shall initiate action as described below.

(1) Students alleged to have committed an act of misconduct shall be notified to meet with the vice-president for student services or ~~((his/her))~~ designee for possible disciplinary action. The notice must be given at least one school day prior to the scheduled appointment. The notice will be delivered to the student on-campus and/or by first class mail to the student's last known address. The notice shall identify the provision or provisions of the student conduct code that he/she is alleged to have violated, and the range of penalties, if any, which might result from the disciplinary proceedings.

(2) After a careful review of the circumstances surrounding the alleged misconduct and after interviewing the accused student, if he/she appears at the initial meeting, the vice-president for student services or ~~((his/her))~~ designee may take one of the following actions:

(a) Take no further action and terminate the proceeding, exonerating the student or students;

(b) Provide whatever counseling and/or advice may be appropriate;

(c) Impose verbal admonition to the student directly which is not subject to the student's right of appeal as provided in this chapter; or

(d) Impose appropriate disciplinary action, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of such an action.

(3) The student may be placed on summary suspension pending the commencement of disciplinary action, pursuant to the conditions set forth in WAC 132E-120-250.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-250 Summary suspension—Purpose and proceedings.** (1) As defined in WAC (~~(132E-120-040)~~) 132E-120-230, summary suspension is exclusion from classes or other privileges, services and activities. A student shall be summarily suspended if the vice-president for student services or ((his/her)) designee has cause to believe that the student:

(a) Has violated any provision of this chapter; and/or

(b) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process.

(2) Summary suspension is appropriate only where subsection (1)(b) of this section can be shown, either alone or in conjunction with subsection (1)(a) of this section. The vice-president for student services or ((his/her)) designee shall enter an order as provided by law if the student is to be suspended. Written notice shall be served by certified and regular mail at the student's last known address, or shall be personally served on the student.

(3) The procedures for a summary suspension hearing shall be considered an emergency adjudicative proceeding and shall be conducted as soon as possible and, if feasible, within five working days. The vice-president for student services may, upon the request of the student, schedule the hearing at a time later than five working days. The vice-president for student services and/or his/her designee shall preside over the meeting. The student may appear alone or with another to advise and assist him/her as he/she appears before the appropriate college official(s). Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official. An accommodation of a spokesperson (a person who would address the college official(s)) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the vice-president for student services or designee. The vice-president for student services or ((his/her)) designee shall, at the summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether other disciplinary action is appropriate.

(4) The vice-president for student services or ((his/her)) designee may continue to enforce the suspension of the student from the college and/or may impose other disciplinary action if, after the summary suspension hearing, the vice-president for student services or ((his/her)) designee finds that the student against whom the specific violations are alleged has in fact committed one or more of said violations and:

(a) Summary suspension is necessary for the safety of the student, other campus community members, or to restore order to the campus; and

(b) The violation(s) by the student are grounds for disciplinary action per WAC 132E-120-020 and 132E-120-040.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-260 Notice of summary suspension.**

(1) If, after the summary suspension hearing a student's summary suspension is upheld or if the student is disciplined in another way, the vice-president for student services or ((his/her)) designee will provide to the student written findings of fact and conclusions which lead the vice-president for student services or ((his/her)) designee to conclude that the summary suspension of the student should be affirmed.

(2) The student shall be served a copy, if applicable, of the findings and conclusions by certified and regular mail to the student's last known address or by personal services within three working days following the summary suspension hearing. The notice shall state the terms for which the student is suspended and any conditions imposed on the student's return.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-270 Summary suspension for failure to appear.** The vice-president for student services or ((his/her)) designee has the authority to enforce the suspension of a student if the student fails to appear at the time designated for the summary suspension hearing.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-290 Student conduct committee.** (1) The college's student conduct committee will hear and make recommendations on all disciplinary cases referred to it by the vice-president for student services or ((his/her)) designee or appealed to it by students who have been disciplined by the vice-president for student services or ((his/her)) designee.

(2) The student conduct committee will be comprised of the following members:

(a) A chair designated by the president of the college for a period of one year. The chair will be a nonvoting member, except in the case of a tie vote by committee members, and will normally be a faculty member. It shall be his/her responsibility to ensure that all procedures prescribed in this chapter are followed. The chair will also take appropriate action to ensure that the hearing is conducted in a safe and orderly manner, advise the committee members of the precedents and guidelines concerning the case, and inform the student in writing of the action taken/recommended by the committee following the hearing.

(b) Three faculty members appointed by the president. Three alternates shall also be appointed by the president in the event an appointee(s) is unable to complete his/her term or unable to serve on a particular case.

(c) Three full-time (at least ten credits) student representatives shall be recommended by the associated students' executive council to the president of the college. Three alternates will also be appointed to serve in the event that a member(s) is unable to complete his/her term or is unable to serve on a particular case.

(d) A quorum shall consist of at least two of the above named faculty, and two of the above named students and the chair.

(e) Committee members will be appointed to serve for one year but are eligible to serve as many as three consecutive terms.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-300 Appeals of disciplinary action—General.** (1) Disciplinary action imposed by the vice-president for student services or ~~((his/her))~~ designee may be appealed to the student conduct committee.

(2) An appeal by a student of disciplinary action must meet the following conditions:

(a) The appeal must be in writing and must clearly state the student's position and errors in fact, if any, and compelling reasons which support the appeal; and

(b) The appeal must be filed in the president's office within twenty-one working days from the date that the student was served notice that disciplinary action had been taken or recommended against him/her.

(3) All recommendation(s) from the student conduct committee shall include the signature of the chair. Copies of the committee's recommendation(s) shall be sent to the student, vice-president for student services or ~~((his/her))~~ designee, and president.

(4) Recommendations made by the student conduct committee may be appealed by the student to the president of the college. The president shall review the report of the proceedings which give rise to the appeal and the disciplinary action taken by the vice-president for student services or ~~((his/her))~~ designee and the recommendation(s) of the student conduct committee. The president's decision shall be final.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-310 Student conduct committee hearing procedures.** (1) The student conduct committee shall conduct a hearing within fourteen working days after disciplinary action has been referred to it. Proceedings shall be governed by chapter 34.05 RCW.

(2) Proceedings before the student conduct committee shall be conducted in a manner that will bring about a prompt and fair resolution.

(3) The student has a right to a fair and impartial hearing before the student conduct committee on any allegation of violating the student conduct code and shall be provided notice of the hearing at least seven days in advance. If the student fails to attend the hearing held by the student conduct committee, the committee may proceed with the findings of fact, conclusions and recommendations.

(4) The student may appear with ~~((an advocate))~~ another to advise and assist him/her as he/she appears before the student conduct committee. ~~((The advocate's function is to provide support to the student but may not address the student conduct committee.))~~ Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official or student conduct committee. An accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the vice-president for student services or designee.

(5) The student may have a duly licensed attorney, admitted to practice in the state of Washington, present at the hearing to advise the student in the presentation of his/her appeal. The attorney may not address the student conduct committee unless he/she is called as a material witness in the case. An accommodation of the student's attorney addressing the college official, or assisting the person in addressing the college official may be approved if the student's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson will be considered by the vice-president for student services or designee. If the student chooses to have an attorney present to advise him/her, the student shall notify the chair at least five days prior to the hearing.

(6) The vice-president for student services or designated representative(s) shall make the first presentation. Each witness may be cross-examined by the student; and after cross-examination is completed, any committee member who wishes may ask questions of the witness but only after both direct examination and cross-examination of the witness have been completed. Upon completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask questions.

(7) The hearing will then be closed and the committee will retire to executive session for deliberation. ~~((When a recommendation has been reached, the committee will reconvene and announce its recommendation within one school day. The proceeding will then be adjourned.))~~ At the conclusion of the executive session, the proceeding will be adjourned and the student conduct committee shall, within seven working days, make findings of facts, conclusions, and recommend disciplinary action/sanctions as appropriate, if any.

(8) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476.

(9) All records of disciplinary proceedings shall be maintained in the appropriate administrative office and shall be available only during the course of the disciplinary proceedings to the student conduct committee, the student, and his/her attorney, and any other college official designated by the president.

(10) Following the conclusion of the disciplinary proceedings, access to records of the case and the hearing files

will be limited to the student and to those designated by the college president.

(11) The time of the hearing may be advanced by the student conduct committee at the request of the student or continued for good cause.

(12) If at any time during the hearing a visitor disrupts the proceedings, the chair of the student conduct committee may exclude that person from the hearing room.

(13) A recorder shall be present at the hearing to record the proceedings.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-340 Final appeal.** (1) Any student who disagrees with the findings, conclusions and recommendation(s) of an appeal to the student conduct committee may appeal the same in writing to the president of the college within twenty-one working days of being served notice of the recommendation(s) made by the committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and any disciplinary action imposed. In consideration of such an appeal, the president shall base his/her findings and decision only on the official written record of the case.

(2) If no appeal is requested within twenty-one working days of service on the student, the findings, conclusions and recommendations of the student conduct committee shall become final, and shall not be subject to further review or appeal.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-350 Readmission after dismissal.** Any student expelled from the college may submit a written petition to the vice-president for student services requesting readmission. Such petition must include how any conditions imposed by the vice-president for student services or student conduct committee have been met. Decisions by the vice-president for student services regarding a petition for readmission shall be reviewed by the president.

If the vice-president for student services suspends or expels a student from a college program that has a readmission policy and procedure, the program's readmission policy and procedures will be followed and the readmission committee will review, as part of their deliberations, the vice-president for student services' recommendation/conditions of readmission concerning the student's readmission to the program.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-360 Academic grievance procedure.** (1) Definition of an academic grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to grading, course policies or expectation; falsely accused of cheating; or inappropriately penalized for alleged cheating, he/she may be said to have an academic grievance. Students who feel that such unfair treatment has transpired

should feel free to raise the question of how such a grievance may be resolved with the office of the vice-president of (~~educational services~~) instruction or (~~his/her~~) designee which will provide information (without judgment) regarding the procedure for filing an academic grievance. Students should also feel free to contact any member of the campus community who they trust who may assist the student and/or refer the student to the appropriate resource. In addition to the office of the vice-president for instruction, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the vice-president for student services, the offices of the academic deans, the office of the vice-president for human resources, diversity and equity center, counseling/advising and career center, center for disability services, Rainier learning center, student activities office, student support services program, and campus safety and security.

(2) Informal procedure resolution - Informal complaints should be made to the appropriate division dean or other supervising administrator. Upon receipt of a student complaint by the division dean, the following steps may be taken:

(a) The student will be encouraged to discuss the alleged problem with the involved instructor; or if the complaint involves a program, the student will be encouraged to speak to the director/dean of the involved program.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the director/dean or supervising administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the instructor and the director/dean should meet with the vice-president of (~~educational services or his/her~~) instruction or designee to attempt resolution.

(d) If the complaint is not resolved at this level the student may institute formal grievance procedures.

(e) During any meetings that occur in (a) through (c) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment in academic matters, the following procedures are established to respond to an unresolved academic complaint registered by a student. It is understood, however, that this procedure (~~with~~) should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels an academic grievance has not been resolved through the informal resolution process may file a formal grievance with the vice-president of (~~educational services~~) instruction prior to the tenth (10th) day of the quarter following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the vice-president of (~~educational services or his/her~~) instruction or designee will appoint a grievance committee for the

purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator who will serve as the chair but will only vote in the event of a tie vote.

(b) ~~((Four))~~ Three faculty members, including one from the division of the involved faculty member.

(c) ~~((Two))~~ Three students to be selected as provided for in the associated students constitution and by-laws. All matters shall be discussed in closed meetings and shall be treated with strict confidence by committee members.

(d) A quorum of the grievance shall be four members.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The instructor against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any members of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the faculty member have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the vice-president of ~~((educational services or his/her))~~ instruction or designee its written recommendation within ten working days of its organizational meeting. The vice-president or ~~((his/her))~~ designee will notify the parties in the grievance of his/her decision, and the resolution within forty-eight hours of having received the committee recommendation.

(e) If the grievance committee establishes that an aggrieved student has been treated unfairly, the committee will recommend corrective steps to the vice-president of ~~((educational services or his/her))~~ instruction or designee.

(f) Either party shall have the right to present a written appeal of the decision of the vice-president of ~~((educational services or his/her))~~ instruction or designee to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

(g) An accommodation of a spokesperson (a person who would address the grievance committee, or assist the person in addressing the grievance committee) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use

of a spokesperson would be considered by the administrator chairing the committee.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-370 Student affairs grievance procedure.** (1) Definition of a student affairs grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to student services/student auxiliary services, policies, procedures, or expectations, he/she may be said to have a student affairs grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the associated student executive council which will provide information (without judgment) regarding the procedure for filing a grievance. Students should also feel free to contact any member of the campus community who they trust that may assist the student and/or refer the student to the appropriate resource. In addition to the office of the vice-president for student services, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the vice-president for instruction, the offices of the academic deans, and the office of the vice-president for human resources, diversity and equity center, counseling/advising and career center, center for disability services, Rainier learning center, student activities office, student support services program, and campus safety and security.

(2) Informal procedure for resolution - Informal complaints should be made to the appropriate administrator. Upon receipt of a student complaint by the administrator, the following steps will be taken:

(a) The student will be encouraged to discuss the alleged problem with the party concerned; or if the complaint involves a program, the student will be encouraged to speak to the appropriate supervisor.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the immediate administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the respondent and the administrator should meet with the vice-president for student services or the vice-president under which the program/service is administratively aligned to attempt resolution.

(d) If the complaint is not resolved at this level, the student may institute formal grievance procedures.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment, the following procedures are established to respond to an unresolved complaint registered by a student. It is understood, however, that this procedure ~~((will))~~ should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels a grievance has not been resolved through the informal resolution process may file a formal grievance with the appropriate vice-president ((for student services)) or designee prior to the tenth (10th) instructional day of the quarter following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the appropriate vice-president

~~((for student services))~~ or designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator~~((;))~~ (other than the appropriate vice-president ~~((for student services)))~~ who shall serve as chair and vote only in the case of a tie;

(b) One faculty and ~~((one))~~ two from classified staff;

(c) ~~((Four))~~ Three students to be selected randomly and not active members of student activities, or the involved program. All matters shall be discussed in closed meetings and shall be treated with strict confidence by committee members~~((;))~~;

(d) A quorum consists of four members of the grievance committee.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response.

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The party against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the respondent have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the appropriate vice-president ~~((for student services))~~ or designee its written recommendation within ten working days of its organizational meeting.

(e) The appropriate vice-president ~~((for student services))~~ or designee will notify the parties in the grievance of the resolution within two school days of having received the committee recommendation. If the grievance committee establishes that aggrieved student has been treated unfairly, the committee will recommend corrective steps to the appropriate vice-president ~~((for student services))~~.

(f) Either party shall have the right to present a written appeal of the decision to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

(g) During any meetings that occur in (a) through (f) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accom-

modation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-380** ~~((Discrimination/sexual harassment.))~~ **Illegal discrimination and sexual harassment policy statement.** ~~((1))~~ The following laws and documents relate to prohibition of discrimination on the basis of race, religion, color, age, sex, or national origin and are applicable to the affirmative action program at Everett Community College.

~~(a) Title IV, Civil Rights Act of 1964 (prohibits discrimination on the basis of race and national origin in federally assisted programs);~~

~~(b) Title IX of Educational amendments of 1972 (prohibits sex discrimination on the basis of race and national origin in federally assisted programs);~~

~~(c) Federal Age Discrimination Act of 1975 (prohibits discrimination based on age in federally assisted programs);~~

~~(d) Office of Federal Contract Compliance Sex Discrimination guidelines CRF 20.~~

~~(e) Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and state of Washington Laws of 1994, chapter 105.~~

~~(2) Everett Community College must provide a learning environment free from unlawful discrimination and sexual harassment of its students and those who apply for student status. All students should be aware that the college is concerned and will take action to eliminate such actions and that those who so act are subject to disciplinary action.~~

~~(3) Informal procedure:~~

~~(a) The complainant(s) should initially discuss any grievance with the respondent(s), if feasible.~~

~~(b) If not resolved, the complainant(s) may elect to contact the vice president for student services or affirmative action officer for assistance. The vice president for student services or affirmative action officer will:~~

~~(i) Inform the respondent of the complaint.~~

~~(ii) Conduct a preliminary investigation of the grievance.~~

~~(iii) Inform the complainant(s) and respondent(s) of the findings of the preliminary investigation.~~

~~(iv) Act as mediator in attempting to resolve the grievance at the informal level.~~

~~(v) If not resolved, advise the complainant(s) of the formal procedure.~~

(4) Formal procedure—If so requested in writing by the complainant(s), the vice president for student services will forward the written complaint, as signed by the student, along with the vice president's findings from the preliminary investigation, to the affirmative action officer for formal action as described in the college affirmative action program.) Everett Community College affirms its commitment to equal educational opportunity for all its students, and its commitment to assure that there is no discrimination against any student, or

those who apply for student status, on the basis of race, religion, creed, color, national origin, age, sex, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam era veteran in accordance with state and federal laws.

Everett Community College is also committed to maintaining an educational environment that is free of sexual harassment and all forms of sexual intimidation and exploitation. Sexual harassment is a form of illegal sex discrimination and as such will not be tolerated. All staff, faculty and students should be aware that the college is prepared to take action to prevent and correct such behavior, and that individuals who engage in such behavior are subject to disciplinary action. The determination of what constitutes sexual harassment, sexual intimidation, and sexual exploitation will vary with the particular circumstances, but it may be described generally as repeated and unwanted/uninvited sexual behavior, such as physical contact, cyber/electronic communication, and verbal comments or suggestions, which adversely affects the learning environment.

#### NEW SECTION

**WAC 132E-120-385 Illegal discrimination and sexual harassment complaint procedures.** (1) Informal complaints.

Discrimination and/or sexual harassment may take many forms and the perpetrator may not understand that his/her behavior is being perceived as discriminatory or that it constitutes sexual harassment. Therefore, any student who feels that she/he is being subjected to discriminatory behavior and/or sexual harassment is encouraged to discuss the offensive behavior directly with the person involved. If direct communication is either impractical or feels too intimidating to the complainant, there are others on campus who can either intercede or assist with this conversation. Students may contact any member of the campus community who they trust that may assist the student and/or refer the student to the appropriate resource. Generally, the offices/centers that can be of the most assistance in terms of advice, support, and referral regarding these matters are the offices of the vice-president for student services, and vice-president for human resources, the office of the vice-president for instruction and the offices of the academic deans, diversity and equity center, counseling/advising and career center, center for disability services, Rainier learning center, student activities office, student support services program, and campus safety and security.

If the situation cannot be settled informally, the complainant may file a formal internal complaint. Students are not required to utilize informal procedures, but may go directly to the following formal internal complaint procedure.

#### (2) Formal internal complaints.

(a) Without feeling constrained by specific definitions of discrimination, or by reporting relationships, written complaints concerning allegations of discrimination may be directed to the vice-president for student services or the vice-president of human resources. The two vice-presidents will confer and determine who will act as the investigator on the complaint.

(b) Complaints will be held in confidence to the extent possible, however, discrimination is an illegal activity requiring an active response from the college. Parties to the complaint will become directly involved, and any subsequent legal actions may result in discovery or public disclosure requests. Complainants have the right to bring an advocate to all subsequent meetings with college officials.

(c) The investigator shall assure that both the person making a formal complaint, and the accused, have been provided copies of the *Sexual Harassment* and/or the *Equal Opportunity/Anti-Discrimination* policies and this procedure.

(d) The investigator will determine the extent of the investigation. Since discrimination represents an illegal activity, the college may elect to investigate even those cases where the complainant has withdrawn the complaint, or otherwise refuses to cooperate in the investigation.

(e) A draft or preliminary report shall be produced at the end of the investigation and copies provided to the accused, and to the complainant. The two parties shall each have ten calendar days to prepare a response to the report before any action is taken. Once responses have been received, the investigator shall, within five days, produce a final report. Copies will be distributed to the complainant, the accused, and the college president.

(f) The investigator shall make a recommendation for action based on the final report to the president within ten days of its completion.

(g) If the complainant, the accused, and the investigator agree, informal meetings may be held in lieu of an investigation. Any such informal meetings shall occur with the investigator present, who will subsequently make a written recommendation for action on the complaint to the president within ten days following the last meeting regarding the complaint.

(h) The decision regarding what action to take on the complaint, including appropriate corrective or discipline measures, shall be made by the president in conjunction with the vice-president of human resources, and the vice-president for student services.

(i) If any disciplinary action is imposed, the disciplined student may appeal the action through established grievance or appeal channels.

#### (3) External complaints.

Inquiries or appeals beyond the institutional level may be filed with the following agencies, or any other agency with the jurisdiction to hear such complaints:

Equal Employment Opportunity Commission (a federal agency)

909 First Avenue  
Seattle, WA 98104  
800-669-4000

Human Rights Commission (a state agency)

1511 Third Avenue  
Seattle, WA 98101  
206-464-6500

Department of Education (a federal agency)

Office for Civil Rights  
915 - 2nd Ave., Room 3310  
Seattle, WA 98174  
206-220-7900

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-390 Antihazing policy.** (1) Hazing is prohibited on Everett Community College (EvCC) property and at all EvCC functions, including club and organization activities, whether on EvCC property or not.

(2) Hazing is defined as any method of initiation into a student organization, club or association, or any pastime or amusement engaged in with respect to such an organization, club or association that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person. Excluded from this definition are customary athletic events or other similar contests or competitions.

(3) Any allegations of hazing shall be submitted to the vice-president for student services or designee and action shall be taken as appropriate per Article IV (Disciplinary Procedures) (~~of the Statement~~) of Student Rights and Responsibilities with the following additional disciplinary provisions:

(a) Any EvCC student organization, club or association that knowingly permits hazing shall be denied recognition by EvCC as an official organization, club or association. Any group so disbarred may apply to be reinstated as an official organization, club or association after waiting a period of one quarter and providing a written statement of their intent to follow hazing policies as set forth herein. Repeat offenses by student organizations/clubs will be submitted to the vice-president for student services or designee for possible further action under the guidelines for disciplinary procedures.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state funded grants, scholarships or awards for one full quarter for a first-time offense, and for a period to be determined via the processes for disciplinary procedures for repeat violations. Additional sanctions which may include expulsion from the college may be recommended by the vice-president for student services or designee per the guidelines for disciplinary procedures.

(c) Hazing violations are misdemeanors punishable under state criminal law (RCW 28B.10.901 and 9A.20.021).

AMENDATORY SECTION (Amending WSR 00-17-015, filed 8/3/00, effective 9/3/00)

**WAC 132E-120-400 Drug-free campus policy.** Everett Community College's board of trustees have adopted a policy for the maintenance of a drug-free campus. The provisions of this policy as it relates to students are as follows:

(1) Students who report to class or work must do so unimpaired due to the use of alcohol or other drugs.

(2) Unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs on college property, in state vehicles or on official business is strictly prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.

(3) Possession (~~of alcohol is prohibited on college property and in state vehicles~~) or consuming any form of liquor or alcoholic beverage on college property or at off-campus college events is prohibited except as a participant of legal

age at a college sponsored program which has the special written permission of the college president.

(4) Students found in violation of this policy will be subject to formal disciplinary action, which could include completion of an appropriate rehabilitation program up to and/or including dismissal/expulsion.

(5) Students needing assistance with problems related to alcohol or drug abuse are encouraged to seek referral from a counselor in the counseling, advising and career center and/or appropriate off campus substance abuse agencies.

(6) Students must report any criminal drug (~~(abuse or alcohol)~~) statute conviction to the vice-president for student services within five school days after such conviction.

(7) The college will report the conviction to the appropriate federal or state agency within ten working days after having received notice that a student employed under a federally funded grant or contract or receiving grant funds has any drug statute conviction occurring on campus.

(8) All students, regardless of status, shall comply with this policy regarding a drug-free campus.

#### WSR 07-11-166

#### PERMANENT RULES

#### EVERETT COMMUNITY COLLEGE

[Filed May 23, 2007, 10:56 a.m., effective June 23, 2007]

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

Purpose: To provide current and updated rules related to student athletic participation.

Statutory Authority for Adoption: Chapters 28B.50 and 28B.10 RCW.

Adopted under notice filed as WSR 07-04-090 on February 6, 2007.

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 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 12, 2007.

Juli Boyington  
Records Officer

AMENDATORY SECTION (Amending WSR 01-02-043, filed 12/28/00, effective 1/28/01)

**WAC 132E-400-020 Suspension procedure—Right to informal hearing.** Any student notified of a claimed violation of WAC 132E-400-010 shall have the right to a brief

adjudicative hearing if a written request for such a hearing is received by the vice-president for student services or designee within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

AMENDATORY SECTION (Amending WSR 01-02-043, filed 12/28/00, effective 1/28/01)

**WAC 132E-400-030 Hearing.** If a timely written request for a hearing is made, the vice-president for student services or designee shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494.