

Washington State Register

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filed not later than May 6, 1992

CITATION

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
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91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992
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¹All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

WSR 92-10-001
PERMANENT RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed April 23, 1992, 8:54 a.m.]

Date of Adoption: April 14, 1992.

Purpose: To require applicants to identify other agencies' requirements for a proposed project.

Statutory Authority for Adoption: RCW 80.50.040(1).

Pursuant to notice filed as WSR 92-06-070 on March 3, 1992.

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

April 14, 1992
 Robert G. Waldo
 Chair

NEW SECTION

WAC 463-42-685 PERTINENT FEDERAL, STATE AND LOCAL REQUIREMENTS. (1) Each application submitted to the council for site certification shall include a list of all applicable federal, state, and local codes, ordinances, statutes, rules, regulations and permits that would apply to the project if it were not under council jurisdiction. For each listed code, ordinance, statute, rule, regulation and permit, the applicant shall describe how the project would comply or fail to comply with each requirement. If the proposed project does not comply with a specific requirement, the applicant shall discuss why such compliance should be excused.

(2) Inadvertent failure to discover a pertinent provision after a reasonable search shall not invalidate the application, but may delay processing the application as necessary to gather and consider relevant information.

WSR 92-10-002
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-23—Filed April 23, 1992, 11:10 a.m., effective May 1, 1992, 12:01 a.m.]

Date of Adoption: April 22, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The commercial spot shrimp fishery in Puget Sound has increased twenty-fold between 1990 and 1991. There has been a noticeable increase in harvest of smaller shrimp. Since the modeling

for harvest anticipated predominant harvest of large female breeding size shrimp, with recruitment from smaller shrimp into the reproductive size range, continued harvest of smaller shrimp will reduce recruitment into the reproductive size range, and may endanger the resource.

Effective Date of Rule: 12:01 a.m., May 1, 1992.

April 22, 1992
 Nancy L. Nelson
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-52-05100J **SHRIMP—PUGET SOUND—COMMERCIAL POT GEAR.** *Notwithstanding the provisions of WAC 220-52-051, effective 12:01 a.m., May 1, 1992 until further notice it is unlawful to take or possess spot shrimp, taken by shellfish pot gear and taken from any Puget Sound waters, that exceed an average count of 20 shrimp per pound. The maximum count must not be exceeded in a minimum of two random five-pound samples in the first 50 pounds of catch, with additional random samples taken at a rate of two per each additional 50 pounds of catch. Any shrimp discarded by the fisher must be immediately returned to the water unharmed.*

WSR 92-10-003
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
(Fire Protection Policy Board)

[Memorandum—April 23, 1992]

The next meeting of the Fire Protection Policy Board is scheduled for Thursday, May 28, 1992, from 9 a.m. to 3 p.m. There is a work session scheduled for Wednesday, May 27, 1992, from 1 p.m. to 5 p.m. These meetings will be held at Best Western Hotel, Ellensburg, in the Great North Room.

Questions regarding the meeting should be directed to Richard Small, Director, Fire Protection Services Division at (206) 493-2661.

WSR 92-10-004
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—April 17, 1992]

At the meeting of April 3, 1992, the board of regents of Washington State University established the following dates for the regular meetings of the board of regents for July 24, 1992, through December 17, 1993.

Friday	July 24, 1992	Vancouver
Friday	September 18, 1992	Pullman
Friday	October 16, 1992	Pullman
Friday	November 20, 1992	Spokane
Friday	December 18, 1992	Pullman

Friday	January 22, 1993	Pullman
Friday	March 5, 1993	Pullman
Friday	April 9, 1993	Pullman
Friday	May 7, 1993	Pullman
Friday	June 25, 1993	Location to be determined
Friday	July 30, 1993	Pullman
Friday	September 10, 1993	Pullman
Friday	October 15, 1993	Pullman
Friday	November 19, 1993	Seattle
Friday	December 17, 1993	Pullman

Meetings will begin at 9:00 a.m. unless notice is given otherwise prior to the meeting. All meetings will be at the Pullman campus, except for the Vancouver meeting which will be at WSU Vancouver, the Spokane meeting which will be at WSU Spokane and the Seattle meeting which will be at a location to be determined.

WSR 92-10-005

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 91-13—Filed April 23, 1992, 2:27 p.m.]

Date of Adoption: April 21, 1992.

Purpose: The purpose of this rule is to provide procedural guidance for conducting public resource damage assessment following oil spills and to provide a simplified approach to RDA.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water Pollution Control Act.

Pursuant to notice filed as WSR 91-22-108 on November 6, 1991.

Changes Other than Editing from Proposed to Adopted Version:

CONCISE EXPLANATORY STATEMENT

**PREASSESSMENT SCREENING AND OIL SPILL COMPENSATION SCHEDULE RULE
CHAPTER 173-183, AO#91-13**

This section lists all changes, other than minor editing, made to the proposed rule as published in the Washington State Register (November 20, 1991) and provides a concise explanation of the rationale for each change. Changes to the proposed rule were made in response to written and oral testimony received during the public review period which ended January 30, 1992, as well as in response to observations made within the department regarding clarity, consistency and intent of the proposed rule.

Changes are organized by rule section. Highlighted words indicate language that has been added to the proposed rule. Strikeouts (example) indicate deleted language.

WAC 173-183-010 PURPOSE

The purpose of this section rule is to establish a procedure for convening a Resource Damage Assessment (RDA) committee, and preassessment screening process for evaluating of resource damages resulting from oil spills to waters of the state causing death of, or injury to, fish, animals, vegetation or other public resources of the state. to determine which damage assessment method to use, and determining damages in cases where the compensation schedule is selected as the damage assessment methodology to apply. The RDA committee, utilizing the preassessment screening process, shall determine whether a detailed resource damage assessment investigation studies should be conducted or whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages for each oil spill into state waters.

Rationale for Change: Clarification of rule intent.

WAC 173-183-100 DEFINITIONS

Additions:

"Columbia River Estuary Environment" means the habitat and all other public resources associated with or dependent on the estuarine waters of the Columbia River.

Rationale for Addition: The title of section WAC 173-183-500 has been changed to *Vulnerability of the Columbia River Estuary Environment to Oil Spills* to clarify that the intent of the rule is to assess damages to all public resources associated with or dependent on the estuarine waters of the Columbia River Estuary.

"Estuarine environment" means the habitat and all other public resources associated with or dependent on estuarine waters of the state.

Rationale for Addition: Rule clarification.

"Freshwater wetland environment" means the habitat and all other public resources associated with or dependent on the freshwater wetlands of the state.

Rationale for Addition: Rule clarification.

"Freshwater stream, river and lake environment" means the habitat and all other public resources associated with or dependent on the streams, rivers and lakes under state jurisdiction.

Rationale for Addition: Rule clarification.

"Marine and estuarine habitats" mean the habitats found in marine and estuarine waters of the state as defined in this chapter.

Rationale for Addition: Rule clarification.

"Marine environment" means the habitat and all other public resources associated with or dependent on marine waters of the state.

Rationale for Addition: Rule clarification.

"Not quantifiable at a reasonable cost" means any diminution in value of a public resource that cannot be measured with sufficient precision or accuracy by currently available and accepted procedures within a reasonable time frame.

Rational for Addition: Rule clarification.

"State" means State of Washington.

Rationale for Addition: Clarification.

Subsection 100(1):

~~"Adequate compensation" means the amount determined sufficient to compensate for the loss or diminution in value of unquantifiable damages or damages not quantifiable at a reasonable cost.~~

Rationale for Change: The definition is no longer necessary.

Subsection 100(2):

~~"Compensation schedule" means the set of procedures used enumerated in WAC 187-183-300 through 173-183-870 to determine the monetary value owed to the state as compensation for unquantifiable damages or for public resource damages resulting from an oil spill for cases in which damages are not quantifiable at a reasonable cost, developed under the guidelines provided in RCW 90.48.366.~~

Rationale for Change: The phrase "owed to the state" did not appropriately identify that damages collected via the compensation schedule approach are to compensate for the lost value of public resources caused by a spill.

Subsection 100(3):

~~"Committee" means the resource damage assessment (RDA) committee.~~

Rationale for Change: The definition of committee was eliminated because committee by itself is no longer used in the rule.

Subsection 100(4):

~~"Damaged resource" means a public resource that has sustained injury as a result of an oil discharge in violation of chapter 90.48 or 90.56 RCW.~~

Rationale for Change: The term is no longer used in the rule.

Subsection 100(5):

"Damages" means the amount of monetary compensation necessary to:

(a) Restore any ~~damaged~~ injured public resource to its condition before sustaining injury as a result of an oil discharge in violation of chapter 90.48 or 90.56 RCW, to the extent technically feasible, including any loss in value incurred during the period between injury and restoration in cases where damages are quantifiable at a reasonable cost; or

(b) Adequately compensate for the loss or diminution in value as determined ~~by~~ through application of the compensation schedule rules provided in chapters 173-184 and 173-185 WAC provided in WAC 173-183-300 through WAC 173-183-870 in cases

where damages are ~~unquantifiable or~~ not quantifiable at a reasonable cost.

Rationale for Change: Clarification of intent.

Subsection 100(9):

~~"Diversity," in general, means species richness of plants and animals, but in reference to benthic habitat, diversity means species richness of meio- and macro-plants and animals in an undisturbed habitat type.~~

Rationale for Change: In the proposed version of the rule the marine and estuarine habitat vulnerability ranking (WAC 173-183-410) contained considerably more technical information than the other marine/estuarine resource vulnerability rankings. The intent of preparing this rule has been to provide a simplified methodology for assessing resource damages resulting from oil spills. As a consequence most of the more technical supporting data and information used to derive the vulnerability rankings has been left out of the rule. By oversight, much of the technical information used to develop the marine and estuarine habitat vulnerability ranking was left in the proposed rule. The supporting information used to develop the marine and estuarine vulnerability ranking will be removed from the rule and placed in technical supporting documents.

Subsection 100(10):

"Estuarine waters" or "estuarine waters of the state" means the waters within state jurisdiction that are semi-enclosed by land but have open, partly obstructed, or sporadic access to the ocean, and in which seawater is at least occasionally diluted by freshwater runoff from land. Estuarine waters of the state include adjacent tidal flats and beaches up to the limit of tidal inundation or wave splash. For purposes of this chapter, estuarine waters of the state include those designated on the map attached as Appendix 1 to this chapter, and the portion of the Columbia River Estuary within state jurisdiction upstream to river mile 46 or the line drawn perpendicularly across the river which touches the upstream end of Puget Island.

Rationale for Change: Clarification.

Subsection 100(11):

~~"Freshwater environments" or "freshwaters" or "freshwaters of the state" means all waters of the state except those classified as marine and estuarine waters of the state as defined in this chapter, including lakes, rivers, streams, ponds, other surface waters and wetlands, under the jurisdiction of the state of Washington, but excluding marine and estuarine waters of the state as defined in this chapter.~~

Rationale for Change: Rule clarification.

Subsection 100(12):

"Habitat," ~~as it relates to the habitat vulnerability ranking,~~ means the substrate and complement of associated biota not otherwise included in the marine fish, shellfish, or salmonid vulnerability rankings in the applicable compensation schedule(s) that are ~~is~~ part of this chapter.

Rationale for Change: The change clarifies the definition of habitat as it applies to all of the compensation schedules that are a part of the rule.

Subsection 100(13):

"Immediate removal" or "immediately removes" means ~~the timely dispersal, containment or elimination of oil(s) in a manner which helps prevent significant injury or damage to public resources removal of the spilled oil, or portions thereof, from the receiving environment by the potentially liable party within six hours of spill initiation.~~

Rationale for Change: The definition of "immediate removal" was changed to be consistent with its usage in the modified provision WAC 173-183-870.

Subsection 100(24):

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, ~~tribe,~~ or any other entity whatsoever.

Rationale for Change: Mr. David Fyfe (Northwest Indian Fisheries Commission) asked that tribe be included in the list.

Subsection 100(27):

~~"Primary productivity" means annual net primary productivity.~~

Rationale for Change: See rationale for deletion of the definition of "diversity".

Subsection 100(28):

"Public resources" or "publicly owned resources" means any ~~natural, recreational, aesthetic or other property fish, animals, vegetation, land, waters of the state, and other resources belonging to, managed by, held in trust by, and for the people of this state appertaining to, or otherwise controlled by the state.~~

Rationale for Change: Clarification of intent.

Subsection 100(30):

"Receiving environment" means waters of the state and ~~coastal environments where resources are injured or likely to be injured by an oil spill exposed to the spill and all public resources associated with or dependent on the exposed waters.~~

Rationale for Change: Rule clarification.

Subsection 100(32):

"Restoration or enhancement projects or studies" means an activity that is intended to restore, replenish, restock or replace public resources, ~~either to conditions prior to the injury or to the extent technically feasible, or to further investigate the longterm effect of resource injuries as such conditions are determined by the department, RDA committee for the benefit of Washington's citizens the public.~~

Rationale for Change: Rule clarification.

Subsection 100(36):

~~"Secondary productivity" means annual net secondary productivity of fish and invertebrates not covered in the fisheries vulnerability ranking.~~

Rationale for Change: See rational for deletion of the definition of "diversity".

Subsection 100(40):

"Subregion" or "subregions" means the areas into which state marine and estuarine waters ~~and associated coastal environments~~ have been divided for purposes of the compensation schedule as designated on the maps attached as Appendix 1.

Rationale for Change: The phrase eliminated is not necessary in the definition. Marine and estuarine waters of the state include shoreline areas up to the "landward limit of tidal inundation or wave splash".

Subsection 100(45):

"~~Freshwater~~ wetland" or "~~freshwater~~ wetlands" means lands

transitional between terrestrial and freshwater aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and lands having one or more of the following attributes at least periodically: the land supports predominantly hydrophytes; the substrate is predominantly undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

Rationale for Change: Rule clarification.

WAC 173-183-220 INITIAL SITE RECONNAISSANCE AND NOTIFICATION OF THE RDA COMMITTEE

Subsection 220(1):

The On-scene Coordinator (OSC) or initial department responder at to an oil spill shall report the following to the RDA committee chair as soon as practicable:

- (a) initial determination of the type and character of the oil(s) spilled,
- (b) initial determinations of location of the spill, general type of habitat(s) impacted, geographic coverage of the spill, and amount of oil(s) spilled, and
- (c) initial determination of potentially liable party identity.

Rationale for Change: Rule clarification.

WAC 173-183-230 RDA COMMITTEE

~~(1) The RDA committee shall convene as soon as possible, but no later than 30 days after the department receives notification of a spill, or the next regularly scheduled meeting of the committee following a spill.~~

(1) The following state agencies shall have membership on the RDA committee: departments of ecology, fisheries, health, natural resources and wildlife, and the parks and recreation commission.

(2) Agencies with membership on the RDA committee shall nominate a representative and alternate to be appointed to the committee by the director.

(3) The department of ecology shall chair the RDA committee.

(4) The department may select representatives from the following agencies and governments for participation on the RDA committee

on a spill-by-spill basis: state department of emergency management, as well as other federal, state and local agencies, and tribal and local governments whose presence would enhance reconnaissance or damage assessment activities of spill response. If a selected representative declines or is unable to participate on the committee, the representative shall provide prompt written notice to the department within 12 hours of being notified so that a replacement member may be appointed.

(5) Prompt consideration will be given to other local, state, or federal agency, or tribal government requests for participation on the RDA committee on a spill-by-spill basis.

(5) The RDA committee shall convene as soon as possible, but no later than 30 days after the department receives notification of a spill, or the next regularly scheduled meeting of the committee following a spill.

Rationale for Changes: Subsection (1) was moved to the end of this section as recommended by David Jamison. New subsection (1) was added to this section to explicitly recognize the state agencies with membership on the RDA committee. The phrase "on a spill-by-spill basis" was added to subsection (3) to clarify when other representatives would be selected for participation on the RDA committee. Original subsection (5) was appended to subsection (4) as recommended by David Jamison.

WAC 173-183-240 ~~RDA COMMITTEE DUTIES~~ PREASSESSMENT SCREENING.

(1) The primary duty of the RDA committee during the preassessment screening is to determine whether a detailed damage assessment investigation studies should be conducted under RCW 90.48.367, or alternatively, whether the compensation schedule authorized under RCW 90.48.366 and RCW 90.48.367 will be used to assess damages.

(2) The RDA committee shall consider information collected during reconnaissance and cleanup as well as other relevant background information pertaining to threatened resources or resource use for the preassessment screening process.

(3) The RDA committee shall consider the following factors when determining the type of damage assessment to be conducted:

(a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources;

(b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss;

(c) whether a restoration project to return lost services is

technically feasible;

(d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method;

(e) the extent to which likely injury to resources can be verified with available quantification methods; and

(f) whether the injury, once quantified, can be translated into monetary values with sufficient precision and accuracy.

~~(4) When the RDA committee finds that the conditions of a spill make it likely that damage assessment studies authorized under RCW 90.48.367 may be warranted, the department shall notify the potentially liable party of this decision.~~

(4) The department shall apply the compensation schedule to determine the amount of damages if the RDA committee determines that:

(a) Restoration or enhancement of the injured resources is not technically feasible;

(b) damages are not quantifiable at a reasonable cost; and

(c) the restoration and enhancement projects or studies proposed by the potentially liable party are insufficient to adequately compensate the people of the state for public resource damages.

~~(5) The RDA committee may accept restoration or enhancement projects or studies proposed by the potentially liable party in lieu of some or all of:~~

~~(a) the damages calculated from the compensation schedule authorized under RCW 90.48.366; or~~

~~(b) the claims from damage assessment studies authorized under RCW 90.48.367.~~

~~(6) The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation or damages authorized under RCW 90.48.367.~~

(7) The RDA committee is encouraged to work cooperatively with the potentially liable party, to the greatest extent possible, to increase the efficiency of the damage assessment process, and shall provide for the ongoing involvement of the potentially liable party.

Rationale for Changes: A few questions arose regarding organization and intent of WAC 173-183-240 and 173-183-250. A few subsections were moved between these sections and elsewhere to improve the clarity and organization of these two sections as follows: subsection 4 was omitted from this section and added to WAC 173-183-250 where it fit more logically; new subsection 4 was moved from WAC 173-183-250,

slightly modified to be consistent with the WPCA, and added to this section where it is more suitable; subsection 6 was moved from this section and the appropriate portions were added to WAC 173-183-250 and new 173-183-880. Subsection (5) was deleted from this section and added to new WAC 173-183-260 where it is most appropriate.

WAC 173-183-250 ~~PREASSESSMENT SCREENING DECISION OPTIONS~~ DAMAGE ASSESSMENT STUDIES.

~~(1) The RDA committee may determine that the compensation schedule authorized under RCW 90.48.366 and RCW 90.48.367 should be applied, or may chose to initiate detailed resource damage assessment studies authorized under RCW 90.48.367.~~

~~(2) The department shall apply the compensation schedule to determine the amount of damages if the RDA committee determines that:~~

~~(a) Restoration or enhancement of the injured resources is not technically feasible;~~

~~(b) damages are not quantifiable at a reasonable cost; and~~

~~(c) the restoration and enhancement projects or studies proposed by the potentially liable party are insufficient to adequately compensate the people of the state for resource injuries likely sustained as a result of the oil spill.~~

~~(3) If any of the conditions enumerated under subsection (3) of WAC 173-183-240 are not met the RDA committee, after considering the factors enumerated in subsection (3) of WAC 173-183-240, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred, then the RDA committee shall may authorize a formal damage assessment studies.~~

~~(4) If the RDA committee authorizes damage assessment studies under RCW 90.48.367(3), the RDA committee chair shall promptly notify the potentially liable party of this decision.~~

~~(4 5) The state trustee agency responsible for the potentially injured resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party. The RDA committee shall consider the proposed damage assessment studies and the effects of any proposed remedies in a timely manner, consistent with WAC 173-183-240(3).~~

~~(6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of WAC 173-183-240, and may reduce or expand the scope of damage assessment as appropriate.~~

(7) The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the damages determined through formal damage assessment.

Rationale for Changes: Subsection (1) was deleted from this section because it is no longer appropriate for this section as newly titled, and is repetitive of information already provided in WAC 173-183-240. Subsection (2) was deleted from this section and moved to WAC 173-183-240 where it is more appropriate. Subsection (3) was modified to be consistent with RCW 90.48.368(5). New subsection (4) was move from WAC 173-183-240 to this section where it is more appropriate. In original subsection (4), the phrase "resource and habitat damaged" was changed to "potentially injured resource and habitat" to be more consistent with the terminology use in the rule. The phrase "proposed damage assessment studies" was added to the original subsection (4) to clarify the RDA committee's oversight role of all spill damage assessment activities regardless of who or what agency conducts the studies. New subsection (6) is taken directly from RCW 90.48.368(6) and was added to this section to provide additional guidance to the trustee agencies and the RDA committee. New subsection (7) was moved from WAC 173-183-240 to this section where it is more appropriate.

WAC 173-183-260 RESTORATION AND ENHANCEMENT PROJECTS PROPOSED BY THE PLP

(1) The potentially liable party (PLP) may propose restoration or enhancement projects or studies during the preassessment screening phase to substitute for some or all of:

(a) the damages calculated from the compensation schedule authorized under RCW 90.48.366 and 90.48.367; or

(b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) To be considered as part of the preassessment screening decision process specified in WAC 173-183-240, PLP proposals must be submitted to the RDA committee chair within 10 days of PLP notification by the RDA committee.

(3) The RDA committee may accept the PLP proposal in lieu of some or all of:

(a) the damages calculated from the compensation schedule authorized under RCW 90.48.366 and 90.48.367; or

(b) the claims from damage assessment studies authorized under RCW 90.48.142.

(4) For the RDA committee to find a proposal sufficient to

adequately compensate the people of the state for public resource damages, the PLP proposal must at least contain the following elements:

(a) an investigation of all potentially injured public resources to determine if they have been exposed to the spilled oil;

(b) followup investigations on all public resources documented to be exposed to determine if exposure has resulted in injury;

(c) followup investigations on all public resources documented to be injured by the spill to quantify the injury;

(d) quantification of damages for all public resources where injury has been quantified,

(e) restoration/enhancement projects to compensate for public resource injuries to the extent technically feasible; and, for damages that cannot be compensated by technically feasible restoration or enhancement projects, implementation of projects/studies to compensate for these losses. Public resource restoration and enhancement projects and studies shall be prioritized as follows:

- (i) on-site in-kind,
- (ii) off-site in-kind,
- (iii) on-site out-of-kind, and
- (iv) off-site out-of-kind.

(5) Prior to the PLP initiating any projects or studies intended to substitute for damages, the PLP's proposal must be approved by the RDA committee. If a PLP proposal is found to be acceptable to the RDA committee, the committee shall notify the PLP of this decision.

(6) If RDA committee finds a PLP project and study plan proposal to be acceptable, the RDA committee shall oversee all projects and studies conducted by the PLP.

(7) Upon completion of the PLP's project and study plan, the RDA committee shall decide the extent to which the PLP's projects and studies substitute for public resource damages as identified in subsection (3) of this section.

173-183-270 PARTICIPATION**Subsection 270(2):**

~~Agreements concerning the use of the appropriate damage assessment methodology for public resources with overlapping or delegated jurisdictions may be negotiated on a case-by-case basis by the RDA committee.~~

Rationale for Change: The state does not have the ability to negotiate the appropriate damage assessment methodology. The state resource trustees are bound to use the approach determined through the preassessment screening process.

~~173-183-320 APPLICABILITY~~

~~The following rules shall apply to all oil spills into fresh, marine and estuarine waters of the state. Under these rules, the department may require or take any and all actions necessary to assess damages from such spills.~~

Rationale for Change: This provision repeats WAC 173-183-030 and is therefore unnecessary.

173-183-340 RESOURCE DAMAGE ASSESSMENT USING THE COMPENSATION SCHEDULE

The compensation schedule includes:

(a) a relative ranking for each of the classes of oil defined in this chapter as determined by their known chemical, physical and mechanical properties, and other factors that may affect the severity and persistence of the spill on the receiving environment;

(b) a relative vulnerability ranking ~~for fresh, marine and estuarine waters of the state~~ of receiving environments which takes into account location of the spill, habitat and living public resource sensitivity to oil, seasonal distribution of living public resources, areas of recreational use

and aesthetic importance, the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law, and other areas of special ecological or recreational importance as determined by the department;

(c) a quantitative method for determining compensation for public resource damages resulting from an oil spill based on the people of this state for those damages that cannot be quantified at a reasonable cost and ~~for those unquantifiable damages that result from oil spills; and~~

(d) a method for ~~taking into account~~ adjusting damages calculated under the compensation schedule based on actions taken by the potentially liable party that:

(i) demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or

(ii) enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

Rationale for Change: The language in this section was slightly modified to be more consistent with language in the WPCA section RCW 90.48.366.

173-183-350 OIL CLASS RANKING

Subsection 350(1):

The purpose of this section is to provide a relative ~~toxicity~~ ranking for each of the classes of oil defined in this section of the severity of effects caused by a spilled oil. The ranking is based on their known chemical, physical and mechanical properties of oils in the six classes identified in this section, as well as other properties affecting the severity and persistence of the oil on the receiving environment. Six classes of oil are ranked for their ~~an oil's~~ propensity to cause environmental harm based on acute toxicity and mechanical injury, and to persistence ~~and include~~ in the receiving environment. For purposes of the compensation schedule, relative rankings of the severity of effects caused by a spilled oil are provided for the following classes of oils:

- (a) Prudhoe Bay crude oil,
- (b) bunker C,
- (c) no. 2 fuel oil,
- (d) gasoline,
- (e) kerosene, and
- (f) kerosene-type jet fuel.

Subsection 350(2)&(3):

(2) The relative ranking scores for the ~~classified oils~~ classes range from 1 to 5, where 1 represents the least harmful effect and 5 represents the most harmful effect. For purposes of RCW 90.48.366 and RCW 90.48.367, the acute toxicity, mechanical injury and persistence relative ranking scores for the oils described by the classes enumerated in subsection (1) of this section shall be as follows:

Table 1. Acute Toxicity, Mechanical Injury and Persistence Relative Ranking Scores for Classified Oils (OIL).

Persistence Oil Class (OIL _{PER})	Acute	Mechanical	
	Toxicity (OIL _{AT})	Injury (OIL _{MI})	
Prudhoe Bay Crude Oil 5	± 0.9	4 3.6	
Bunker C No. 2 Fuel Oil 2	± 2.6 3 2.3	5 0 4 3.2	5
Gasoline Kerosene 1	5 0 2 1.4	1 0 3 2.4	1
Kerosene-type Jet Fuel 1	5 1.4	3 2.4	

(3) In cases where the spilled oil is not described by any of the oil classes of oil listed in subsection (1) of this section or is a mixture of oils, the department shall determine the acute toxicity, mechanical injury and persistence scores for the spilled oil for purposes of using the compensation schedule by as follows:

(a) by assigning the acute toxicity, mechanical injury and persistence scores of the classified oil assigned to the oil class best describing the spilled oil from subsection (2) of this section, or

(b) by using the following guidance to determine the acute toxicity, mechanical injury and persistence relative ranking scores:

(i) Acute Toxicity Relative Ranking Score. An acute toxicity raw score is determined by summing the weighted averages of the 1-, 2-, and 3-ringed aromatic compounds comprising the spilled oil and dividing this sum by 107, where aromatic compound composition is determined by percent-weight, and weighting is determined by aqueous solubility of the aromatic compounds, as follows described by the following formula:

$$\text{Acute Toxicity Raw Score} = [(SOL_1 * PCT-WT_1) + (SOL_2 * PCT-WT_2) + (SOL_3 * PCT-WT_3)] / 107$$

where SOL_i = solubility in seawater of i-ring aromatic hydrocarbons;

PCT-WT_i = percent weight of i-ring aromatic hydrocarbons in the spilled oil; and
i = 1, 2, and 3.

The final acute toxicity relative ranking score is determined by rounding the acute toxicity raw score up to the next whole number

nearest 0.1 using standard rounding procedures where decimals less than 0.05 are rounded down and decimals equal to or greater than 0.05 are rounded up.

(ii) Mechanical Injury Relative Ranking Score. A mechanical injury raw score is determined by subtracting 0.688 from the specific gravity of the spilled oil and dividing this result by 0.062 as follows:

Mechanical Injury Score = $(SP - 0.688)/0.062$
 where SP = specific gravity of the spilled oil.

The final mechanical injury ranking score is determined by rounding the mechanical injury raw score up to the next whole number nearest 0.1 using standard rounding procedures as follows: decimals less than 0.05 shall be rounded down and decimals equal to or greater than 0.05 shall be rounded up.

(iii) Persistence Relative Ranking Score. A persistence relative ranking score is determined from empirical data describing the length of time the spilled oil is known to, or is likely to, persist in a variety of habitat types. Scoring is assigned on a 1 to 5 scale as follows:

<u>SCORE</u>	<u>ANTICIPATED PERSISTENCE</u>
5	5 - 10 years or more
4	2 - 5 years
3	1 - 2 years
2	1 month to 1 year
1	days to weeks.

Rationale for Change: The relative acute toxicity and mechanical injury scores were taken directly from the report, "Thomas M. Leschine, Roy Carpenter, and Erin Gideon. 1991. Petroleum Toxicity Relationships for the Washington Compensation Schedule, College of Ocean and Fishery Sciences, University of Washington." In this report, Leschine et al. had been rounded up the "rescaled values" as a conservative approach to assessing damages. API and WSPA had pointed out that this was not a fair approach, so the rescaled values rounded to the nearest 0.1 are used, except in the case of Bunker C where other factors contributed to a higher score than calculated (see response to comment #103-J). "Mixture of oils" was added to this section so that the compensation schedule will be applicable to a wide variety of spill types. Other changes made to this section are to clarify rule intent.

Subsection 350(4):

(4) In cases where the spilled oil is comprised of two or more types of oil, damages shall be calculated under the schedule for each oil type and then summed to calculate total damages

liability.

Rationale for Change: This provision was added to the rule so that the compensation schedule is applicable to a wide variety of spill types.

173-183-400 VULNERABILITY OF MARINE AND ESTUARINE WATERS ENVIRONMENTS TO OIL SPILLS**Subsection 400(1):**

The purpose of this section is to describe the method of ranking vulnerability of marine and estuarine waters ~~of the state environments~~ except for the Columbia River Estuary environment to oil spills for the purposes of assessing damages using the compensation schedule.

Rationale for Change: Language clarification. The vulnerability ranking method addresses public resources associated with or dependent on marine and/or estuarine waters of the state, not only state waters.

Subsection 400(3):

A Spill Vulnerability Score (SVS) shall be calculated at the time of a spill for the most sensitive subregion and season impacted by the spill. The SVS rates the vulnerability of public resources to spilled oil based on the propensity of the oil to cause acute toxicity and mechanical injury, and to persist in the environment. SVS is determined by summing the vulnerability scores for marine birds, marine mammals, fishery species, recreational use and habitats for the subregion(s) and most sensitive season impacted by the spill. The formula to be used to calculate SVS for each of the three oil effects, acute toxicity, mechanical injury and persistence, is as follows:

$$\text{Spill Vulnerability Score (SVS)}_{ij} = \text{HVS}_i + \text{BVS}_j + \text{MVS}_j + \text{MFVS}_j + \text{SFVS}_j + \text{SVS}_j + \text{RVS}_j$$

- where HVS_i = habitat vulnerability to oil's propensity to cause i
- BVS = marine bird vulnerability score [WAC 173-183-420(3)];
- MVS = marine mammal vulnerability score [WAC 173-183-460(3)];
- MFVS = marine fisheries vulnerability score [WAC 173-183-430(3)];
- SFVS = shellfish vulnerability score [WAC 173-183-440(3)];
- SAVS = salmon vulnerability score [WAC 173-183-450(5)];
- RVS = recreation vulnerability score [WAC 173-183-470(3)];
- i = acute toxicity (AT), mechanical injury (MI), or persistence (PER); and
- j = the most sensitive season affected by the spill, spring, summer, fall, or winter.

Rationale for Change: Rule clarification.

173-183-410 MARINE AND ESTUARINE HABITAT VULNERABILITY

Subsections 410(1)&(2):

- (1) ~~The purpose of this section is to describe the methodology for calculating the Habitat Vulnerability Score (HVS) described in subsection (3) of WAC 173-183-400~~ provide a marine and estuarine habitat vulnerability ranking. The marine and estuarine habitats present in the state are:
 - (a) classified into thirty-seven types based on substrate type, energy regime and depth of occurrence, and
 - (b) relatively ranked and scored for vulnerability to oil spills on a 1 to 5 scale, where a habitat vulnerability score (hv) of 5 represents the greatest vulnerability and an hv of 1

represents the least vulnerability.

(2) ~~HVS is based on two criteria:~~

~~(a) predicted sensitivity of the habitats impacted by a spill to the three rated oil effects: acute toxicity, mechanical injury and persistence, and~~

~~(b) the primary productivity, secondary productivity and diversity of these habitats prior to a spill.~~

Marine and estuarine habitat vulnerability scores (hv) are based on the following:

(a) presence of living public resources at risk, where living public resources include only those not otherwise incorporated into the compensation schedule in the marine fish, shellfish, salmon, marine mammal or marine bird vulnerability rankings of sections WAC 173-183-420 through 173-183-460, and

(b) predicted sensitivity to the acute toxicity, mechanical injury and persistence effects of oil based on energy regime of the habitat and propensity to entrain oil.

Rationale for Change: To provide a better description of the marine/estuarine habitat vulnerability ranking and to delete the more technical aspects of this ranking from the rule as was done for the other marine and estuarine resource vulnerability rankings. Technical aspects of the vulnerability rankings will be made available in supplemental documentation for those who are interested.

Subsection 410(4):

(4) For purposes of RCW 90.48.366, marine and estuarine habitat vulnerability scores (hv) for each of the habitat types classified in subsection (3) of this section shall be as follows:

TABLE 2. Habitat Vulnerability for a Single Habitat Type and Oil Effect (hv)

HABITAT TYPE	HABITAT VULNERABILITY (hv)		
	ACUTE	MECH	PERS
	(hv _{AT})	(hv _{MI})	(hv _{PER})
MARINE INTERTIDAL			
Exposed and semi-exposed rock shores	3.7	4.3	3.1

Sand-scoured rocky shores	3.3	3.8	2.7
Protected rocky shores	3.0	3.5	3.0
Semi-exposed cobble & mixed-coarse beaches	3.2	3.2	3.2
Semi-exposed gravel beaches	3.2	1.4	2.0
Exposed sandy beaches	2.9	1.3	1.8
Semi-protected mixed-fine beaches	3.2	2.6	3.7
Protected mud flats	3.8	2.7	4.3
MARINE SUBTIDAL			
Shallow subtidal rock and boulders	3.7	3.7	3.1
Deep subtidal rock and boulders	2.7	2.7	3.3
Deep subtidal cobble and mixed coarse	1.5	2.2	2.2
Shallow subtidal mixed-coarse to mixed-fine	3.6	3.6	3.6
Shallow subtidal gravel or mixed-fine	2.8	1.6	2.3
Deep subtidal sand	1.6	2.0	1.6
Deep subtidal mixed-fine	1.5	2.6	3.1
Deep subtidal muddy	2.0	2.0	3.2
Open water	5.0	3.2	2.2
ESTUARINE INTERTIDAL			
Open rocky shores	3.0	3.5	3.0
Open mixed-coarse beaches and low marsh	3.7	3.2	3.2
Open gravel beaches	3.4	1.5	2.2
Open sandy beaches	3.3	2.8	2.3
Sandy low marshes	3.5	3.0	3.0
Mixed-fine beaches and low marshes	4.3	4.3	4.3
Saline lagoons	3.7	3.7	4.1
Low-salinity lagoons	3.0	3.5	3.9
Mud flats	3.7	2.6	4.1
High salt marshes	3.0	3.5	3.9
Transition zone wetlands	3.0	3.5	3.9
ESTUARINE SUBTIDAL			
Shallow subtidal rock and boulders	3.2	3.2	2.6

Deep subtidal rock and boulders	2.3	2.3	2.8
Shallow subtidal cobble and mixed-coarse	2.6	3.2	3.2
Deep subtidal cobble and mixed-coarse	1.5	2.2	2.2
Shallow subtidal sandy or mixed-fine	3.2	3.2	3.2
Deep subtidal sandy or mixed-fine	2.0	2.4	2.8
Shallow subtidal muddy bays	3.0	2.4	3.9
Deep subtidal muddy bays	1.8	1.8	2.9
Open water	5.0	3.2	2.2

(4 6) In general, several of the habitat types classified in this subsection may be affected by a particular spill. The habitat vulnerability score HVS for a particular spill and oil effect (HVS₁) is composite of the habitat vulnerability ranking scores calculated for each of the habitat types affected by the spill which takes into consideration the percent coverage of each habitat type in the area of spill impact.

Rationale for Change: To simplify the rule as much as possible, the habitat vulnerability for a single habitat type and oil effect are now pre-calculated rather than leaving this up to users of the compensation schedule. The portions of the rule that have been removed will be made available through supplemental documentation for those interested. With the changes made to this section, original subsection (4) now fits more appropriately as new subsection (6).

Subsection 410(5), (6) & (7):

~~(5) Habitat types are ranked on a 1 to 5 scale for sensitivity to oil's propensity to cause acute toxicity and mechanical injury, and to persist where a score of 5 represents the greatest sensitivity and a score of 1 represents the least sensitivity. For purposes of RCW 90.48.366, sensitivity to oil's propensity to cause acute and mechanical injury, and to persist, are ranked for all of the habitat types classified in subsection (3) of this section. The habitat sensitivity rankings are as follows:~~

~~Table 2. Habitat Sensitivity Score (HSS).~~

Habitat Class	Acute	Mechanical
	Toxicity	Injury
	Score	Score

~~ESTUARINE INTERTIDAL~~

(a) open rocky shores	3	4	3
(b) open mixed coarse beaches & low marsh	4	3	3
(c) open gravel beaches	5	1	2
(d) open sandy beaches	4	3	2
(e) sandy low marshes	4	3	3
(f) mixed fine beaches and low marshes	4	4	4
(g) saline lagoons	4	4	5
(h) low salinity lagoons	3	4	5
(i) mud flats	4	2	5
(j) high salt marshes	3	4	5
(k) transition zone wetlands	3	4	5

~~ESTUARINE SUBTIDAL~~

(l) shallow subtidal rock & boulders	3	3	2
(m) deep subtidal rock and boulders	2	2	3
(n) shallow subtidal cobble and mixed coarse areas	2	3	3
(o) deep subtidal cobble and mixed coarse areas	1	2	3

	Acute	Mechanical	
	Toxicity	Injury	Persistence
Habitat Class	Score	Score	Score
==			

~~ESTUARINE SUBTIDAL~~

(p) shallow subtidal sandy or mixed fine areas	3	3	3
(q) deep subtidal sandy or mixed fine areas	2	3	4
(r) shallow subtidal muddy bays	3	2	5
(s) deep subtidal muddy bays	2	2	5
(t) open water	5	2	1

~~MARINE INTERTIDAL~~

(a) exposed and semi-exposed rocky shores	3	4	2
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(b) sand-scoured rocky-shores	3	4	2
(c) protected rocky shores	3	4	3
(d) semi-exposed cobble and mixed coarse beaches	3	3	3
(e) semi-exposed gravel-beaches	5	1	2
(f) exposed sandy beaches	5	1	2
(g) semi-protected mixed-fine beaches	3	2	4
(h) protected mud flats	4	2	5

~~MARINE-SUBTIDAL~~

(i) shallow subtidal rock and boulders	3	3	2
(j) deep subtidal rock and boulders	2	2	3
(k) deep subtidal cobble and mixed coarse areas	1	2	2
(l) shallow subtidal mixed-coarse to mixed fine	3	3	3
(m) shallow subtidal gravel-or mixed fine areas	3	1	2
(n) deep subtidal sand	2	3	2
(o) deep subtidal mixed-fine areas	1	3	4
(p) deep subtidal muddy-areas	2	2	5
(q) open water	5	2	1

~~(6) Measures of habitat primary productivity, secondary productivity and diversity provide an indication of the amount and significance of the biota present in a habitat. In general, the more productive and diverse a habitat is, the greater will be the resource injuries from an oil spill. For purposes of RCW 90.48.366 the habitat types classified under subsection (3) of this section are ranked on a 1 to 5 scale where a score of 5 represents the greatest productivity or diversity and a score of 1 represents the least productivity or diversity as follows:~~

~~Table 3. Relative Ranking Scores for Marine and Estuarine Environments based on Primary Productivity, Secondary Productivity and Diversity.~~

Habitat Class	Primary	Secondary
	Productivity	Productivity

~~Diversity~~

~~ESTUARINE INTERTIDAL~~

(a) open rocky shores	3	3	3
(b) open mixed coarse beaches & low marsh	3	3	4
(c) open gravel beaches	2	3	2
(d) open sandy beaches	3	4	1
(e) sandy low marshes	4	3	2
(f) mixed fine beaches and low marshes	5	5	4
(g) saline lagoons	4	3	3
(h) low salinity lagoons	4	3	2
(i) mud flats	3	4	3
(j) high salt marshes	4	3	2
(k) transition zone wetlands	4	3	2

Habitat Class	Primary	Secondary
	Productivity	Productivity

~~Diversity~~

~~ESTUARINE SUBTIDAL~~

(l) shallow subtidal rock & boulders	4	3	3
(m) deep subtidal rock and boulders	2	4	2
(n) shallow subtidal cobble and mixed coarse areas	3	3	4
(o) deep subtidal cobble and mixed coarse areas	1	3	3
(p) shallow subtidal sandy or mixed fine areas	3	4	3
(q) deep subtidal sandy or mixed fine areas	1	3	2
(r) shallow subtidal muddy bays	3	3	3
(s) deep subtidal muddy bays	1	2	2
(t) open water	5	5	5

~~MARINE INTERTIDAL~~

(a) exposed and semi-exposed rocky shores	4	5	5
(b) sand-scoured rocky shores	3	4	4
(c) protected rocky shores	3	3	3
(d) semi-exposed cobble and			

mixed coarse beaches	2	4	4
(e) semi-exposed gravel beaches	1	3	2
(f) exposed sandy beaches	1	3	1
(g) semi-protected mixed fine beaches	3	4	3
(h) protected mud flats	4	4	3

~~MARINE SUBTIDAL~~

(i) shallow subtidal rock and boulders	5	4	5
(j) deep subtidal rock and boulders	2	4	5
Habitat Class	Primary	Secondary	
Diversity	Productivity	Productivity	

~~MARINE SUBTIDAL~~

(k) deep subtidal cobble and mixed coarse areas	1	3	3
(l) shallow subtidal mixed coarse to mixed fine	5	4	4
(m) shallow subtidal gravel or mixed fine areas	2	3	3
(n) deep subtidal sand	1	2	1
(o) deep subtidal mixed fine areas	1	3	3
(p) deep subtidal muddy areas	1	2	3
(q) open water	5	5	5

~~(7) The vulnerability of a single habitat type to a particular oil effect is derived by multiplying the habitat sensitivity score by the average of the productivity and diversity scores as follows:~~

~~Habitat Vulnerability for a single habitat type and oil effect~~
~~(hv)_i =~~

$$\{ \frac{PPS_j + SPS_j + DS_j}{3} \} * HSS_i$$

~~where:~~
~~PPS = primary productivity score~~
~~SPS = secondary productivity score~~
~~DS = diversity score~~
~~j = habitat type~~

~~HSS = habitat sensitivity score (from table 2)~~
~~i = acute toxicity, mechanical injury and persistence.~~

Rationale for Change: Subsections WAC 173-183-410(5), (6) and (7) have been removed from the rule to simplify the rule as much as possible. Habitat vulnerability for a single habitat type and oil effect is pre-calculated for users of the compensation schedule in the new section 410(4).

Subsection 410(8):

(8 5) When seagrass or kelp are present in a particular habitat type, the portion of the habitat type with seagrass or kelp shall be treated as a separate habitat type. The habitat vulnerability for a particular habitat type and oil effect (hv) shall be multiplied by a factor of 1.5 when for habitat types with seagrass or kelp present in the habitat type. The RDA committee shall be responsible for determining whether seagrass or kelp are present in a habitat type, and the portion of a habitat type containing seagrass or kelp.

Rationale for Change: It is a more fair approach to raise the vulnerability score of a habitat type only for that portion of the habitat type with seagrass or kelp present.

Subsection 410(9):

The habitat vulnerability score for a particular spill and oil effect (HVS) shall be determined as follows:

(a) For spill of 1,000 gallons or more. ~~by taking the square root of the Sum~~ the weighted habitat vulnerability scores for each habitat type affected by exposed to the spill as described by the formula provided in subsection (c) of this subsection, where weighting is defined by percent coverage of each habitat type within the area of spill impact exposure, ~~as follows:~~

(b) For spills of less than 1,000 gallons. Sum the weighted habitat vulnerability scores for each habitat type present in the subregion(s) exposed to the spill as described by the formula provided in subsection (c) of this section, where weighting is defined by percent coverage of each habitat type present in the subregion(s) exposed to the spill.

(c) The formula to calculate the raw habitat vulnerability score for a particular spill and oil effect (HVS_i) is as follows:

$$HVS_i = (\sum_{j=1}^n hv_{ij} * PC_j)^{1/2}$$

$$HVS_i = \sum_{j=1}^n (hv_{ij} * PC_j)$$

where PC_j = Percent-coverage of habitat-type j expressed as a decimal;

hv_{ij} = habitat vulnerability for a particular habitat type & oil effect;

j = habitat type;
 i = acute toxicity (AT), mechanical injury(MI) and persistence(PER);
 n = number of habitats present in the subregion to be considered as determined under subsections (7)(a) and (7)(b) of this section.

(d) The final HVS_{AT} , HVS_{MI} , and HVS_{PER} scores are found by rounding the raw scores calculated from the formula in subsection (c) of this section to the nearest 0.01 as follows: decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: A slightly modified procedure to calculate the habitat vulnerability score was added to the rule for spills of less than 1,000 gallons to simplify compensation schedule application for these spills. Otherwise, the RDA committee or their designees would be required to determine area of spill exposure and percent coverage of the habitat types within this area for each spill. Given that there may be as many as fifty spills a month, this would be a difficult task. With the new provision, subregional habitat vulnerability scores would only have to be calculated once, and this could be accomplished in advance of any spills into the subregion(s). The formula to calculate the habitat vulnerability score for a particular spill and oil effect was slightly modified to simplify rule application. Rounding procedures were added to eliminate any ambiguity in how final scores are calculated.

173-183-420 MARINE BIRD VULNERABILITY

Subsection 420(3):

Marine bird seasonal vulnerability scores for each of the marine and estuarine subregions defined in section WAC 173-183-400 are based on existing information and determinations made by the marine bird subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, marine bird seasonal vulnerability scores (BVS) for each of the subregions defined in WAC 173-183-400(2) shall be as follows:

Table 4. Subregional Marine Bird Vulnerability Scores (BVS)

SUBREGION	SP	SU	FA	WI
101 NORTHERN OUTER COAST		5	5	5 5
102 KALALOCH	5	5	5	5
103 QUINAULT	5	5	5	5

104	COPALIS BEACH	5	5	5	5	
105	GRAYS HARBOR	5	5	5	5	
106	TWIN HARBORS BEACH	5	5	5	5	
107	WILLAPA BAY	5	5	5	5	
108	LONG BEACH	5	5	5	5	
109	INNER SHELF	4	2	5	5	
110	OUTER SHELF	4	na1	na1	na1	
111	SHELF EDGE	5	na1	na1	na1	
112	CONTINENTAL SLOPE	2	na1	na1	na1	
201	STRAIT OF JUAN DE FUCA-OUTER	3	2	5	4	
203	CAPE FLATTERY	4	3	4	3	
204	NEAH BAY	2	2	2	2	
205	NEAH BAY TO CLALLAM BAY	2	3	3	2	
206	CLALLAM BAY	2	2	2	2	
207	CLALLAM BAY TO CRESCENT BAY	2	3	3	2	
208	CRESCENT BAY	2	2	2	2	
209	CRESCENT BAY TO EDIZ HOOK	2	2	2	4	
301	STRAIT OF JUAN DE FUCA-INNER		3	3	3	4
302	EDIZ HOOK	1	1	1	1	
303	PORT ANGELES	2	3	3	2	
304	VOICE OF AMERICA	2	2	2	2	
305	DUNGENESS SPIT	2	2	2	3	
306	DUNGENESS BAY/HARBOR	4	2	2	3	
307	JAMESTOWN	5	5	5	5	
308	SEQUIM BAY	2	1	1	2	
309	MILLER PENINSULA	2	2	2	3	
310	PROTECTION ISLAND	4	5	5	3	
311	DISCOVERY BAY	3	1	1	4	
312	QUIMPER PENINSULA	2	3	3	4	
313	WHIDBEY ISLAND	1	2	2	2	
314	SMITH ISLAND	3	5	5	3	
315	DECEPTION PASS	2	2	2	2	
316	LOPEZ ISLAND (SOUTH SHORE)	5	4	4	3	
317	SAN JUAN IS. (SOUTH SHORE)		2	2	2	2
401	ADMIRALTY INLET	3	5	5	2	
402	SOUTH ADMIRALTY INLET	2	1	2	3	
403	PORT TOWNSEND	3	2	3	4	
404	OAK BAY	2	2	2	2	
405	KILISUT HARBOR	3	2	3	4	
501	BELLINGHAM CHANNEL	2	2	4	4	
502	GUEMES CHANNEL	2	2	1	3	
503	FIDALGO BAY	2	2	2	3	
504	PADILLA BAY	5	5	4	5	
505	SAMISH BAY	5	5	4	5	
506	BELLINGHAM BAY	4	4	4	5	
507	HALE PASSAGE	3	3	2	2	
601	LUMMI BAY	5	5	3	4	
602	CHERRY POINT	5	5	2	2	
603	BIRCH BAY	4	4	3	3	
604	SEMIAHOO SPIT	4	4	4	4	
605	DRAYTON HARBOR	3	3	3	4	
607	SAN JUAN IS.-NORTHERN TIER	3	3	2	4	

608	GEORGIA STRAIT-EASTERN	4	4	4	4
701	PT. ROBERTS	4	4	2	4
703	GEORGIA STRAIT-WESTERN	2	2	2	2
801	NORTHERN HARO STRAIT	2	2	4	3
802	SOUTHERN HARO STRAIT	1	1	1	2
901	SOUTHERN ROSARIO STRAIT	3	3	3	5
902	CENTRAL ROSARIO STRAIT	3	3	5	4
903	NORTHERN ROSARIO STRAIT 5	5	5	4	
1001	PRESIDENT CHANNEL	2	2	2	2
1002	NORTHERN AREAS	1	1	2	3
1101	SPEIDEN CHANNEL	1	1	2	2
1102	NORTHERN SAN JUAN CHANNEL	1	1	1	1
1103	SOUTHERN SAN JUAN CHANNEL	1	1	2	3
1104	WASP PASS	1	1	1	2
1105	UPRIGHT CHANNEL	1	1	2	2
1106	HARNEY CHANNEL	1	1	1	2
1107	OBSTRUCTION PASS	2	2	3	2
1108	THATCHER PASS	1	1	1	1
1201	MOSQUITO/ROCHE COMPLEX 2	2	2	3	
1202	FRIDAY HARBOR	2	2	2	2
1203	GRIFFIN BAY	2	2	2	3
1205	FISHERMAN BAY	2	2	2	3
1206	SWIFTS/SHOAL BAYS	2	2	2	2
1207	DEER HARBOR	2	2	2	2
1208	WEST SOUND	1	1	2	2
1209	EAST SOUND	2	2	1	2
1210	LOPEZ SOUND	2	2	3	4
1401	SKAGIT BAY	5	3	3	4
1402	PENN COVE/CRESCENT HARBOR	4	3	3	4
1403	SARATOGA PASSAGE	4	1	1	3
1404	HOLMES HARBOR	2	2	2	2
1405	PORT SUSAN	4	1	1	3
1406	POSSESSION SOUND	3	1	2	2
1501	HOOD CANAL ENTRANCE	2	1	2	3
1502	PORT LUDLOW	2	2	2	2
1503	PORT GAMBLE	2	2	2	2
1504	NORTHERN HOOD CANAL	2	1	2	2
1505	CENTRAL HOOD CANAL	2	1	2	2
1506	DABOB BAY	2	1	2	3
1507	QUILCENE BAY	2	2	2	2
1508	SOUTHCENTRAL HOOD CANAL 2	1	2	3	
1509	ANNAS BAY	2	2	2	2
1510	GREAT BEND	3	1	3	5
1601	N. PUGET SOUND	4	1	2	2
1602	N. CENTRAL PUGET SOUND	2	1	2	2
1603	CENTRAL PUGET SOUND	2	1	2	2
1604	ELLIOT BAY	2	2	2	2
1605	EAST PASSAGE	2	1	2	2
1606	COLVOS PASSAGE	2	1	2	2
1607	COMMENCEMENT BAY	2	2	2	2
1608	NARROWS	3	2	3	4
1609	STEILACOOM	2	1	2	3

1610	NISQUALLY	2	1	2	3
1611	TREBLE-JOHNSON	2	2	2	2
1612	HALE PASSAGE	3	2	3	3
1613	CARR INLET	3	1	3	4
1614	PITT PASSAGE	2	2	2	2
1615	DRAYTON HARBOR	2	2	2	2
1616	CASE INLET	2	1	2	3
1617	HENDERSON INLET	2	2	2	1
1618	DANA PASSAGE	2	2	2	2
1619	BUDD INLET	2	2	2	2
1620	ELD INLET	2	2	2	2
1621	TOTTEN INLET	2	2	2	2
1622	PICKERING PASSAGE	2	2	2	2
1623	PEALE PASSAGE	2	2	2	2
1624	SQUAXIN	2	2	2	2
1625	SKOOKUM INLET	2	2	2	2
1626	HAMMERSLEY INLET	2	2	2	2
1627	OAKLAND BAY	2	2	2	2
1628	AGATE PASSAGE	2	2	2	2
1629	LIBERTY BAY	3	2	3	3
1630	PORT ORCHARD	2	2	2	2
1631	SINCLAIR INLET	3	2	3	3
1632	DYES INLET	2	2	2	2
1633	RICH PASSAGE	2	2	2	2
1634	QUARTERMASTER HARBOR	2	2	2	2
1635	DALCO PASSAGE	2	2	2	2
1636	BALCH PASS	2	2	2	2

Rationale for Change: The summer, fall and winter marine bird vulnerability scores for subregions 110, 111 and 112 were originally given a "na" or "not available" score, because not enough information was available for marine birds in these subregions. It is appropriate to score these subregions in the summer, fall and winter a "1", the least vulnerable ranking, until the time more information becomes available and the rule vulnerability rankings are revised.

Subsection 420(4):

(4) The marine bird vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine birds are ~~injured as a result of the~~ exposed to spilled oil.

Rationale for Change: Clarification of rule intent.

173-183-440 SHELLFISH VULNERABILITY

Subsection 440(3):

Shellfish seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the shellfish subcommittee of the scientific advisory board. For purposes of RCW 90.48.366 shellfish seasonal vulnerability ranking scores (SFVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 6. Shellfish Vulnerability Scores (SFVS)

<u>REGION/SUBREGION</u>	<u>SP</u>	<u>SU</u>	<u>FA</u>	<u>WI</u>
REGION 1 101	4	4	3	4
102	5	5	4	4
103	5	5	4	4
104	5	5	4	4
105	1	1	1	1
106	1	1	1	1
107	1	1	1	1
108	1	1	1	1
109	1	1	1	1
110	1	1	1	1
111	1	1	1	1
112	1	1	1	1
REGION 2 2	3	3	2	3
REGION 3 3	5	5	5	5
REGION 4 401	1	1	1	1
402, 404	4	4	3	4
403, 405	3	3	2	2
REGION 5 5	5	5	5	5
REGION 6 6	4	4	3	3
REGION 7 7	4	4	3	3
REGION 8 8	5	5	4	4
REGION 9 9	5	5	4	4
REGION 10 10	5	5	4	4
REGION 11 11	5	5	4	4
REGION 12 12	5	5	4	4
REGION 14 1401	3	3	2	2
1402, 1403	2	3	2	2
1404	1	1	1	1
1405	2	2	1	2
1406	3	3	2	2
REGION 15 1501, 1502	2	3	2	2
1504 1507	4	4	3	3
1508 1510	5	5	4	4
REGION 16 1601	2	3	2	2
1602 1604	4	4	3	3
1608	2	2	1	2
1609 1615, 1617, 1618, 1636	4	4	3	3
1616, 1622	3	3	2	2
1618	1	1	1	1

~~1619-1621,1623-1627~~ ~~3~~ ~~4~~ ~~2~~ ~~2~~
~~1628-1633~~ ~~3~~ ~~3~~ ~~2~~ ~~2~~
~~1605-1607,1634,1635~~ ~~2~~ ~~3~~ ~~2~~ ~~1~~

Region/ Subregion	SP	SU	FA	WI
101	4	4	4	4
102	5	5	5	5
103	3	3	3	3
104	4	4	4	4
105	2	2	2	2
106	3	3	2	2
107	4	4	4	4
108	4	3	3	3
109	5	5	5	5
110	1	1	1	1
111	1	1	1	1
112	1	1	1	1
2	5	5	5	5
3	5	5	5	5
401	2	1	1	2
402,404	3	3	3	3
403,405	4	4	3	4
5	5	5	5	5
6	5	5	4	5
7	5	5	4	5
8	4	3	3	4
9	4	3	3	4
10	4	3	3	4
11	4	3	3	4
12	4	3	3	4
1401	2	3	3	2
1402,1403	1	1	1	1
1404	1	1	1	1
1405	1	2	2	1
1406	1	2	2	1
1501,1502,1503	1	2	2	2
1504-1507	3	3	2	2
1508-1510	3	4	3	3
1601	2	2	2	2
1602-1604	2	2	2	2
1605-1607,1634,1635	2	2	2	2
1608	2	1	1	2
1609-1615,1617,1636	5	5	5	5
1616,1622	5	5	4	5
1618	1	1	1	1
1619-1621,1623-1627	4	5	4	4
1628,1629,1631-1633	4	3	3	3

Rationale for Change: More information has been put together by the shellfish subcommittee of the scientific advisory board since release of the draft rule resulting in some minor adjustments to the shellfish vulnerability ranking.

Subsection 440(4):

The shellfish vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered shellfish species are injured as a result of the exposed to spilled oil.

Rationale for Change: Clarification of rule intent

173-183-450 SALMON VULNERABILITY

Subsection 450(1):

(1) The salmon vulnerability ranking is based on seasonal habitat preference of juveniles during outmigration, adults as they return to spawn and the presence of oil in river mouths during peak occurrence of salmon runs. The salmon vulnerability ranking was developed from existing information and determinations of the salmon subcommittee of the scientific advisory board. In the case of Chinook salmon, habitat preference differs for subyearlings and yearlings.

(± 2) The vulnerability of five salmon species in nine marine/estuarine habitats are relatively scored for vulnerability to oil spills on a 1 to 5 scale for each season, where 5 represents the most vulnerable condition, and a score of 1 represents the least vulnerable condition, as follows:

Table 7. Vulnerability of Salmon Species and/or Species Yearclass by Habitat and Season

SPECIES/YEARCLASS and SALMON VULNERABILITY HABITAT	HABITAT VULNERABILITY SCORE (savs)				
	SEASON				
	SP	SU	FA	WI	
<u>Chinook (subyearling)</u>					
Intertidal					
Rocky	1	1	1	1	
Cobble	2	2	1	1	
Gravel	3	3	2	2	
Sand (vegetated)		5 4	5	3	3

Sand (no vegetation)	3	3	2	2
Mud (vegetated)	5 4	5	3	3
Mud (no vegetation)	3	3	2	3
Subtidal	± 2	± 2	1	1
Pelagic	± 4	± 4	± 3	± 3
<u>Chinook (yearling)</u>				
Intertidal				
Rocky	± 1	± 1	1	1
Cobble	3	3	2	2
Gravel	4 3	4 3	3	2
Sand (vegetated)		3	3	2
Sand (no vegetation)		4 3	4 3	2
Mud (vegetated)		3	3	2
Mud (no vegetation)		3	3	2
Subtidal		2	2	± 1
Pelagic	± 4	4	3	± 3
<u>Coho</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	2	2	2
Gravel	3	4	2	2
Sand (vegetated)		5	4	3
Sand (no vegetation)		3	2	2
Mud (vegetated)		5	4	3
Mud (no vegetation)		3	4	2
Subtidal		2	2	1
Pelagic	± 4	± 4	± 3	± 3

Table 7. Continued

SPECIES/YEARCLASS	HABITAT VULNERABILITY SCORE			
	SEASON			
	SP	SU	FA	WI
Pink				
Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	1	1	3
Sand (vegetated)		5	2	2
Sand (no vegetation)		3	2	2
Mud (vegetated)		5	2	2
Mud (no vegetation)		3	1	1
Subtidal		2	1	1
Pelagic		4	2	± 2
<u>Chum</u>				
Intertidal				

Rocky	1	1	1	1	
Cobble	2	1	1	1	
Gravel	3	2	2	3	
Sand (vegetated)		5	3	2	5
Sand (no vegetation)		3	2	2	3
Mud (vegetated)		5	3	4	5
Mud (no vegetation)		3	2	2	3
Subtidal		2	2	1	1
Pelagic		4	3	4	2

Sockeye

Intertidal					
Rocky	2	2	1	1	
Cobble	2	1	1	1	
Gravel	2	1	1	1	
Sand (vegetated)		2	1	1	1
Sand (no vegetation)		2	1	1	1
Mud (vegetated)		2	1	1	1
Mud (no vegetation)		3	1	1	1
Subtidal		1	2	1	1
Pelagic		4	4	3	2

The habitat-types classified under WAC 173-183-400(2) correlate with the salmon vulnerability habitats of Table 7 as follows:

TABLE. 8. KEY TO DETERMINING THE SALMON VULNERABILITY HABITAT THAT APPLIES WHEN A SPECIFIC TRANSLATING MARINE/ESTUARINE HABITAT TYPES CLASSIFIED UNDER WAC 173-183-410 IS EXPOSED TO AN OIL SPILL TO SALMON VULNERABILITY HABITATS

MARINE/ESTUARINE HABITAT TYPE from WAC 173-183-410(3)	EQUIVALENT SALMON VULNERABILITY HABITAT
Marine Intertidal, exposed and semi-exposed rocky shores	Intertidal, rocky
Marine Intertidal, sand-scoured rocky shores	Intertidal, rocky
Marine Intertidal, protected rocky shores	Intertidal, rocky
Estuarine Intertidal, open rocky shores	Intertidal, rocky
Marine Intertidal, semi-exposed cobble and mixed-coarse beaches	Intertidal, cobble
Estuarine Intertidal, open mixed-coarse beaches	Intertidal, cobble
Marine Intertidal, semi-exposed gravel beaches	Intertidal, gravel
Estuarine Intertidal, open gravel beaches	Intertidal, gravel
Marine Intertidal, exposed sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, semi-protected mixed-fine beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, open sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, sandy low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mixed-fine beaches and low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, protected mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
all Marine and Estuarine Subtidal categories except open water	Subtidal
Marine Subtidal, open water	Pelagic

Estuarine Subtidal, open water	Pelagic
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Rationale for Change: Some of the habitat vulnerability scores were adjusted based on the recommendations of Mr. Kurt Fresh. See response to comment #122-A. Other changes made to this section were to clarify rule intent.

Subsection 450(2):

For each oil spill where the compensation schedule is applied, the RDA committee shall determine the following:

(a) For spills greater than 1,000 gallons, the salmon vulnerability habitat(s) exposed to spilled oil and each habitat's percent-coverage of the total area exposed to spilled oil, and

(b) For spills of less than 1,000 gallons, the salmon vulnerability habitat(s) in the subregion(s) exposed to spilled oil and the percent-coverage of these habitats in the exposed subregion(s),

(c) the season in which spill impacts will be greatest,

(d) the individual species/yearclass vulnerability score (SAVS_i) as described in subsection (3) of this section, and

(e) the composite salmon vulnerability score for a spill (SAVS_s) as described in subsection (4) of this section.

Subsection 450(3) & (4):

(3) From the information enumerated in subsection (2) of this section, the RDA committee shall determine the salmon species/yearclass vulnerability score for a spill (SAVS_s) by summing the weighted averages of the salmon species/yearclass vulnerability scores calculated for each of the nine salmon vulnerability habitats classified under in Table 8 of subsection (1) of this section that is exposed to spilled oil, where weighting is defined as percent-coverage of the area exposed to the spill salmon vulnerability habitats as determined in subsection (2) of this section, as follows:

$$SAVS_s = (SAVS_1 * PCT-COV_1) + (SAVS_2 * PCT-COV_2) + \dots + (SAVS_9 * PCT-COV_9)$$

$$SAVS_i = (savs_1 * PCT-COV_1) + (savs_2 * PCT-COV_2) + \dots + (savs_n * PCT-COV_n)$$

where SAVS_s = salmon vulnerability score for a spill

SAVS_i = salmon vulnerability score for habitat i {subsection 3(a)

or 3(b) of this section} a species/yearclass;

savs_j = species/yearclass habitat vulnerability score for

the season of greatest spill impact [from subsection (1) of this section];

$PCT-COV_i$ = habitat i 's percent-coverage of habitat j total area exposed to the spill (determined at the time of the spill) [from subsection (1) of this section]; and

i = Chinook, subyearling (C_s); Chinook, yearling (C_y); Coho (C); Pink (P); Chum (Ch); and Sockeye (So).

n = the number of salmon vulnerability habitats used to calculate SAVS as determined in subsection (2) of this section.

(4) The raw salmon vulnerability score for a habitat classified under subsection (2) of this section spill ($SAVS_s$) shall be calculated as follows:

(a) In years when pink salmon are present in state waters. The chinook salmon spill vulnerability scores for subyearlings ($SAVS_{C_s}$) and yearlings ($SAVS_{C_y}$) as determined in subsection (3) of this section shall be averaged, then added to the spill vulnerability scores for coho ($SAVS_C$), pink ($SAVS_P$), chum ($SAVS_{Ch}$) and sockeye ($SAVS_{So}$) salmon as determined in subsection (3) of this section. The sum of these scores shall then be divided by 5, as follows described by the following formula:

$$SAVS_i = [(C_{s_i} + C_{y_i})/2 + C_i + P_i + Ch_i + S_i]/5$$

$$SAVS_s = [(SAVS_{C_s} + SAVS_{C_y})/2 + SAVS_C + SAVS_P + SAVS_{Ch} + SAVS_{So}]/5$$

where $SAVS_i$ = salmon vulnerability score for habitat type i
 C_{s_i} = chinook, subyearling score for habitat i (Table 7 of this section)
 C_{y_i} = chinook, yearling score for habitat i (Table 7 of this section)
 C_i = coho score for habitat i (Table 7 of this section)
 P_i = pink score for habitat i (Table 7 of this section)
 Ch_i = chum score for habitat i (Table 7 of this section)
 So_i = sockeye score for habitat i (Table 7 of this section)
 i = habitat type (Table 8 of this section)

where $SAVS_s$ = salmon vulnerability score for a spill;
 $SAVS_{C_s}$ = chinook, subyearling vulnerability score [from subsection (3) of this section];
 $SAVS_{C_y}$ = chinook (yearling) vulnerability score [from subsection (3) of this section];

SAVS_c = coho salmon vulnerability score [from subsection (3) of this section];
 SAVS_p = pink salmon vulnerability score [from subsection (3) of this section];
 SAVS_c = chum salmon vulnerability score [from subsection (3) of this section];
 SAVS_s = sockeye salmon vulnerability score [from subsection (3) of this section];

(b) In years when pink salmon are not present in state waters. The chinook salmon spill vulnerability scores for subyearlings (SAVS_{cs}) and yearlings (SAVS_{cy}) as determined in subsection (3) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_c), chum (SAVS_{ch}) and sockeye (SAVS_s) salmon as determined in subsection (3) of this section. The sum of these scores shall then be divided by 4, as follows described by the following formula:

$$SAVS_i = [(Cs_i + Cy_i)/2 + C_i + Ch_i + S_i]/4$$

$$SAVS_s = [(SAVS_{cs} + SAVS_{cy})/2 + SAVS_c + SAVS_{ch} + SAVS_s]/4$$

where ~~SAVS_i = salmon vulnerability score for habitat type i~~
~~Cs_i = chinook, subyearling score for habitat i (Table 7 of this section)~~
~~Cy_i = chinook, yearling score for habitat i (Table 7 of this section)~~
~~C_i = coho score for habitat i (Table 7 of this section)~~
~~P_i = pink score for habitat i (Table 7 of this section)~~
~~Ch_i = chum score for habitat i (Table 7 of this section)~~
~~S_i = sockeye score for habitat i (Table 7 of this section)~~
~~i = habitat type (Table 8 of this section).~~

where SAVS_s = salmon vulnerability score for a spill;
 SAVS_{cs} = chinook, subyearling vulnerability score [from subsection (3) of this section];
 SAVS_{cy} = chinook (yearling) vulnerability score [from subsection (3) of this section];
 SAVS_c = coho salmon vulnerability score [from subsection (3) of this section];
 SAVS_p = pink salmon vulnerability score [from subsection (3) of this section];
 SAVS_c = chum salmon vulnerability score [from subsection (3) of this section];
 SAVS_{so} = sockeye salmon vulnerability score [from subsection (3) of this section];

Rationale for Change: This section was reorganized at the request of Mr. Kurt Fresh (Washington Department of Fisheries), who was primarily responsible for creating the salmon vulnerability ranking.

Subsection 450(5):

(5) If spilled oil enters a river mouth, SAVS₁ from subsection (3) of this section shall be assigned a score of 5 for each species/yearclass in peak occurrence in a river mouth during the period of time the spilled oil enters and remains in the river mouth. Scores of 5 determined for species/yearclasses under this subsection shall supersede SAVS₁ scores calculated under subsection (3) of this section. The RDA committee shall make determinations of whether oil enters a river mouth and whether species/yearclasses are in peak occurrence when spilled oil is present in a river mouth.

Rationale for Change: This section was added at the request of Mr. Kurt Fresh (Washington Department of Fisheries), who was primarily responsible for creating the salmon vulnerability ranking.

Subsection 450(6):

The final SAVS₂ score is found by rounding the raw score calculated from the formulas in subsection (4) of this section to the nearest 0.01 as follows: decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: Rounding procedures were added to remove any ambiguities in how scores are calculated.

Subsection 450(7):

The salmon vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered salmon races and/or runs are exposed to spilled oil.

Rationale for Change: This provision was added to be consistent with the other vulnerability rankings included in the rule and to recognize the special significance of state and federal threatened and endangered species.

173-183-460 MARINE MAMMAL VULNERABILITY

Subsection 460(4):

The marine mammal vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine mammal species are ~~injured as a result of the spill~~ exposed to spilled oil.

Rationale for Change: Clarification of rule intent.

173-183-470 MARINE AND ESTUARINE RECREATION VULNERABILITY**Subsection 470(3):**

Recreation vulnerability ranking scores for each of the marine and estuarine subregions of state waters in each season has been determined from existing information and recommendations of the recreation subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, recreation vulnerability ranking scores (RVS) for the subregions designated in subsection (2) of WAC 173-183-400 are as follows:

Table 10. Marine and Estuarine Recreation Vulnerability Scores (RVS)

<u>SUBREGION</u>	<u>SEASON</u>			
	<u>SP</u>	<u>SU</u>	<u>FA</u>	<u>WI</u>
101 NORTHERN OUTER COAST	5	5	5	5
102 KALALOCH	5	5	5	5
103 QUINAULT	1	1	1	1
104 COPALIS BEACH	5	5	5	5
105 GRAYS HARBOR	4	4	4	3
106 TWIN HARBORS BEACH	5	5	5	5
107 WILLAPA BAY	5	5	5	5
108 LONG BEACH	5	5	5	5
109 INNER SHELF	1	1	1	1
110 OUTER SHELF	1	1	1	1
111 SHELF EDGE	1	1	1	1
112 CONTINENTAL SLOPE	1	1	1	1
201 STRAIT OF JUAN DE FUCA-OUTER	1	1	1	1
203 CAPE FLATTERY	1	1	1	1
204 NEAH BAY	1	1	1	1
205 NEAH BAY TO CLALLAM BAY	5	5	5	4
206 CLALLAM BAY	3	4	3	2

207	CLALLAM BAY TO CRESCENT BAY	5	5	5	4	
208	CRESCENT BAY	3	4	3	3	
209	CRESCENT BAY TO EDIZ HOOK	4	5	4	3	
301	STRAIT OF JUAN DE FUCA-INNER	1	1	1	1	
302	EDIZ HOOK	± 3	± 4	± 3	± 3	
303	PORT ANGELES	± 5	± 5	± 5	± 4	
304	VOICE OF AMERICA	2	3	2	2	
305	DUNGENESS SPIT	1	1	1	1	
306	DUNGENESS BAY/HARBOR	5	5	5	4	
307	JAMESTOWN	2	3	2	2	
308	SEQUIM BAY	4	5	4	4	
309	MILLER PENINSULA	2	3	2	2	
310	PROTECTION ISLAND	1	1	1	1	
311	DISCOVERY BAY	2	2	2	2	
312	QUIMPER PENINSULA	3	3	2	2	
313	WHIDBEY ISLAND	2	3	2	2	
314	SMITH ISLAND	1	1	1	1	
315	DECEPTION PASS	5	5	5	5	
316	LOPEZ ISLAND (SOUTH SHORE)	4	5	4	3	
317	SAN JUAN ISLAND (SOUTH SHORE)	4	5	4	3	
401	ADMIRALTY INLET	5	5	5	4	
402	SOUTH ADMIRALTY INLET	5	5	5	4	
403	PORT TOWNSEND	3	4	3	3	
404	OAK BAY	4	5	4	3	
405	KILISUT HARBOR	2	2	2	2	
501	BELLINGHAM CHANNEL	5	5	5	4	
502	GUEMES CHANNEL	1	1	1	1	
503	FIDALGO BAY	4	4	3	3	
504	PADILLA BAY	5	5	5	4	
505	SAMISH BAY	4	4	3	3	
506	BELLINGHAM BAY	5	5	5	4	
507	HALE PASSAGE	3	4	3	2	
601	LUMMI BAY	1	1	1	1	
602	CHERRY POINT	1	1	1	1	
603	BIRCH BAY	3	4	3	3	
604	SEMIAHOO SPIT	3	4	3	3	
605	DRAYTON HARBOR	2	2	2	2	
607	SAN JUAN ISLANDS-NORTHERN TIER		5	5	5	5
608	GEORGIA STRAIT-EASTERN	1	1	1	1	
701	PT. ROBERTS	3	3	3	2	
703	GEORGIA STRAIT-WESTERN	1	1	1	1	
801	NORTHERN HARO STRAIT	5	5	5	4	
802	SOUTHERN HARO STRAIT	5	5	5	4	
901	SOUTHERN ROSARIO STRAIT	5	5	5	5	
902	CENTRAL ROSARIO STRAIT	4	5	4	4	
903	NORTHERN ROSARIO STRAIT	4	4	4	3	
1001	PRESIDENT CHANNEL				4	5
4	4					
1002	NORTHERN AREAS			4	5	4
3						
1101	SPEIDEN CHANNEL				3	4
3	2					

1102		NORTHERN SAN JUAN CHANNEL			
4	5	4	3		
1103		SOUTHERN SAN JUAN CHANNEL			
5	5	5	4		
1104		WASP PASS	5	5	4
1105		UPRIGHT CHANNEL		5	5
4	4				
1106		HARNEY CHANNEL	4	5	4
3					
1107		OBSTRUCTION PASS		2	2
2	2				
1108		THATCHER PASS	4	5	4
3					
1201		MOSQUITO/ROCHE COMPLEX			3
4	3	3			
1202		FRIDAY HARBOR	3	3	3
2					
1203		GRIFFIN BAY	4	5	4
4					
1205		FISHERMAN BAY	1	1	1
1					
1206		SWIFTS/SHOAL BAYS		1	1
1	1				
1207		DEER HARBOR	2	2	2
2					
1208		WEST SOUND	3	4	3
2					
1209		EAST SOUND	4	5	4
4					
1210		LOPEZ SOUND	5	5	5
4					
1401		SKAGIT BAY	5	5	5
5					
1402		PENN COVE/CRESCENT HARBOR			
4	4	3	3		
1403		SARATOGA PASSAGE		3	4
3	3				
1404		HOLMES HARBOR	2	3	2
2					
1405		PORT SUSAN	3	4	3
3					
1406		POSSESSION SOUND		4	5
4	3				
1501		HOOD CANAL ENTRANCE	4		5
4	3				
1502		PORT LUDLOW	4	4	4
3					
1503		PORT GAMBLE	1	1	1
1					
1504		NORTHERN HOOD CANAL	1		1
1	1				
1505		CENTRAL HOOD CANAL	4		4

3	3				
1506		DABOB BAY	4	5	4
1507		QUILCENE BAY	3	3	2
2					
1508		SOUTHCENTRAL HOOD CANAL			4
5	4	3			
1509		ANNAS BAY	4	4	4
1510		GREAT BEND	3	4	3
3					
1601		N. PUGET SOUND	4	4	3
3					
1602		N. CENTRAL PUGET SOUND			4
5	4	4			
1603		CENTRAL PUGET SOUND	5		5
4	4				
1604		ELLIOT BAY	4	5	4
3					
1605		EAST PASSAGE	4	5	4
3					
1606		COLVOS PASSAGE	3	3	2
2					
1607		COMMENCEMENT BAY		2	2
2	2				
1608		NARROWS	3	3	3
1609		STEILACOOM	3	3	3
2					
1610		NISQUALLY	5	5	5
1611		TREBLE-JOHNSON	3	3	2
2					
1612		HALE PASSAGE	2	2	2
2					
1613		CARR INLET	4	5	4
4					
1614		PITT PASSAGE	2	2	2
2					
1615		DRAYTON HARBOR	2	2	2
2					
1616		CASE INLET	4	4	3
3					
1617		HENDERSON INLET		2	2
2	1				
1618		DANA PASSAGE	2	2	2
2					
1619		BUDD INLET	3	4	3
3					
1620		ELD INLET	2	3	2
1621		TOTTEN INLET	1	1	1
1					
1622		PICKERING PASSAGE		3	4
3	2				
1623		PEALE PASSAGE	3	3	3
2					

1624		SQUAXIN	2	2	2	1
1625		SKOOKUM INLET	1	1	1	1
1						
1626		HAMMERSLEY INLET		2	2	2
2	2					
1627		OAKLAND BAY	2	2	2	1
1						
1628		AGATE PASSAGE	2	2	2	2
2						
1629		LIBERTY BAY	2	3	3	2
2						
1630		PORT ORCHARD	3	3	3	3
2						
1631		SINCLAIR INLET	2	3	3	2
2						
1632		DYES INLET	3	3	3	2
2						
1633		RICH PASSAGE	3	4	4	3
3						
1634		QUARTERMASTER HARBOR				2
3	2	2				
1635		DALCO PASSAGE	4	5	5	4
3						
1636		BALCH PASS	1	1	1	1
1						

Rationale for Change: Mr. Craig Knutson, City of Port Angeles, provided a substantial amount of supplemental information on the public recreation originally included in the vulnerability ranking as well as information on public recreation sites that were unintentionally excluded from the ranking. The information provided by Mr. Knutson was evaluated using the same procedures used by the marine/estuarine recreation subcommittee of the scientific advisory board and resulted in a few modifications to the ranking.

173-183-500 Vulnerability of Estuarine Waters of the Columbia River Estuary Environment to Oil Spills.

Subsection 500(1):

The purpose of this section is to describe the method of ranking vulnerability of the Columbia River Estuary environment to oil spills for purposes of assessing damages using the compensation schedule.

Rationale for Change: Rule clarification. The intent of this section is to rate the vulnerability of public resources to oil spills and not just the waters.

Subsection 500(4):

A vulnerability score (VS) shall be calculated at the time of a spill for each cell and for the most sensitive season impacted by the spill. The VS rates the vulnerability of public resources to the spilled oil based on the propensity of the oil to cause acute toxicity and mechanical injury, and to persist in the environment.

(a) VS for a particular cell is determined by summing the sensitivity scores assigned to each cell for bird, fish, mammal, invertebrate, habitat and human use resources as follows:

$$VS_{ij} = 7/6 * (BSS_{ij} + FSS_{ij} + MSS_{ij} + ISS_{ij} + HSS_{ij} + HUS_{ij})$$

where VS_{ij} = spill vulnerability score for a particular cell and season;

BSS = bird sensitivity score (from Appendix 6 of this chapter);

FSS = fish sensitivity score (from Appendix 6 of this chapter);

MSS = mammal sensitivity score (from Appendix 6 of this

chapter);

ISS = invertebrate sensitivity score (from Appendix 6 of this

chapter);

HSS = habitat sensitivity score (from Appendix 6 of this

chapter);

HUS = human use sensitivity score (from Appendix 6 of this

chapter);

i = the cell under consideration

j = the most sensitive season impacted by

the spill;

fall, winter, spring or summer.

~~7/6 = correction factor necessary to equate the Columbia River~~

~~compensation schedule with the general marine/estuarine~~

~~compensation schedule.~~

(b) The raw vulnerability score for a spill (SVS) is calculated determined by calculating the average of the vulnerability scores for the cells exposed to the spill as follows:

$$SVS_j = (VS_1 + VS_2 + \dots + VS_x) / x$$

where VS_i = vulnerability score for cell i [Appendix 6 from subsection (4)(a) of this section], and

x = number of cells exposed to the spill.

j = the most sensitive season impacted by the spill; fall, winter, spring or summer.

Rationale for Change: The correction factor has been eliminated from subsection (a) of this section. All corrections will be made in the formula provided in section WAC 173-183-840 of the rule. The formula in subsection (b) is modified so as to direct users to the correct location for the vulnerability score (VS). VS is calculated in the immediately preceding formula. The definition of j is provided to eliminate any ambiguities.

Subsection 500(5):

The final SVS score is found by rounding the raw SVS score calculated from the formula in subsection (4) of this section to the nearest 0.01 as follows: decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: Rounding procedures were added to remove any ambiguities in how scores are calculated.

173-183-600 Vulnerability of Freshwater Streams, Rivers and Lakes Environments to Oil Spills

Subsection 600(1) & (2):

(1) The purpose of this section is to describe the method of ranking the vulnerability of state freshwater streams, rivers, and lakes environments, and portions thereof, to oil spills for purposes of applying the compensation schedule.

(2) Vulnerability of freshwater streams, rivers and lakes environments to oil spills is based on water type classifications and a habitat index.

Rational for Change: Rule clarification. The intent of this section is to rate the vulnerability of public resources to oil spills and not just the waters.

Subsection 600(3) and (4):

(3) For each oil spill into a freshwater stream, river or lake, a spill vulnerability score (SVS) is calculated. The SVS rates the vulnerability of public resources to spilled oil based on the spilled oil's propensity to cause acute toxicity, mechanical injury, and to persist in the environment. SVS is determined by multiplying the freshwater vulnerability score, which is based on

the water type classification, by the habitat index score as follows described by the following formula:

$$\text{Raw Spill Vulnerability Score (SVS)} = \text{FVS} * \text{HI}.$$

where FVS = Freshwater vulnerability score (WAC 173-183-610)
 HI = Habitat index (WAC 173-183-620).

(4) The final SVS score is found by rounding the raw SVS score calculated from the formula in subsection (3) of this section to the nearest 0.01 as follows: decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: Rounding procedures were added to remove any ambiguities in how scores are calculated.

Subsection 620(3):

(3) The RDA committee shall determine which of the habitat quality parameters described in subsection (2) of this section are applicable to the particular spill under consideration. If a parameter is not applicable to the spill under consideration, the parameter shall not be included in the formula provided in subsection (2) of this section.

Rationale for Change: Rule clarification.

173-183-700 VULNERABILITY OF FRESHWATER WETLANDS ENVIRONMENTS TO OIL SPILLS

Subsection 700(1) & (2):

(1) The purpose of this section is to describe the method of ranking the vulnerability of freshwater wetlands environments to oil spills for purposes of assessing damages by applying the compensation schedule.

(2) Vulnerability of freshwater wetlands environments to oil spills is based on a wetlands classification which rates the vulnerability of wetland environments to the acute toxicity, mechanical injury and persistence effects caused by spilled oil. Wetlands environments are classified into five categories which represent the sensitivity of habitat, plants, animals and recreational use to oil spills. For purposes of this chapter, the wetlands vulnerability score shall be equal to the spill vulnerability score as follows:

Spill Vulnerability Score (SVS) = WVS

where WVS = wetlands vulnerability score.

Rationale for Change: Rule clarification. The intent of this section is to rate the vulnerability of public resources to oil spills and not just the waters.

173-183-710 FRESHWATER WETLAND ENVIRONMENT VULNERABILITY CLASSIFICATION

Subsection 710(1):

Freshwater wetlands environments and portions thereof, are classified into 4 types based on the identification system set forth below.

(a) Category I Wetlands. The following types of wetlands are classed as category I wetlands:

(i) documented habitat for threatened or endangered plant, animal, or fish species recognized by federal or state agencies; or

(ii) documented Natural Heritage wetland sites or high quality native wetland communities which qualify as Natural Heritage wetland sites; or

(iii) documented habitat of regional (Pacific Coast) or national significance for migratory birds; or

(iv) regionally rare wetland communities; or

(v) wetlands with irreplaceable ecological functions; or

(vi) documented wetlands of local significance

(b) Category II wetlands. The following types of wetlands are classed as category II wetlands:

(i) documented habitat recognized by federal and state agencies for sensitive plant, animal or fish species; or

(ii) documented priority habitats and species recognized by state agencies; or

(iii) wetlands with significant functions which may not be adequately replicated through creation or restoration; or

(iv) wetlands with significant habitat value; or

(v) documented wetlands of local significance

(c) Category III wetlands. The following types of wetlands are classed as category III when they satisfy no category I, II or IV criteria

(d) Category IV wetlands. The following types of wetlands are classed as category IV wetlands:

(i) wetlands less than 1 acre in size and hydrologically isolated and comprised of one vegetated class that is dominated (more than 80% areal cover) by one species from the list in Table 20; or

(ii) wetlands less than two acres and hydrologically isolated with one vegetative class and more than 90% of the areal cover is any combination of species from the list in Table 21.

Rationale for Change: Rule clarification. The intent of this section is to rate the vulnerability of public resources to oil spills and not just the waters.

Subsection 710(2):

Freshwater wetland environment vulnerability score (WVS). The vulnerability of freshwater wetland environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of the ~~biological and recreational resources~~ freshwater wetland environments range from 1 to 5 where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

Table 22. Freshwater Wetland Environment Vulnerability Score (WVS).

WVS	QUALIFICATION
5	Category I wetlands
4	Category II wetlands
3	Category III wetlands
1	Category IV wetlands

Rationale for Change: Rule clarification. The intent of this section is to rate the vulnerability of public resources to oil spills and not just the waters.

173-183-800 CALCULATION OF DAMAGES USING THE COMPENSATION SCHEDULE GENERAL

The purpose of sections WAC 173-183-800 to WAC 173-183-850 are to describe:

- (a) the responsibilities of the OSC and RDA committee chair in applying the compensation schedule, and
- (b) the procedures for determining ~~adequate compensation for~~ **public** resource damages using the compensation schedule.

Rationale for Change: Clarification of rule language.

173-183-810 ON SCENE COORDINATOR RESPONSIBILITIES

Subsections 810(1), (2) & (3):

(1) The OSC or ~~initial~~ department responder, or his or her designee, shall make the following ~~initial~~ determinations:

- (a) ~~identity of the potentially liable party,~~
- (b) quantity and type of oil spilled,
- (c) extent and location of the spill, and
- (d) the amount of oil cleaned up ~~within the first six hours of spill initiation,~~ on a daily basis, and in total.

(2) The potentially liable party (PLP) may hire an independent expert to determine the volume of oil spilled and cleaned up, including the volume cleaned up within the first six hours after spill initiation. The volume determinations made by the independent expert shall be used in calculations of damages under the compensation schedule if the independent expert selected is acceptable to both the PLP and the department. Determinations by the mutually agreed upon

independent expert of the quantity of oil spilled and cleaned up shall be provided to the RDA committee chair within 60 days of the spill under consideration.

(~~2~~ 3) The OSC or ~~initial~~ department responder shall provide the information enumerated in subsection (1) of this section to the RDA committee chair in a timely manner.

Rationale for Change: It is not necessary that the initial department responder make the enumerated determinations. Adding the phrase "or his or her designee" allows the department the flexibility to hire a consultant to make determinations of number of gallons spilled for spills meeting certain criteria. It will be necessary to know the amount of oil cleaned up within the first six hours after the spill is initiated so that damages calculated with the compensation schedule can be adjusted appropriately. Because "initial" is no longer being used to modify "determinations" of the OSC, it is not appropriate that the OSC or department responder make the final determination of PLP identity as this can be a complex legal determination. The OCS or initial department responder are now required to make an initial determination of the identity of the PLP in WAC 173-183-220. The provision allowing a mutually agreed upon independent expert to make determinations of volume spilled was added at the request of API and WSPA.

173-183-820 RDA COMMITTEE CHAIR RESPONSIBILITIES**Subsection 820(1):**

The RDA committee chair shall, in consultation with the OSC and

RDA committee, determine the following:

(a) For spills into marine or estuarine waters excluding the Columbia River estuary,

(i) the acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360,

(ii) subregion(s) exposed to the spilled oil,

(iii) habitat types exposed to the spilled oil as classified in subsection (3) of WAC 173-183-410 for spills of 1,000 gallons or more,

(iv) percent coverage of each habitat type for the entire area impacted by the spill within the area of spill exposure for spills of 1,000 gallons or more,

() percent coverage of habitat types present within the subregion(s) exposed to spilled oil for spills of less than 1,000 gallons,

(v) a spill's habitat vulnerability scores (HVS) for acute toxicity, mechanical injury and persistence as determined by the procedures outlined in WAC 173-183-410, and

(vi) the spill vulnerability scores (SVS_{AT}, SVS_{MT}, SVS_{PER}) for the most vulnerable season and subregion affected by the spill using the formula provided in section WAC 173-183-400.

(b) For spills into the estuarine waters of the Columbia River,

(i) the acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360,

(ii) the cell(s) exposed to the spilled oil, and

(iii) the spill vulnerability score (SVS) for the most vulnerable season and cell exposed to affected by the spilled oil using the procedures provided in section WAC 173-183-500..

(c) For spills in freshwater streams, rivers and lakes,

(i) the acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360,

(ii) Freshwater vulnerability score as described in WAC 173-183-610,

(iii) Freshwater habitat index as described in WAC 173-183-620, and

(iv) Spill vulnerability score (SVS) as outlined in WAC 173-183-600 for each freshwater stream, river, and/or lake environment impacted by exposed to the spill, and

(d) For spills into freshwater wetlands,

(i) the acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360,

(ii) Freshwater wetland vulnerability score as described in WAC 184-173-710,

(iv) Spill vulnerability score (SVS) as outlined in WAC 173-183-700 for each wetland impacted by exposed to the spill.

Rationale for Change: The changes that specify the

different requirements for spills depending on size were added to accommodate the changes made to the habitat vulnerability ranking, WAC 173-183-410. Other changes were made to clarify rule intent.

Subsection 820(2) & (3):

~~(2) For spills that enter both fresh and marine/estuarine waters more than one type of environment as classified in WAC 173-183-400, 173-183-500, 173-183-600 and 173-183-700, compensation shall be calculated for the spill in both freshwater and marine/estuarine waters each environment type. Total compensation shall be calculated by summing the weighted compensation calculated for the freshwater spill and the marine/estuarine water spill, where weighting is defined by percent coverage of the spill in each environment.~~

(3) For spills that enter both freshwater and marine/estuarine more than one environments, the RDA committee chair shall, in consultation with the OSC and RDA committee, make the determinations enumerated under subsections (1)(a) and through (1)(b)(d) of this section.

Rationale for change: Subsections (2) and (3) were changed to make the compensation schedule applicable to a greater variety of spill types, and to clarify rule language. Subsection (2) was moved to new section WAC 173-183-865.

173-183-830 CALCULATION OF COMPENSATION DAMAGES FOR SPILLS INTO MARINE OR AND ESTUARINE WATERS, EXCEPT THE COLUMBIA RIVER ESTUARY

Subsection 830(1):

The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into marine and estuarine waters, except the estuarine waters of Columbia River. The value of the variables for used in the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined by from the following:

(a) the determinations made by the OSC as enumerated in subsection (1) of WAC 173-183-810, and

(b) the mutually agreed upon independent expert, if applicable, as described in subsection (2) of WAC 173-183-810, and

~~(b) (c) the determinations made by the RDA committee chair as enumerated in WAC 173-183-820(1)(a), and~~

~~(e) the marine bird, marine mammal, fisheries species and recreation vulnerability scores as determined under WAC 173-183-420 through WAC 173-183-470 for the most vulnerable season and subregion affected by the spill.~~

Rationale for Change: Language clarification and consistency with changes made to WAC 173-183-820(1).

Subsection 830(2):

In making the determination of percent-coverage of habitats ~~types~~ ~~for the area covered by the spill~~, the RDA committee may assume that the habitat-type visible at low tide extends out to the 20 meter depth contour.

Rationale for Change: The phrase "for the area covered by the spill" was eliminated to make this section applicable to all sizes of spills. Other changes were made to clarify rule intent.

Subsection 830(3):

The amount of compensation **Damages liability** shall be calculated using the following formula:

$$\text{Compensation Damages } (\$) = \text{gallons spilled} * 0.14 * 0.1 * [(\text{OIL}_{\text{AT}} * \text{SVS}_{\text{AT},j}) + (\text{OIL}_{\text{MI}} * \text{SVS}_{\text{MI},j}) + (\text{OIL}_{\text{PER}} * \text{SVS}_{\text{PER},j})]$$

where **gallons spilled** = the number of gallons of oil spilled as determined by the procedures outlined in section WAC 173-183-810;

$\text{SVS}_{i,j}$ = spill vulnerability score (from WAC 173-183-400(3));

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360);

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360);

i = acute toxicity (AT), mechanical injury (MI), and persistence (PER)

effects of oil;

j = the most sensitive season affected by the spill; and

$0.14 * 0.1$ = multiplier to adjust **SVS scores** the damages calculated to the \$1 - 50 per assessment range. gallon

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: "Compensation" was changed to "damages" to be consistent with rule terminology. The provision that the OSC determines the number of gallons spilled was added to eliminate any ambiguities. The multiplier was modified to take into account changes made to the various resource vulnerability rankings. The description of the variable i was elaborated to improve formula clarity. The definition of the multiplier was slightly modified to improve clarity. Precision of the calculation and rounding procedures were specified to eliminate any ambiguities regarding the damages calculated.

173-183-840 CALCULATION OF COMPENSATION DAMAGES FOR SPILLS IN THE COLUMBIA RIVER ESTUARY

Subsection 840(1):

The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into the estuarine waters of Columbia River. The value of the variables for used in

~~the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined by from the following:~~

~~(a) the determinations made by the OSC as enumerated in subsection (1) of WAC 173-183-810, and~~

~~(b) the determinations made by the RDA committee chair as enumerated in WAC 173-183-820(1)(b), and~~

~~(c) the bird, fish, mammal, invertebrate, habitat and human resource sensitivity scores as determined from the maps attached as Appendix 3 to this chapter for the most sensitive season and cell affected by the spill.~~

Rationale for Change: Language clarification and consistency with the changes made to WAC 173-183-820(1).

Subsection 840(2):

~~The amount of compensation~~ Damages liability shall be calculated using the following formula:

$$\text{Compensation Damages } (\$) = \text{gallons spilled} * 0.14 * 0.2 * SVS_j * (\text{OIL}_{AT} + \text{OIL}_{MI} + \text{OIL}_{PER})$$

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in section WAC 173-183-810;

SVS_j = spill vulnerability score (from WAC 173-183-500(5);

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360);

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360);

j = the most sensitive season affected by the spill;
0.14 * 0.2 = multiplier to adjust SVS scores the damages calculated to the \$1 - 50 per gallon assessment range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: "Compensation" was changed to "damages" to be consistent with rule terminology. The provision that the OSC determines the number of gallons spilled was added to eliminate any ambiguities. The multiplier was modified to take into account changes made to the resource vulnerability rankings and to section WAC 173-183-500(4)(a). The definition of the multiplier was slightly modified to improve clarity.

Precision of the calculation and rounding procedures were specified to eliminate any ambiguities regarding the damages calculated.

173-183-850 CALCULATION OF COMPENSATION DAMAGES FOR SPILLS IN FRESHWATER STREAMS, RIVERS, AND LAKES

Subsection 850(1):

The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater streams, rivers, and lakes. The value of the variables for used in the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined by from the following:

- (a) the determinations made by the OSC as enumerated in subsection (1) of WAC 173-183-810, and
- (b) the determinations made by the RDA committee chair as enumerated in WAC 173-183-820(2)(c).

Rationale for Change: Language clarification and consistency with the changes made to WAC 173-183-820(1).

Subsection 850(2):

(2) The amount of compensation Damages liability shall be calculated using the following formula:

$$\text{Compensation (\$)} = \text{gallons spilled} * 0.08 * \text{SVS} * (\text{OIL}_{\text{AT}} + \text{OIL}_{\text{MI}} + \text{OIL}_{\text{PER}})$$

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;

0.09 = multiplier to adjust SVS scores damages calculated to the \$1-50 per gallon charge range;

SVS = Spill vulnerability score [from WAC 173-183-600(3)];

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

Rationale for Change: "Compensation" was changed to "damages" to be consistent with rule terminology. The definition of the multiplier was slightly modified to improve clarity. Precision of the calculation and rounding procedures were specified to eliminate any ambiguities regarding the damages calculated.

173-183-860 CALCULATION OF COMPENSATION DAMAGES FOR SPILLS IN FRESHWATER WETLANDS

Subsection 860(1):

~~The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater wetlands. The value of the variables for used in the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined by from the following:~~

(a) ~~the determinations made by the OSC as~~ enumerated in WAC 173-183-810(1), and

(b) ~~the determinations made by the RDA committee chair as~~ enumerated in WAC 173-183-820(2 1)(d).

Rationale for Change: Language clarification and consistency with the changes made to subsection WAC 173-183-820(1).

Subsection 860(2):

(2) ~~The amount of compensation~~ Damages liability shall be calculated using the following formula:

$$\text{Compensation (\$)} = \text{gallons spilled} * 0.81 * \text{SVS} * (\text{OIL}_{\text{AT}} + \text{OIL}_{\text{MI}} + \text{OIL}_{\text{PER}})$$

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;

0.98 = multiplier to adjust SVS scores damages calculated to the \$1-50 per gallon charge range;

SVS = Spill vulnerability score [from WAC 173-183-700(3)];

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: decimals less than 0.005 shall be

Effective Date of Rule: Thirty-one days after filing.
 April 21, 1992
 Fred Olson
 Deputy Director

Chapter 173-183 WAC
**PREASSESSMENT SCREENING AND OIL SPILL
 COMPENSATION SCHEDULE REGULATIONS**

WAC

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**COMPENSATION SCHEDULE FOR SPILLS INTO
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 173-183-710 Wetlands vulnerability classification.

**CALCULATION OF DAMAGES USING THE
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- 173-183-800 Calculation of damages using the compensation schedule general.
 173-183-810 On-scene coordinator responsibilities.
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 173-183-850 Calculation of damages for spills in freshwater streams, rivers, and lakes.
 173-183-860 Calculation of damages for spills into freshwater wetlands.
 173-183-865 Calculation of damages for spills entering more than one type of receiving environment.
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 173-183-880 Damage claim.
 173-183-890 Substitution of damages.
 173-183-900 Annual report.
 173-183-910 Severability.
 173-183-920 Appendices.

NEW SECTION

WAC 173-183-010 PURPOSE. The purpose of this rule is to establish procedures for convening a resource damage assessment (RDA) committee, preassessment screening of resource damages resulting from oil spills to determine which damage assessment methods to use, and determining damages in cases where the compensation schedule is selected as the damage assessment methodology to apply. The RDA committee, utilizing the preassessment screening process, shall determine whether a detailed resource damage assessment studies should be conducted or whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages for each oil spill into state waters.

NEW SECTION

WAC 173-183-020 AUTHORITY. This regulation implements RCW 90.48.366, 90.48.367, and 90.48.368 of the Water Pollution Control Act, as amended in 1987, 1989, and 1991.

NEW SECTION

WAC 173-183-030 APPLICABILITY. This chapter shall apply to all oil spills into the waters of the state. Under this chapter, the department may require or take

any and all actions necessary to investigate and assess damages from those spills.

NEW SECTION

WAC 173-183-100 DEFINITIONS. (1)

"Columbia River estuary environment" means the habitat and all other public resources associated with or dependent on the estuarine waters of the Columbia River.

(2) "Compensation schedule" means the set of procedures enumerated in WAC 173-183-300 through 173-183-870 to determine the public resource damages resulting from an oil spill for cases in which damages are not quantifiable at a reasonable cost.

(3) "Damages" means the amount of monetary compensation necessary to:

(a) Restore any injured public resource to its condition before sustaining injury as a result of an oil discharge in violation of chapter 90.48 or 90.56 RCW, to the extent technically feasible, including any loss in value incurred during the period between injury and restoration in cases where damages are quantifiable at a reasonable cost; or

(b) Adequately compensate for the loss or diminution in value as determined through application of the compensation schedule provided in WAC 173-183-300 through 173-183-870 in cases where damages are not quantifiable at a reasonable cost.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology, or his or her designee.

(6) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(7) "Estuarine environment" means the habitat and all other public resources associated with or dependent on estuarine waters of the state.

(8) "Estuarine waters" or "estuarine waters of the state" means the waters within state jurisdiction that are semi-enclosed by land but have open, partly obstructed, or sporadic access to the ocean, and in which seawater is at least occasionally diluted by freshwater runoff from land. Estuarine waters of the state include adjacent tidal flats and beaches up to the limit of tidal inundation or wave splash. For purposes of this chapter, estuarine waters of the state include those designated on the map attached as Appendix 1 to this chapter; and the portion of the Columbia River estuary within state jurisdiction upstream to river mile 46 or the line drawn perpendicularly across the river which touches the upstream end of Puget Island.

(9) "Freshwater stream, river, and lake environment" means the habitat and all other public resources associated with or dependent on the streams, rivers, and lakes under state jurisdiction.

(10) "Freshwater wetland" or "freshwater wetlands" means lands transitional between terrestrial and freshwater aquatic systems where the water table is usually at or near the surface or the land is covered by shallow

water, and lands having one or more of the following attributes at least periodically: The land supports predominantly hydrophytes; the substrate is predominately undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

(11) "Freshwater wetland environment" means the habitat and all other public resources associated with or dependent on the freshwater wetlands of the state.

(12) "Freshwaters" or "freshwaters of the state" means all waters of the state except those classified as marine and estuarine waters of the state as defined in this chapter, including lakes, rivers, streams, ponds, other surface waters and wetlands.

(13) "Habitat" means the substrate and complement of associated biota not otherwise included in the vulnerability rankings in the applicable compensation schedule(s) that is part of this chapter.

(14) "Immediate removal" or "immediately removes" means removal of the spilled oil, or portions thereof, from the receiving environment by the potentially liable party within six hours of spill initiation.

(15) "Initial department responder" means the department of ecology spill responder who first arrives at the scene of the spill.

(16) "Injury" or "injuries" means an adverse change, either long- or short-term, to a public resource resulting either directly or indirectly from exposure to a discharge of oil in violation of chapter 90.48 or 90.56 RCW.

(17) "Loss in services" means a temporary or permanent reduction in the ability of the resource to provide its use or benefit to the public or to other resources.

(18) "Loss in value or lost value" of a damaged resource means the amount equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues during the period between injury and restoration; indirect use values may include existence, bequest, option, and aesthetic values.

(19) "Marine and estuarine habitats" mean the habitats found in marine and estuarine waters of the state as defined in this chapter.

(20) "Marine birds" means all seabirds, shorebirds, waterfowl, raptors and other avifauna that are dependent on marine and estuarine environments of the state for some portion of their life requirements including feeding, breeding, and habitat.

(21) "Marine environment" means the habitat and all other public resources associated with or dependent on marine waters of the state.

(22) "Marine fish," in context of the compensation schedule, means the species listed in Appendix 2.

(23) "Marine mammals" means the cetaceans, pinnipeds, sea otters, and river otters associated with marine and estuarine waters of the state.

(24) "Marine waters" or "marine waters of the state" means all coastal waters not appreciably diluted by freshwater, including open coastal areas, straits, and euhaline inland waters extending from the seaward limit of state jurisdiction to:

(a) The landward limit of tidal inundation or wave splash; or

(b) The seaward limit of estuarine waters of the state.

(25) "Not quantifiable at a reasonable cost" means any diminution in value of a public resource that cannot be measured with sufficient precision or accuracy by currently available and accepted procedures within a reasonable time frame.

(26) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by P.L. 99-499.

(27) "On scene coordinator" (OSC) means the department official who supervises the spill response team and compiles the initial report concerning the facts and circumstances of the spill for the department.

(28) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(29) "Potentially liable party" means the person or persons who may be liable for damages resulting from an oil spill.

(30) "Preassessment screening" means the investigation and determination of the facts and circumstances surrounding an oil spill which are used to determine whether a damage assessment investigation should be conducted, or alternatively, whether the compensation schedule will be used to assess damages.

(31) "Public resources" or "publicly owned resources" means fish, animals, vegetation, land, waters of the state, and other resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state.

(32) "Reasonable cost" for a damage assessment means a cost that is anticipated to be less than the amount of damages that may have occurred or may occur.

(33) "Receiving environment" means waters of the state exposed to the spill and all public resources associated with or dependent on the exposed waters.

(34) "Resource damage assessment committee" or "RDA committee" means the preassessment screening committee established under RCW 90.48.368 and charged with determining whether to conduct detailed damage assessment studies or to apply the compensation schedule for oil spills into waters of the state, and overseeing reconnaissance and damage assessment activities.

(35) "Restoration or enhancement projects or studies" means an activity that is intended to restore, replenish, restock, or replace public resources, or to further investigate the long-term effect of resource injuries as determined by the RDA committee for the benefit of the public.

(36) "Salmon," in context of the compensation schedule, means the species listed in Appendix 3.

(37) "Scientific advisory board" means the advisory group established by the department to assist in development of the compensation schedule as required by RCW 90.48.366.

(38) "Season" or "seasons" means winter, spring, summer, and/or fall, where winter occurs during the months December through February, spring occurs during the months March through May, summer occurs during the months June through August, and fall occurs during the months September through November.

(39) "Shellfish," in context of the compensation schedule, means the species listed in Appendix 4, but does not include privately grown shellfish on public lands.

(40) "Spill" means an unauthorized discharge of oil into waters of the state.

(41) "State" means state of Washington.

(42) "State trustee agencies" means the state agencies with responsibility for protecting and/or managing public resources.

(43) "Subregion" or "subregions" means the areas into which state marine and estuarine waters have been divided for purposes of the compensation schedule as designated on the maps attached as Appendix 1.

(44) "Technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the public resource before the injury.

(45) "Trust resources" means the public resource(s) under a particular state agency's jurisdiction for protection and/or management.

(46) "Unquantifiable damage" means any diminution in value of a public resource that cannot be measured with sufficient precision or accuracy by currently available and accepted procedures within a reasonable period of time.

(47) "Waters of the state" or "state waters" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(48) "Wetland" or "wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and lands having one or more of the following attributes at least periodically: The land supports predominantly hydrophytes; the substrate is predominantly undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

THE RDA COMMITTEE AND PREASSESSMENT SCREENING

NEW SECTION

WAC 173-183-200 PREASSESSMENT SCREENING PROCESS. (1) Findings from the preassessment screening shall be used to determine whether a

formal damage assessment investigation should be conducted or whether the compensation schedule will be applied to assess public resource damages associated with spills of oil into state waters.

(2) The preassessment screening process shall occur concurrently with reconnaissance and cleanup activities as defined in WAC 173-183-220(2).

NEW SECTION

WAC 173-183-210 INCIDENT DISCOVERY AND REPORTING. The state on-scene coordinator (OSC) or initial department responder, shall provide prompt notice to the committee chair when there is evidence of an oil spill into state waters.

NEW SECTION

WAC 173-183-220 INITIAL SITE RECONNAISSANCE AND NOTIFICATION OF THE RDA COMMITTEE. (1) The on-scene coordinator (OSC) or initial department responder to an oil spill shall report the following to the RDA committee chair as soon as practicable:

(a) Initial determination of the type and character of the oil(s) spilled;

(b) Initial determination of location of the spill, general type of habitat(s) impacted, geographic coverage of the spill, and amount of oil(s) spilled; and

(c) Initial determination of potentially liable party identity.

(2) The RDA committee chair shall notify RDA committee members of an oil spill as soon as practicable after receiving a report by the OSC or initial department responder, and provide a preliminary assessment of the potential risks to public resources.

(3) The RDA committee may, upon notification of an oil spill, initiate or authorize the RDA committee chair to initiate any necessary reconnaissance activities to:

(a) Further identify public resources at risk;

(b) Determine the extent to which public resources are, or may be, adversely affected;

(c) Document actual or potential injury to public resources; and

(d) Determine which local, state, and federal agencies and Indian tribes may have interests or jurisdiction over any of the public resources that may be adversely affected by the spill.

NEW SECTION

WAC 173-183-230 RDA COMMITTEE. (1) The following state agencies shall have membership on the RDA committee: Departments of ecology, fisheries, health, natural resources, wildlife, and the parks and recreation commission.

(2) Agencies with membership on the RDA committee shall nominate a representative and alternate to be appointed to the committee by the director.

(3) The department of ecology shall chair the RDA committee.

(4) The department may select representatives from the following agencies and governments for participation

on the RDA committee on a spill-by-spill basis: Departments of emergency management, as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance reconnaissance or damage assessment activities of spill response.

If a selected representative declines or is unable to participate on the committee, the representative shall provide written notice to the department within twelve hours of being notified so that a replacement member may be appointed. Prompt consideration will be given to other local, state, or federal agency, or tribal government requests for participation on the RDA committee on a spill-by-spill basis.

(5) The RDA committee shall convene as soon as possible, but no later than thirty days after the department receives notification of a spill, or the next regularly scheduled meeting of the committee following a spill.

NEW SECTION

WAC 173-183-240 PREASSESSMENT SCREENING. (1) The primary duty of the RDA committee during the preassessment screening is to determine whether detailed damage assessment studies should be conducted under RCW 90.48.367, or alternatively, whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages.

(2) The RDA committee shall consider information collected during reconnaissance and cleanup as well as other relevant background information pertaining to threatened public resources or resource use for the preassessment screening.

(3) The RDA committee shall consider the following factors when determining the type of damage assessment to be conducted:

(a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources;

(b) The potential loss in services provided by public resources injured or likely to be injured and the expected value of the potential loss;

(c) Whether a restoration project to return lost services is technically feasible;

(d) The accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method;

(e) The extent to which likely injury to public resources can be verified with available quantification methods; and

(f) Whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) The department shall apply the compensation schedule to determine the amount of damages if the RDA committee determines that:

(a) Restoration or enhancement of the injured resources is not technically feasible;

(b) Damages are not quantifiable at a reasonable cost; and

(c) The restoration and enhancement projects or studies proposed by the potentially liable party are insufficient to adequately compensate the people of the state for public resource damages.

(5) The RDA committee is encouraged to work cooperatively with the potentially liable party, to the greatest extent possible, to increase the efficiency of the damage assessment process, and shall provide for the ongoing involvement of the potentially liable party.

NEW SECTION

WAC 173-183-250 DAMAGE ASSESSMENT STUDIES. (1) If the RDA committee, after considering the factors enumerated in WAC 173-183-240(3), determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred, then the RDA committee may authorize damage assessment studies.

(2) If the RDA committee authorizes damage assessment studies under RCW 90.48.367(3), the RDA committee chair shall promptly notify the potentially liable party of this decision.

(3) The state trustee agency(ies) responsible for the potentially injured resource and habitat shall conduct the damage assessment studies and pursue all appropriate remedies with the responsible party. The RDA committee shall consider the proposed damage assessment studies and the effects of any proposed remedies in a timely manner, consistent with WAC 173-183-240(3).

(4) As new information becomes available, the committee may reevaluate the scope of damage assessment studies using the factors listed in WAC 173-183-240(3), and may reduce or expand the scope of damage assessment studies as appropriate.

(5) The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the damages determined through the damage assessment studies.

NEW SECTION

WAC 173-183-260 RESTORATION AND ENHANCEMENT PROJECTS PROPOSED BY THE PLP. (1) The potentially liable party (PLP) may propose restoration or enhancement projects or studies during the preassessment screening phase to substitute for some or all of:

(a) The damages calculated from the compensation schedule authorized under RCW 90.48.366 and 90.48.367; or

(b) The claims from damage assessment studies authorized under RCW 90.48.142 and 90.48.367.

(2) To be considered as part of the preassessment screening decision process specified in WAC 173-183-240, PLP proposals must be submitted to the RDA committee chair within ten days of PLP notification by the RDA committee.

(3) The RDA committee may accept the PLP proposal in lieu of some or all of:

(a) The damages calculated from the compensation schedule authorized under RCW 90.48.366 and 90.48.367; or

(b) The claims from damage assessment studies authorized under RCW 90.48.142 and 90.48.367.

(4) For the RDA committee to find a proposal sufficient to adequately compensate the people of the state for public resource damages, the PLP proposal must at least contain the following elements:

(a) An investigation of all potentially injured public resources to determine if they have been exposed to the spilled oil;

(b) Follow-up investigations on all public resources documented to be exposed to determine if exposure has resulted in injury;

(c) Follow-up investigations on all public resources documented to be injured by the spill to quantify the injury;

(d) Quantification of damages for all public resources where injury has been quantified; and

(e) Restoration/enhancement projects to compensate for public resource injuries to the extent technically feasible; and, for damages that cannot be compensated by technically feasible restoration or enhancement projects, implementation of projects/studies to compensate for these losses. Public resource restoration and enhancement projects and studies shall be prioritized as follows:

(i) On-site, in-kind;

(ii) Off-site, in-kind;

(iii) On-site, out-of-kind; and

(iv) Off-site, out-of-kind.

(5) Prior to the PLP initiating any projects or studies intended to substitute for damages, the PLP's proposal must be approved by the RDA committee. If a PLP proposal is found to be acceptable to the RDA committee, the committee shall notify the PLP of this decision.

(6) If RDA committee finds a PLP project and study plan proposal to be acceptable, the RDA committee shall oversee all projects and studies conducted by the PLP.

(7) Upon completion of the PLP's project and study plan, the RDA committee shall decide the extent to which the PLP's projects and studies substitute for public resource damages as identified in subsection (3) of this section.

NEW SECTION

WAC 173-183-270 PARTICIPATION. To efficiently implement WAC 173-183-250 the RDA committee may develop public resource damage assessment agreements to facilitate cooperation between state and federal agencies and Indian tribes.

OIL SPILL COMPENSATION SCHEDULE GENERAL

NEW SECTION

WAC 173-183-300 PURPOSE. The purpose of this section is to establish a compensation schedule that will provide a simple methodology for assessing damages to public resources from oil spills into fresh, marine, and

estuarine waters of the state. The intent is to provide an alternate methodology to the extensive and expensive natural resource damage assessments presently being conducted following oil spills. This section provides the procedures for:

(1) Establishing the relative vulnerability of public resources to oil spills by taking into consideration the relative toxicity of the oil spilled and the sensitivity of public resources present in the receiving environment; and

(2) Determining adequate monetary compensation for injury to public resources resulting from an oil spill.

NEW SECTION

WAC 173-183-310 **AUTHORITY.** This regulation implements the establishment of a resource damage compensation schedule consistent with the provisions of RCW 90.48.366 for the discharge of oil in violation of chapter 90.48 or 90.56 RCW which requires the department to establish the compensation schedule in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, and with the assistance of a scientific advisory board.

NEW SECTION

WAC 173-183-320 **COMPENSATION SCHEDULE.** (1) The compensation schedule determines adequate compensation for unquantifiable damages or for damages not quantifiable at a reasonable cost for persons liable under RCW 90.48.142.

(2) Adequate compensation as determined from the compensation schedule is derived from preexisting information of resource vulnerability to a class of oil spilled in a particular subregion of the state during a particular season, plus any additional information collected at the reconnaissance stage of the spill response.

(3) Under RCW 90.48.366, the amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled.

NEW SECTION

WAC 173-183-330 **RESOURCE DAMAGE ASSESSMENT USING THE COMPENSATION SCHEDULE.** The compensation schedule includes:

(1) A relative ranking for each of the classes of oil defined in this chapter as determined by their known chemical, physical, and mechanical properties, and other factors that may affect the severity and persistence of the spill on the receiving environment;

(2) A relative vulnerability ranking of receiving environments which takes into account location of the spill, habitat and public resource sensitivity to oil, seasonal distribution of public resources, areas of recreational use and aesthetic importance, the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law, and other areas of special ecological or

recreational importance as determined by the department;

(3) A quantitative method for determining public resource damages resulting from an oil spill, based on the oil effects and vulnerability rankings designed to compensate the people of this state for those damages that cannot be quantified at a reasonable cost that result from oil spills; and

(4) A method for adjusting damages calculated under the compensation schedule based on actions taken by the potentially liable party that:

(a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or

(b) Enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

NEW SECTION

WAC 173-183-340 **OIL CLASS RANKING.** (1) The purpose of this section is to provide a relative ranking of the severity of effects caused by a spilled oil. The ranking is based on the known chemical, physical, and mechanical properties of oils in the six classes identified in this section, as well as other properties affecting propensity to cause acute toxicity and mechanical injury, and to persist in the environment. For purposes of the compensation schedule, relative rankings of the severity of effects caused by a spilled oil are provided for the following classes of oils:

- (a) Prudhoe Bay crude oil;
- (b) Bunker C;
- (c) No. 2 fuel oil;
- (d) Gasoline;
- (e) Kerosene; and
- (f) Kerosene-type jet fuel.

(2) The relative ranking scores for the oil classes range from 1 to 5, where 1 represents the least harmful effect and 5 represents the most harmful effect. For purposes of RCW 90.48.366 and 90.48.367, the acute toxicity, mechanical injury, and persistence relative ranking scores for the oils described by the classes enumerated in subsection (1) of this section shall be as follows:

Table 1. Acute Toxicity, Mechanical Injury and Persistence Relative Ranking Scores for Classified Oils (OIL).

Oil Class	Acute Toxicity	Mechanical Injury	Persistence
Prudhoe Bay Crude Oil	0.9	3.6	5
Bunker C	2.3	5.0	5
No. 2 Fuel Oil	2.3	3.2	2
Gasoline	5.0	1.0	1
Kerosene	1.4	2.4	1
Kerosene-type Jet Fuel	1.4	2.4	1

(3) In cases where the spilled oil is not described by any of the oil classes listed in subsection (1) of this section, or is a mixture of oils, the department shall determine the acute toxicity, mechanical injury, and persistence scores as follows:

(a) By assigning the acute toxicity, mechanical injury, and persistence scores assigned to the oil class best describing the spilled oil from subsection (2) of this section; or

(b) By using the following guidance to determine the acute toxicity, mechanical injury, and persistence relative ranking scores:

(i) Acute toxicity relative ranking score. An acute toxicity raw score is determined by summing the weighted averages of the 1-, 2-, and 3-ringed aromatic compounds comprising the spilled oil and dividing this sum by 107, where aromatic compound composition is determined by percent-weight, and weighting is determined by aqueous solubility of the aromatic compounds, as described by the following formula:

$$\text{Acute Toxicity Raw Score} = \frac{[(\text{SOL}_1 \cdot \text{PCT} - \text{WT}_1) + (\text{SOL}_2 \cdot \text{PCT} - \text{WT}_2) + (\text{SOL}_3 \cdot \text{PCT} - \text{WT}_3)]}{107}$$

where SOL_i = solubility in seawater of i-ring aromatic hydrocarbons, and
 PCT-WT_i = percent weight of i-ring aromatic hydrocarbons in the spilled oil, i = 1, 2, and 3.

The final acute toxicity relative ranking score is determined by rounding the acute toxicity raw score to the nearest 0.1 using standard rounding procedures where decimals less than 0.05 are rounded down and decimals equal to or greater than 0.05 are rounded up.

(ii) Mechanical injury relative ranking score. A mechanical injury raw score is determined by subtracting 0.688 from the specific gravity of the spilled oil and dividing this result by 0.062 as follows:

$$\text{Mechanical Injury Score} = (\text{SP} - 0.688) / 0.062$$

where SP = specific gravity of the spilled oil.

The final mechanical injury ranking score is determined by rounding the mechanical injury raw score to the nearest 0.1 using standard rounding procedures where decimals less than 0.05 are rounded down and decimals equal to or greater than 0.05 are rounded up.

(iii) Persistence relative ranking score. A persistence relative ranking score is determined from empirical data describing the length of time the spilled oil is known to, or is likely to, persist in a variety of habitat types. Scoring is assigned on a 1 to 5 scale as follows:

SCORE	ANTICIPATED PERSISTENCE
5	5 - 10 years or more
4	2 - 5 years
3	1 - 2 years
2	1 month to 1 year
1	days to weeks.

(4) In cases where the spilled oil is comprised of two or more types of oil, damages shall be calculated under the schedule for each oil type and then summed to calculate total damages liability.

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

COMPENSATION SCHEDULE FOR SPILLS INTO MARINE AND ESTUARINE WATERS, EXCLUDING ESTUARINE WATERS OF THE COLUMBIA RIVER

NEW SECTION

WAC 173-183-400 VULNERABILITY OF MARINE AND ESTUARINE ENVIRONMENTS TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking vulnerability of marine and estuarine environments, excluding the Columbia River estuary environment to oil spills for the purposes of assessing damages using the compensation schedule.

(2) Marine and estuarine waters of the state excluding the Columbia River estuary are divided into sixteen regions and one hundred thirty-one subregions for purposes of RCW 90.48.366, as designated on the maps attached as Appendix 5 of this chapter.

(3) A spill vulnerability score (SVS) shall be calculated at the time of a spill for the most sensitive subregion and season impacted by the spill. The SVS rates the vulnerability of public resources to spilled oil based on the propensity of the oil to cause acute toxicity and mechanical injury, and to persist in the environment. SVS is determined by summing the vulnerability scores for marine birds, marine mammals, fishery species, recreational use and habitats for the subregion(s) and most sensitive season impacted by the spill. The formula to be used to calculate SVS for each of the three oil effects, acute toxicity, mechanical injury, and persistence, is as follows:

$$\text{Spill vulnerability score (SVS)}_{ji} = \text{HVS}_i + \text{BVS}_i + \text{MVS}_i + \text{MFVS}_i + \text{SFVS}_i + \text{SAVS}_i + \text{RVS}_i$$

where HVS_i = habitat vulnerability to oil's propensity to cause i
 BVS = marine bird vulnerability score (WAC 173-183-420(3));
 MVS = marine mammal vulnerability score (WAC 173-183-460(3));
 MFVS = marine fisheries vulnerability score (WAC 173-183-430(3));
 SFVS = shellfish vulnerability score (WAC 173-183-440(3));
 SAVS = salmon vulnerability score (WAC 173-183-450(5));
 RVS = recreation vulnerability score (WAC 173-183-470(3));
 i = acute toxicity (AT), mechanical injury (MI), or persistence (Per); and
 j = the most sensitive season affected by the spill: Spring, summer, fall, or winter

NEW SECTION

WAC 173-183-410 MARINE AND ESTUARINE HABITAT VULNERABILITY. (1) The purpose of this section is to provide a marine and estuarine habitat vulnerability ranking. The marine and estuarine habitats present in the state are:

(a) Classified into thirty-seven types based on substrate type, energy regime and depth of occurrence; and

(b) Relatively ranked and scored for vulnerability to oil spills on a 1 to 5 scale, where a habitat vulnerability score (hv) of 5 represents the greatest vulnerability and an hv of 1 represents the least vulnerability.

(2) Marine and estuarine habitat vulnerability scores (hv) are based on the following:

(a) Presence of living public resources at risk, where living public resources include only those not otherwise incorporated into the compensation schedule in the marine fish, shellfish, salmon, marine mammal or marine bird vulnerability rankings of WAC 173-183-420 through 173-183-460; and

(b) Predicted sensitivity to the acute toxicity, mechanical injury and persistence effects of oil based on energy regime of the habitat and propensity to entrain oil.

(3) For purposes of RCW 90.48.366, marine and estuarine habitats of the state are classified into the following thirty-seven habitat types:

(a) Marine intertidal habitats.

(i) Exposed and semi-exposed rocky shores. Bedrock and boulder habitats exposed to the full range of wave energies of the Pacific (i.e., on the outer coast), or to extensive wave fetch along the Strait of Juan de Fuca. Rocky areas on the coast partly protected behind sea stacks or islands also fall into this category.

(ii) Sand-scoured rocky shores. Rocky headlands or sea stacks directly adjacent to high energy sandy beaches such that there is much suspended sand in the water, which scours the rock. Unique plants and animals are found here.

(iii) Protected rocky shores. Bedrock and boulder habitats lacking oceanic swell and extensive wave fetch; e.g., inside waters of the San Juan Islands, headlands in bays off the Strait of Juan de Fuca or well protected behind islands on the outer coast.

(iv) Semi-exposed cobble and mixed-coarse beaches. Beaches exposed to moderate wave action composed of cobble overlying sand, or to somewhat less wave action, with a mix of cobble, gravel, and sand where no one component occupies more than seventy percent of the surface. Algae may grow on larger cobbles, and animals live both on the surface and in the sediment. Species vary dramatically with degree of wave exposure and composition of the sediment. Found inside the San Juan Islands, outside of Whidbey Island, at semi-protected sites along the Strait, and behind island and sea stacks on the coast.

(v) Semi-exposed gravel beaches. Unstable beaches, containing some sand in more protected areas. Many sites along the Strait of Juan de Fuca.

(vi) Exposed sandy beaches. Pure marine sands found in moderate to high-energy areas, e.g., on the outer coast and along the Strait of Juan de Fuca. Mouths of bays with some wave action also fall into this category.

(vii) Semi-protected mixed-fine beaches. Mixed sand and silt habitats, found in bays and inlets with some wave action so they are not dominated by the finer sediments (muds). Patches of gravel may be present high on the shore.

(viii) Protected mud flats. Areas of little to no wave energy, where fine sediments settle and accumulate organic matter. Found in calm bays and inlets with little freshwater influx (i.e., not estuaries).

(b) Marine subtidal.

(i) Shallow subtidal rock and boulders. Areas less than 15 m depth with some currents so that sediments

do not totally cover bedrock. Kelp beds are found in these habitats, which are widespread in the state.

(ii) Deep subtidal rock and boulders. Areas deeper than 15 m and thus lacking in significant algal cover, but still with enough currents to keep the substrate exposed. Common in the San Juans and the Strait.

(iii) Deep subtidal cobble and mixed-coarse areas. "Scoured" areas in channels or passes with high currents, composed entirely of cobbles or with gravel and sand mixed in.

(iv) Shallow subtidal mixed-coarse to mixed-fine areas (low energy). Areas ranging from cobbles lying over a matrix of sand and gravel to mixed sand and silt, in waters less than 15 m. Bays and inlets commonly have this range of substrate types. Plants and animals exist both on the cobbles and in the sediment.

(v) Shallow subtidal gravel or mixed-fine areas (high energy). Areas just offshore of sand or gravel beaches, where swells or wave action keep fine sediments from accumulating. Substrates range from pure gravel to gravel mixed with sand and shells. Common in the Strait.

(vi) Deep subtidal sand. Areas deeper than 15 m in the Strait or on the coast where swells keep the substratum fairly coarse.

(vii) Deep subtidal mixed-fine areas. Areas of sand, shells, and pebbles with some currents removing finer particles.

(viii) Deep subtidal muddy areas. Areas with no swell and few currents, where fine silts settle out and accumulate organic matter.

(ix) Open water. Areas deeper than 20 m.

(c) Estuarine intertidal.

(i) Open rocky shores. Rocky intertidal areas (including hardpan and riprap) in areas exposed to moderate waves or currents, e.g., on headlands in Puget Sound.

(ii) Open mixed-coarse beaches. One of the most common beach types in Puget Sound, composed of a mix of cobble, gravel, and sand in areas with some wave action that keeps finer silts suspended. Sparse salt marsh vegetation may occur at the tops of these beaches, especially in quieter areas.

(iii) Open gravel beaches. Areas of gravel or pebbles, often overlying sand, in areas of moderate wave action.

(iv) Open sandy beaches. Common habitats of gently sloping beaches but moderate wave action. May have gravel on the upper shore. Found in Puget Sound and in some areas of other estuaries, including Grays Harbor.

(v) Sandy low marshes. Found on spits, berms, and deltas where sand collects. Areas of different salinities are dominated by different marsh plant communities. Widespread (although disturbed) throughout the Puget Trough.

(vi) Mixed-fine beaches and low marshes. Found in backwaters or deltas away from large channels, where the substrate is mixed sand and mud, sometimes with patches of gravel or peat. Substrate is stable and organic-rich. Marsh communities vary with salinity.

(vii) Saline lagoons. Areas where water-borne sediments are deposited into a spit closing off an embayment, which is flushed regularly or irregularly.

Salinities vary with evaporation and runoff but are generally high.

(viii) Low-salinity lagoons. Lagoons that are nearly separated from tidal/salt influence by a berm, and where there is a source of freshwater. Substrate is usually soft silt. This habitat is rare in the state.

(ix) Mud flats. Areas lacking in gravel or significant amounts of sand due to limited wave action, usually found in the heads of bays and inlets. Includes undisturbed channels and sloughs which drain slowly through a tidal cycle, and which may contain some sand.

(x) High salt marshes. Areas above normal high water but salt influenced, with organic/peat substrata. Salinities vary, and plant communities with them.

(xi) Transition zone wetland. Areas transitional between salt marshes and uplands, where salt water only rarely inundates. Substrata are peat or fine silts.

(d) Estuarine subtidal.

(i) Shallow subtidal rock and boulders. Areas less than 15 m deep with moderate currents or wave action that remove silt. Kelp beds develop here.

(ii) Deep subtidal rock and boulders. Areas in narrow channels or around headlands where currents remove sediment that otherwise would settle in these deeper areas. These habitats are essentially marine, since freshwater tends to stay layered in shallow water.

(iii) Shallow subtidal cobble and mixed-coarse areas. Mixed cobble, gravel, and sand remain in shallow areas fairly open to wave action or currents.

(iv) Deep subtidal cobble and mixed-coarse areas. Tidal currents running through deep channels in Puget Sound keep fine silts from settling and create areas of mixed cobbles, sand, and gravel.

(v) Shallow subtidal sandy or mixed-fine areas. High-current areas with little debris and some gravel, or less current-swept with more debris. Both are common outside of enclosed bays in Puget Sound.

(vi) Deep subtidal sandy or mixed-fine areas. Current-swept areas below 15 m. Organic debris and gravel tend to accumulate deeper (below 30 m), leading to different assemblages there.

(vii) Shallow subtidal muddy bays. Common habitats in open to partly enclosed bays in Puget Sound, where limited water movement allows fine sediments to accumulate. Organic enrichment is high, especially in more enclosed bays.

(viii) Deep subtidal muddy bays. Habitats in the heads and centers of inlets in Puget Sound where there is little motion and the substrate is soft mud and sand. Assemblages vary with depth and amount of organic debris accumulated.

(ix) Open water. Areas deeper than twenty meters.

(4) For purposes of RCW 90.48.366, marine and estuarine habitat vulnerability scores (hv) for each of the habitat types classified in subsection (3) of this section shall be as follows:

TABLE 2. Habitat Vulnerability for a Single Habitat Type and Oil Effect (hv)

HABITAT TYPE	HABITAT VULNERABILITY (hv)		
	ACUTE (hv _{AT})	MECH (hv _{MI})	PERS (hv _{PER})
MARINE INTERTIDAL			
Exposed and semi-exposed rock shores	3.7	4.3	3.1
Sand-scoured rocky shores	3.3	3.8	2.7
Protected rocky shores	3.0	3.5	3.0
Semi-exposed cobble and mixed-coarse beaches	3.2	3.2	3.2
Semi-exposed gravel beaches	3.2	1.4	2.0
Exposed sandy beaches	2.9	1.3	1.8
Semi-protected mixed-fine beaches	3.2	2.6	3.7
Protected mud flats	3.8	2.7	4.3
MARINE SUBTIDAL			
Shallow subtidal rock and boulders	3.7	3.7	3.1
Deep subtidal rock and boulders	2.7	2.7	3.3
Deep subtidal cobble and mixed coarse	1.5	2.2	2.2
Shallow subtidal mixed-coarse to mixed-fine	3.6	3.6	3.6
Shallow subtidal gravel or mixed-fine	2.8	1.6	2.3
Deep subtidal sand	1.6	2.0	1.6
Deep subtidal mixed-fine	1.5	2.6	3.1
Deep subtidal muddy	2.0	2.0	3.2
Open water	5.0	3.2	2.2
ESTUARINE INTERTIDAL			
Open rocky shores	3.0	3.5	3.0
Open mixed-coarse beaches and low marsh	3.7	3.2	3.2
Open gravel beaches	3.4	1.5	2.2
Open sandy beaches	3.3	2.8	2.3
Sandy low marshes	3.5	3.0	3.0
Mixed-fine beaches and low marshes	4.3	4.3	4.3
Saline lagoons	3.7	3.7	4.1
Low-salinity lagoons	3.0	3.5	3.9
Mud flats	3.7	2.6	4.1
High salt marshes	3.0	3.5	3.9
Transition zone wetlands	3.0	3.5	3.9
ESTUARINE SUBTIDAL			
Shallow subtidal rock and boulders	3.2	3.2	2.6
Deep subtidal rock and boulders	2.3	2.3	2.8
Shallow subtidal cobble and mixed-coarse	2.6	3.2	3.2
Deep subtidal cobble and mixed-coarse	1.5	2.2	2.2
Shallow subtidal sandy or mixed-fine	3.2	3.2	3.2
Deep subtidal sandy or mixed-fine	2.0	2.4	2.8

HABITAT VULNERABILITY (hv)

HABITAT TYPE	ACUTE (hv _{AT})	MECH (hv _{MI})	PERS (hv _{PER})
Shallow subtidal muddy bays	3.0	2.4	3.9
Deep subtidal muddy bays	1.8	1.8	2.9
Open water	5.0	3.2	2.2

(5) When seagrass or kelp are present in a particular habitat type, the portion of the habitat type with seagrass or kelp shall be treated as a separate habitat type. The habitat vulnerability for a particular habitat type and oil effect (hv) shall be multiplied by a factor of 1.5 for habitat types with seagrass or kelp present. The RDA committee shall be responsible for determining whether seagrass or kelp are present in a habitat type, and the portion of a habitat type containing seagrass or kelp.

(6) In general, several of the habitat types classified in this section may be affected by a particular spill. The habitat vulnerability score for a particular spill and oil effect (HVS_i) is composite of the habitat vulnerability scores for each of the habitat types affected by the spill which takes into consideration the percent coverage of each habitat type in the area of spill impact.

(7) The habitat vulnerability score for a particular spill and oil effect (HVS) shall be determined as follows:

(a) For spills of 1,000 gallons or more. Sum the weighted habitat vulnerability scores for each habitat type exposed to the spill as described by the formula provided in (c) of this subsection, where weighting is defined by percent coverage of each habitat type within the area of spill exposure.

(b) For spills of less than 1,000 gallons. Sum the weighted habitat vulnerability scores for each habitat type present in the subregion(s) exposed to the spill as described by the formula provided in (c) of this subsection, where weighting is defined by percent coverage of each habitat type present in the subregion(s) exposed to the spill.

(c) The formula to calculate the raw habitat vulnerability score for a particular spill and oil effect (HVS_i) is as follows:

$$HVS_i = \sum_{j=1}^n (hv_{ij} \times PC_j)$$

where PC_j = Percent-coverage of habitat-type j expressed as a decimal;
 hv_{ij} = habitat vulnerability for a particular habitat type & oil effect;
 j = habitat type;
 i = acute toxicity (AT), mechanical injury (MI) and persistence (PER); and
 n = number of habitats to be considered as determined under (a) and (b) of this subsection.

(d) The final HVS^{AT}, HVS^{MI}, and HVS^{PER} scores are found by rounding the raw scores calculated from the formula in (c) of this subsection to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

NEW SECTION

WAC 173-183-420 MARINE BIRD VULNERABILITY. (1) Each of the marine and estuarine subregions of state waters established in WAC 173-183-400(2) is relatively ranked and scored for marine bird vulnerability to oil spills on a 1 to 5 scale for each season, where a score of 5 represents the greatest vulnerability and a score of 1 represents the least vulnerability.

(2) The marine bird vulnerability ranking relatively ranks the vulnerability of seabirds, shorebirds, and waterfowl present in a subregion during a particular season to oil spills, where vulnerability is based on population status, abundance, roosting habits, escape behavior, flocking behavior, feeding specialization, population size, reproductive capacity, breeding dispersion, winter dispersion, seasonal exposure to waters where oil spills could occur, and significance of Washington population to total population.

(3) Marine bird seasonal vulnerability scores for each of the marine and estuarine subregions defined in WAC 173-183-400 are based on existing information and determinations made by the marine bird subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, marine bird seasonal vulnerability scores (BVS) for each of the subregions defined in WAC 173-183-400 shall be as follows:

Table 4. Subregional Marine Bird Vulnerability Scores (BVS)

SUBREGION	SP	SU	FA	WI
101 NORTHERN OUTER COAST	5	5	5	5
102 KALALOCH	5	5	5	5
103 QUINAULT	5	5	5	5
104 COPALIS BEACH	5	5	5	5
105 GRAYS HARBOR	5	5	5	5
106 TWIN HARBORS BEACH	5	5	5	5
107 WILLAPA BAY	5	5	5	5
108 LONG BEACH	5	5	5	5
109 INNER SHELF	4	2	5	5
110 OUTER SHELF	4	1	1	1
111 SHELF EDGE	5	1	1	1
112 CONTINENTAL SLOPE	2	1	1	1
201 STRAIT OF JUAN DE FUCA-OUTER	3	2	5	4
203 CAPE FLATTERY	4	3	4	3
204 NEAH BAY	2	2	2	2
205 NEAH BAY TO CLALLAM BAY	2	3	3	2
206 CLALLAM BAY	2	2	2	2
207 CLALLAM BAY TO CRESCENT BAY	2	3	3	2
208 CRESCENT BAY	2	2	2	2
209 CRESCENT BAY TO EDIZ HOOK	2	2	2	4
301 STRAIT OF JUAN DE FUCA-INNER	3	3	3	4
302 EDIZ HOOK	1	1	1	1
303 PORT ANGELES	2	3	3	2
304 VOICE OF AMERICA	2	2	2	2
305 DUNGENESS SPIT	2	2	2	3
306 DUNGENESS BAY/HARBOR	4	2	2	3
307 JAMESTOWN	5	5	5	5
308 SEQUIM BAY	2	1	1	2
309 MILLER PENINSULA	2	2	2	3
310 PROTECTION ISLAND	4	5	5	3
311 DISCOVERY BAY	3	1	1	4
312 QUIMPER PENINSULA	2	3	3	4
313 WHIDREY ISLAND	1	2	2	2
314 SMITH ISLAND	3	5	5	3
315 DECEPTION PASS	2	2	2	2
316 LOPEZ ISLAND (SOUTH SHORE)	5	4	4	3
317 SAN JUAN IS.(SOUTH SHORE)	2	2	2	2
401 ADMIRALTY INLET	3	5	5	2
402 SOUTH ADMIRALTY INLET	2	1	2	3
403 PORT TOWNSEND	3	2	3	4
404 OAK BAY	2	2	2	2
405 KILISUT HARBOR	3	2	3	4
501 BELLINGHAM CHANNEL	2	2	4	4
502 GUEMES CHANNEL	2	2	1	3
503 FIDALGO BAY	2	2	2	3
504 PADILLA BAY	5	5	4	5
505 SAMISH BAY	5	5	4	5
506 BELLINGHAM BAY	4	4	4	5

507	HALE PASSAGE	3	3	2	2
601	LUMMI BAY	5	5	3	4
602	CHERRY POINT	5	5	2	2
603	BIRCH BAY	4	4	3	3
604	SEMIAHOO SPIT	4	4	4	4
605	DRAYTON HARBOR	3	3	3	4
607	SAN JUAN IS.-NORTHERN TIER	3	3	2	4
608	GEORGIA STRAIT-EASTERN	4	4	4	4
701	PT. ROBERTS	4	4	2	4
703	GEORGIA STRAIT-WESTERN	2	2	2	2
801	NORTHERN HARO STRAIT	2	2	4	3
802	SOUTHERN HARO STRAIT	1	1	1	2
901	SOUTHERN ROSARIO STRAIT	3	3	3	5
902	CENTRAL ROSARIO STRAIT	3	3	5	4
903	NORTHERN ROSARIO STRAIT	5	5	5	4
1001	PRESIDENT CHANNEL	2	2	2	2
1002	NORTHERN AREAS	1	1	2	3
1101	SPEIDEN CHANNEL	1	1	2	2
1102	NORTHERN SAN JUAN CHANNEL	1	1	1	1
1103	SOUTHERN SAN JUAN CHANNEL	1	1	2	3
1104	WASP PASS	1	1	1	2
1105	UPRIGHT CHANNEL	1	1	2	2
1106	HARNEY CHANNEL	1	1	1	2
1107	OBSTRUCTION PASS	2	2	3	2
1108	THATCHER PASS	1	1	1	1
1201	MOSQUITO/ROCHE COMPLEX	2	2	2	3
1202	FRIDAY HARBOR	2	2	2	2
1203	GRIFFIN BAY	2	2	2	3
1205	FISHERMAN BAY	2	2	2	3
1206	SWIFT/SHOAL BAYS	2	2	2	2
1207	DEER HARBOR	2	2	2	2
1208	WEST SOUND	1	1	2	2
1209	EAST SOUND	2	2	1	2
1210	LOPEZ SOUND	2	2	3	4
1401	SKAGIT BAY	5	3	2	1
1402	PENN COVE/CRESCENT HARBOR	5	3	2	1
1403	SARATOGA PASSAGE	5	1	2	2
1404	HOLMES HARBOR	4	2	3	3
1405	PORT SUSAN	3	1	1	1
1406	POSSESSION SOUND	3	1	2	2
1501	HOOD CANAL ENTRANCE	2	1	2	3
1502	PORT LUDLOW	2	2	2	2
1503	PORT GAMBLE	2	2	2	2
1504	NORTHERN HOOD CANAL	2	1	2	2
1505	CENTRAL HOOD CANAL	2	1	2	2
1506	DABOB BAY	2	1	2	3
1507	QUILCENE BAY	2	2	2	2
1508	SOUTHCENTRAL HOOD CANAL	2	1	2	3
1509	ANNAS BAY	2	2	2	2
1510	GREAT BEND	3	1	3	5
1601	N. PUGET SOUND	4	1	2	2
1602	N. CENTRAL PUGET SOUND	2	1	2	2
1603	CENTRAL PUGET SOUND	2	1	2	2
1604	ELLIOT BAY	2	2	2	1
1605	EAST PASSAGE	2	1	2	2
1606	COLVOS PASSAGE	2	1	2	2
1607	COMMENCEMENT BAY	2	2	2	2
1608	NARROWS	3	2	3	4
1609	STELLACOOM	2	1	2	3
1610	NISQUALLY	2	1	2	3
1611	TREBLE-JOHNSON	2	2	2	2
1612	HALE PASSAGE	3	2	3	3
1613	CARR INLET	3	1	3	4
1614	PIFF PASSAGE	2	2	2	2
1615	DRAYTON HARBOR	2	2	2	2
1616	CASE INLET	2	1	2	3
1617	HENDERSON INLET	2	2	2	1
1618	DANA PASSAGE	2	2	2	1
1619	HUDD INLET	2	2	2	2
1620	ELD INLET	2	2	2	2
1621	TOTTEN INLET	2	2	2	2
1622	PICKERING PASSAGE	2	2	2	2
1623	PEALE PASSAGE	2	2	2	1
1624	SQUAXIN	2	2	2	2
1625	SKOOKUM INLET	2	2	2	2
1626	HAMMERSLEY INLET	2	2	2	2
1627	OAKLAND BAY	2	2	2	2
1628	AGATE PASSAGE	2	2	2	2
1629	LIBERTY BAY	3	2	3	3
1630	PORT ORCHARD	2	2	2	2
1631	SINCLAIR INLET	3	2	3	3
1632	DYES INLET	2	2	2	2
1633	RICH PASSAGE	2	2	2	2
1634	QUARTERMASTER HARBOR	3	2	3	3
1635	DALCO PASSAGE	2	2	2	2
1636	BALCH PASS	2	2	2	2

(4) The marine bird vulnerability score for a spill shall be multiplied by 1.5 when any number of state or

federal threatened or endangered marine birds are exposed to spilled oil.

NEW SECTION

WAC 173-183-430 MARINE FISHERIES VULNERABILITY. (1) Each of the subregions designated in WAC 173-183-430 is relatively ranked and scored for marine fisheries vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the most vulnerable ranking and 1 represents the least vulnerable ranking.

(2) The marine fisheries vulnerability ranking relatively ranks the vulnerability of marine fisheries species present in a subregion to oil spills, where vulnerability is based on habitat preference, population status, abundance, fecundity, and sensitivity of life stages.

(3) Marine fisheries seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the marine fisheries subcommittee. For purposes of RCW 90.48.366 marine fisheries seasonal vulnerability ranking scores (MFVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 5. Subregional Marine Fisheries Vulnerability Scores (MFVS)

SUBREGION	SEASON				
	SP	SU	FA	WI	
101	NORTHERN OUTER COAST	5	3	3	5
102	KIALOCH	5	3	3	5
103	QUINAULT	5	3	3	5
104	COPALIS BEACH	5	3	3	5
105	GRAYS HARBOR	5	5	5	5
106	TWIN HARBORS BEACH	5	3	3	4
107	WILLAPA BAY	5	5	5	5
108	LONG BEACH	5	3	3	4
109	INNER SHELF	5	3	3	4
110	OUTER SHELF	4	2	2	4
111	SHELF EDGE	4	1	2	3
112	CONTINENTAL SLOPE	2	1	1	1
201	STRAIT OF JUAN DE FUCA-OUTER	5	3	3	4
203	CAPE FLATTERY	5	3	3	4
204	NEAH BAY	5	3	3	4
205	NEAH BAY TO CLALLAM BAY	5	3	3	4
206	CLALLAM BAY	5	3	3	4
207	CLALLAM BAY TO CRESCENT BAY	5	3	3	4
208	CRESCENT BAY	5	3	3	4
209	CRESCENT BAY TO EDIZ HOOK	5	3	3	4
301	STRAIT OF JUAN DE FUCA-INNER	5	3	3	4
302	EDIZ HOOK	5	3	3	4
303	PORT ANGELES	5	3	3	4
304	VOICE OF AMERICA	5	3	3	4
305	DUNGENESS SPIT	5	3	3	4
306	DUNGENESS BAY/HARBOR	5	3	3	4
307	JAMESTOWN	5	3	3	4
308	SEQUIM BAY	5	3	3	4
309	MILLER PENINSULA	5	3	3	4
310	PROTECTION ISLAND	5	3	3	4
311	DISCOVERY BAY	5	3	3	4
312	QUIMPER PENINSULA	5	3	3	4
313	WHIDBEY ISLAND	5	3	3	4
314	SMITH ISLAND	5	3	3	4
315	DECEPTION PASS	5	3	3	4
316	LOPEZ ISLAND (SOUTH SHORE)	5	3	3	4
317	SAN JUAN ISLAND (SOUTH SHORE)	5	3	3	4
401	ADMIRALTY INLET	5	4	3	5
402	SOUTH ADMIRALTY INLET	5	4	3	5
403	PORT TOWNSEND	5	4	3	5
404	OAK BAY	5	4	3	5
405	KILISNOE HARBOR	5	4	3	5
501	BELLINGHAM CHANNEL	5	4	3	5
502	GUEMES CHANNEL	5	4	3	5
503	FIDALGO BAY	5	4	3	5
504	PADILLA BAY	5	4	3	5

505	SAMISH BAY	5	3	3	5
506	BELLINGHAM BAY	5	3	3	5
507	HALE PASSAGE	5	3	3	5
601	LUMMI BAY	5	3	3	5
602	CHERRY POINT	5	3	3	5
603	BIRCH BAY	5	3	3	5
604	SEMAHOO SPIT	5	3	3	5
605	DRAYTON HARBOR	5	3	3	5
607	SAN JUAN ISLANDS-NORTHERN TIER	5	3	3	4
608	GEORGIA STRAIT-EASTERN	5	3	3	5
701	PT. ROBERTS	5	3	3	5
703	GEORGIA STRAIT-WESTERN	5	3	3	5
801	NORTHERN HARO STRAIT	5	3	3	4
802	SOUTHERN HARO STRAIT	5	3	3	4
901	SOUTHERN ROSARIO STRAIT	5	3	3	4
902	CENTRAL ROSARIO STRAIT	5	3	3	4
903	NORTHERN ROSARIO STRAIT	5	3	3	4
1001	PRESIDENT CHANNEL	5	3	3	4
1002	NORTHERN AREAS	5	3	3	4
1101	SPELDEN CHANNEL	5	3	3	4
1102	NORTHERN SAN JUAN CHANNEL	5	3	3	4
1103	SOUTHERN SAN JUAN CHANNEL	5	3	3	4
1104	WASP PASS	5	3	3	4
1105	UPRIGHT CHANNEL	5	3	3	4
1106	HARNEY CHANNEL	5	3	3	4
1107	OBSTRUCTION PASS	5	3	3	4
1108	THATCHER PASS	5	3	3	4
1201	MOSQUITO/ROCHE COMPLEX	5	3	3	4
1202	FRIDAY HARBOR	5	3	3	4
1203	GRIFFIN BAY	5	3	3	4
1205	FISHERMAN BAY	5	3	3	4
1206	SWIFT'S/SHOAL BAYS	5	3	3	4
1207	DEER HARBOR	5	3	3	4
1208	WEST SOUND	5	3	3	4
1209	EAST SOUND	5	3	3	4
1210	LOPEZ SOUND	5	3	3	4
1401	SKAGIT BAY	5	4	3	5
1402	PENN COVE/CRESCENT HARBOR	5	4	3	5
1403	SARATOGA PASSAGE	5	4	3	5
1404	HOLMES HARBOR	5	4	3	5
1405	PORT SUSAN	5	4	3	5
1406	POSSESSION SOUND	5	4	3	5
1501	HOOD CANAL ENTRANCE	2	1	1	2
1502	PORT LUDLOW	2	1	1	2
1503	PORT GAMBLE	2	1	1	2
1504	NORTHERN HOOD CANAL	2	1	1	2
1505	CENTRAL HOOD CANAL	2	1	1	2
1506	DABOB BAY	2	1	1	2
1507	QUILCENE BAY	2	1	1	2
1508	SOUTHCENTRAL HOOD CANAL	2	1	1	2
1509	ANNAS BAY	2	1	1	2
1510	GREAT BEND	2	1	1	2
1601	N. PUGET SOUND	5	4	3	5
1602	N. CENTRAL PUGET SOUND	5	4	3	5
1603	CENTRAL PUGET SOUND	5	4	3	5
1604	ELLIOT BAY	5	4	3	5
1605	EAST PASSAGE	4	3	2	3
1606	COLVOS PASSAGE	4	3	2	3
1607	COMMENCEMENT BAY	4	3	2	3
1608	NARROWS	4	3	2	3
1609	STEILACOOM	4	3	2	3
1610	NISQUALLY	4	3	2	3
1611	TREBLE-JOHNSON	4	3	2	3
1612	HALE PASSAGE	4	3	2	3
1613	CARR INLET	4	3	2	3
1614	PIIT PASSAGE	4	3	2	3
1615	DRAYTON HARBOR	4	3	2	3
1616	CASE INLET	4	3	2	3
1617	HENDERSON INLET	4	3	2	3
1618	DANA PASSAGE	4	3	2	3
1619	BUDD INLET	4	3	2	3
1620	ELD INLET	4	3	2	3
1621	TOTTEN INLET	4	3	2	3
1622	PICKERING PASSAGE	4	3	2	3
1623	PEALE PASSAGE	4	3	2	3
1624	SQUAXIN	4	3	2	3
1625	SKOOKUM INLET	4	3	2	3
1626	HAMMERSLEY INLET	4	3	2	3
1627	OAKLAND BAY	4	3	2	3
1628	AGATE PASSAGE	5	4	3	5
1629	LIBERTY BAY	5	5	5	5
1630	PORT ORCHARD	5	5	5	5
1631	SINCLAIR INLET	5	5	5	5
1632	DYES INLET	5	5	5	5
1633	RICH PASSAGE	5	5	5	5
1634	QUARTERMASTER HARBOR	4	3	2	3
1635	DALCO PASSAGE	4	3	2	3
1636	BALCH PASS	4	3	2	3

NEW SECTION

WAC 173-183-440 SHELLFISH VULNERABILITY. (1) Each of the subregions designated in WAC 173-183-430 is relatively ranked and scored for shellfish vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the most vulnerable ranking and 1 represents the least vulnerable ranking.

(2) Shellfish vulnerability ranking relatively ranks the vulnerability of shellfish present in a subregion to oil spills, where vulnerability is based on habitat preference, population status, abundance, fecundity, and sensitivity of life stages.

(3) Shellfish seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the shellfish subcommittee of the scientific advisory board. For purposes of RCW 90.48.366 shellfish seasonal vulnerability ranking scores (SFVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 6. Shellfish Vulnerability Scores (SFVS)

Region/Subregion	SP	SU	FA	WI
101	4	4	4	4
102	5	5	5	5
103	3	3	3	3
104	4	4	4	4
105	2	2	2	2
106	3	3	2	2
107	4	4	4	4
108	4	3	3	3
109	5	5	5	5
110	1	1	1	1
111	1	1	1	1
112	1	1	1	1
2	5	5	5	5
3	5	5	5	5
401	2	1	1	2
402	3	3	3	3
403	4	4	3	4
404	3	3	3	3
405	4	4	3	4
5	5	5	5	5
6	5	5	4	5
7	5	5	4	5
8	4	3	3	4
9	4	3	3	4
10	4	3	3	4
11	4	3	3	4
12	4	3	3	4
1401	2	3	3	2

1402	1	1	1	1
1403	1	1	1	1
1404	1	1	1	1
1405	1	2	2	1
1406	1	2	2	1
1501	2	2	2	2
1502	2	2	2	2
1503	2	2	2	2
1504	3	3	2	2
1505	3	3	2	2
1506	3	3	2	2
1507	3	3	2	2
1508	3	4	3	3
1509	3	4	3	3
1510	3	4	3	3
1601	2	2	2	2
1602	2	2	2	2
1603	2	2	2	2
1604	2	2	2	2
1605	2	2	2	2
1606	2	2	2	2
1607	2	2	2	2
1608	2	1	1	2
1609	5	5	5	5
1610	5	5	5	5
1611	5	5	5	5
1612	5	5	5	5
1613	5	5	5	5
1614	5	5	5	5
1615	5	5	5	5
1616	5	5	4	5
1617	5	5	5	5
1618	1	1	1	1
1619	4	5	4	4
1620	4	5	4	4
1621	4	5	4	4
1622	5	5	4	5
1623	4	5	4	4
1624	4	5	4	4
1625	4	5	4	4
1626	4	5	4	4
1627	4	5	4	4
1628	4	3	3	3
1629	4	3	3	3
1630	4	3	3	3
1631	4	3	3	3
1632	4	3	3	3
1633	4	3	3	3
1634	2	2	2	2
1635	2	2	2	2
1636	5	5	5	5

(4) The shellfish vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered shellfish species are exposed to spilled oil.

NEW SECTION

WAC 173-183-450 SALMON VULNERABILITY. (1) The salmon vulnerability ranking is based on seasonal habitat preference of juveniles during outmigration, adults as they return to spawn and the presence of oil in river mouths during peak occurrence of salmon runs. The salmon vulnerability ranking was developed from existing information and determinations of the salmon subcommittee of the scientific advisory board. In the case of Chinook salmon, habitat preference differs for subyearlings and yearlings.

(2) The vulnerability of five salmon species in nine habitats are relatively scored for vulnerability to oil spills on a 1 to 5 scale for each season, where 5 represents the most vulnerable condition, and a score of 1 represents the least vulnerable condition, as follows:

Table 7. Vulnerability of Salmon Species and/or Species Yearclass by Habitat and Season

SPECIES/YEARCLASS and SALMON VULNERABILITY HABITAT	HABITAT VULNERABILITY SCORE (avg)			
	SEASON			
	SP	SU	FA	WI
<u>Chinook (subyearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	2	2	1	1
Gravel	3	3	2	2
Sand (vegetated)	4	5	3	3
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	4	5	3	3
Mud (no vegetation)	3	3	2	3
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Chinook (yearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	3	2	2
Gravel	3	3	3	2
Sand (vegetated)	3	3	2	2
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	3	3	2	2
Mud (no vegetation)	3	3	2	2
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Coho</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	2	2	2
Gravel	3	4	2	2
Sand (vegetated)	5	4	3	4
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	4	3	4
Mud (no vegetation)	3	4	2	3
Subtidal	2	2	1	1
Pelagic	4	4	3	3

Pink

Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	1	1	3
Sand (vegetated)	5	2	2	5
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	2	2	5
Mud (no vegetation)	3	1	1	3
Subtidal	2	1	1	1
Pelagic	4	2	2	2

Chum

Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	2	2	3
Sand (vegetated)	5	3	2	5
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	4	2	5
Mud (no vegetation)	3	2	2	3
Subtidal	2	2	1	1
Pelagic	4	4	2	2

Suckeye

Intertidal				
Rocky	2	2	1	1
Cobble	2	1	1	1
Gravel	2	1	1	1
Sand (vegetated)	2	1	1	1
Sand (no vegetation)	2	1	1	1
Mud (vegetated)	2	1	1	1
Mud (no vegetation)	3	1	1	1
Subtidal	1	2	1	1
Pelagic	4	4	2	2

The habitat-types classified under WAC 173-183-400 correlate with the habitats listed in Table 7 as follows:

TABLE. 8. KEY TO TRANSLATING MARINE/ESTUARINE HABITAT TYPES CLASSIFIED UNDER WAC 173-183-410 TO SALMON VULNERABILITY HABITATS

MARINE/ESTUARINE HABITAT TYPE from WAC 173-183-410(3)	EQUIVALENT SALMON VULNERABILITY HABITAT
Marine Intertidal,exposed and semi-exposed rocky shores	Intertidal, rocky
Marine Intertidal, sand-scoured rocky shores	Intertidal, rocky
Marine Intertidal, protected rocky shores	Intertidal, rocky
Estuarine Intertidal, open rocky shores	Intertidal, rocky
Marine Intertidal, semi-exposed cobble and mixed-coarse beaches	Intertidal, cobble
Estuarine Intertidal, open mixed-coarse beaches	Intertidal, cobble
Marine Intertidal, semi-exposed gravel beaches	Intertidal, gravel
Estuarine Intertidal, open gravel beaches	Intertidal, gravel
Marine Intertidal, exposed sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, semi-protected mixed-fine beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, open sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, sandy low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mixed-fine beaches and low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, protected mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
all Marine and Estuarine Subtidal categories except open water	Subtidal
Marine Subtidal, open water	Pelagic
Estuarine Subtidal, open water	Pelagic

(3) For each oil spill where the compensation schedule is applied, the RDA committee shall determine the following:

(a) For spills greater than 1,000 gallons, the salmon vulnerability habitat(s) exposed to spilled oil and each habitat's percent-coverage of the total area exposed to spilled oil;

(b) For spills of less than 1,000 gallons, the salmon vulnerability habitat(s) in the subregion(s) exposed to spilled oil and the percent-coverage of these habitats in the exposed subregion(s);

(c) The season in which spill impacts will be greatest;

(d) The individual species/year class vulnerability score (SAVS_i) as described in subsection (4) of this section; and

(e) The composite salmon vulnerability score for a spill (SAVS_s) as described in subsection (5) of this section.

(4) From the information enumerated in subsection (2) of this section, the RDA committee shall determine the species/year class vulnerability score for a spill (SAVS_i) by summing the weighted species/year class vulnerability scores for each of the salmon vulnerability habitats classified in Table 8 of subsection (2) of this section, where weighting is defined as percent-coverage of the salmon vulnerability habitats as determined in subsection (3) of this section, as follows:

$$SAVS_i = (savs_1 * PCT-COV_1) + (savs_2 * PCT-COV_2) + \dots + (savs_n * PCT-COV_n)$$

where SAVS_i = salmon vulnerability score for a species/year class; savs_j = species/year class habitat vulnerability score for the season of greatest spill impact from subsection (2) of this section; PCT-COV_j = percent-coverage of habitat j from subsection (2) of this section; i = Chinook, subyearling (Cs); Chinook, yearling (Cy); Coho (C); Pink (P); Chum (Ch); and Sockeye (So); and n = the number of salmon vulnerability habitats used to calculate SAVS as determined in subsection (3) of this section.

(5) The raw salmon vulnerability score for a spill (SAVS_s) shall be calculated as follows:

(a) In years when pink salmon are present in state waters. The chinook salmon spill vulnerability scores for subyearlings (SAVS_{Cs}) and yearlings (SAVS_{Cy}) as determined in subsection (4) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_C), pink (SAVS_P), chum (SAVS_{Ch}) and sockeye (SAVS_{So}) salmon as determined in subsection (4) of this section. The sum of these scores shall then be divided by 5, as described by the following formula:

$$SAVS_s = (SAVS_{Cs} + SAVS_{Cy})/2 + SAVS_C + SAVS_P + SAVS_{Ch} + SAVS_{So}/5$$

where SAVS_s = salmon vulnerability score for a spill; SAVS_{Cs} = chinook, subyearling vulnerability score from subsection (4) of this section; SAVS_{Cy} = chinook (yearling) vulnerability score from subsection (4) of this section; SAVS_C = coho salmon vulnerability score from subsection (4) of this section; SAVS_P = pink salmon vulnerability score from subsection (4) of this section; SAVS_{Ch} = chum salmon vulnerability score from subsection (4) of this section; SAVS_{So} = sockeye salmon vulnerability score from subsection (4) of this section;

(b) In years when pink salmon are not present in state waters. The Chinook salmon spill vulnerability scores for

subyearlings (SAVS_{Cs}) and yearlings (SAVS_{Cy}) as determined in subsection (4) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_C), chum (SAVS_{Ch}) and sockeye (SAVS_{So}) salmon as determined in subsection (4) of this section. The sum of these scores shall then be divided by 4, as described by the following formula:

$$SAVS_s = (SAVS_{Cs} + SAVS_{Cy})/2 + SAVS_C + SAVS_{Ch} + SAVS_{So}/4$$

where SAVS_s = salmon vulnerability score for a spill; SAVS_{Cs} = chinook, subyearling vulnerability score from subsection (4) of this section; SAVS_{Cy} = chinook (yearling) vulnerability score from subsection (4) of this section; SAVS_C = coho salmon vulnerability score from subsection (4) of this section; SAVS_P = pink salmon vulnerability score from subsection (4) of this section; SAVS_{Ch} = chum salmon vulnerability score from subsection (4) of this section; SAVS_{So} = sockeye salmon vulnerability score from subsection (4) of this section;

(6) If spilled oil enters a river mouth, SAVS_s from subsection (4) of this section shall be assigned a score of 5 for each species/year class in peak occurrence in a river mouth during the period of time the spilled oil enters and remains in the river mouth. Scores of 5 determined for species/year classes under this subsection shall supersede SAVS_s scores calculated under subsection (4) of this section. The RDA committee shall make determinations of whether oil enters a river mouth and whether species/year classes are in peak occurrence when spilled oil is present in a river mouth.

(7) The final SAVS_s score is found by rounding the raw SAVS_s score calculated in subsection (5) of this section to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

(8) The final salmon vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered salmon races and/or runs are exposed to spilled oil.

NEW SECTION

WAC 173-183-460 MARINE MAMMAL VULNERABILITY. (1) Each of the marine and estuarine subregions of state waters designated in WAC 173-183-400(2) is relatively ranked and scored for marine mammal vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the greatest vulnerability and 1 represents the least vulnerability.

(2) Marine mammal vulnerability ranking scores take into consideration species presence, diversity, population status, breeding vulnerability, presence of young, physiological vulnerability, primary habitat, feeding habitats and abundance.

(3) Marine mammal seasonal vulnerability scores for each of the marine and estuarine subregions of state waters are based on existing information and determinations made by the marine mammals subcommittee of the scientific advisory board. For purposes of RCW 90.48-.366, marine mammal vulnerability ranking scores for subregions classified in WAC 173-183-400(2) are as follows:

Table 9. Marine Mammal Vulnerability Scores (MVS)

SUBREGION	SP	SEASON			WI						
		SU	FA	WI							
101	NORTHERN OUTER COAST	5	5	5	5	507	HALE PASSAGE	2	3	2	2
102	KALALOCH	5	5	5	5	601	LUMMI BAY	4	4	4	3
103	QUINAULT	5	5	5	5	602	CHERRY POINT	4	4	4	3
104	COPALIS BEACH	5	5	5	4	603	BIRCH BAY	4	4	4	3
105	GRAYS HARBOR	5	4	5	4	604	SEMAHOO SPIT	4	4	4	3
106	TWIN HARBORS BEACH	5	5	5	4	605	DRAYTON HARBOR	4	4	4	3
107	WILLAPA BAY	5	5	5	4	607	SAN JUAN ISLANDS-NORTHERN TIER	4	4	4	3
108	LONG BEACH	5	5	5	5	608	GEORGIA STRAIT-EASTERN	4	4	4	3
109	INNER SHELF	5	5	5	5	701	PT. ROBERTS	4	4	4	3
110	OUTER SHELF	4	2	3	3	703	GEORGIA STRAIT-WESTERN	4	4	4	3
111	SHELF EDGE	4	1	3	3	801	NORTHERN HARO STRAIT	5	4	4	4
112	CONTINENTAL SLOPE	1	1	1	1	802	SOUTHERN HARO STRAIT	5	4	4	4
201	STRAIT OF JUAN DE FUCA-OUTER	4	4	3	2	901	SOUTHERN ROSARIO STRAIT	4	4	3	2
203	CAPE FLATTERY	4	4	3	2	902	CENTRAL ROSARIO STRAIT	4	4	3	2
204	NEAH BAY	4	4	3	2	903	NORTHERN ROSARIO STRAIT	4	4	3	2
205	NEAH BAY TO CLALLAM BAY	3	3	2	2	1001	PRESIDENT CHANNEL	5	4	4	3
206	CLALLAM BAY	3	3	2	2	1002	NORTHERN AREAS	5	4	4	3
207	CLALLAM BAY TO CRESCENT BAY	3	3	2	2	1101	SPEIDEN CHANNEL	3	3	3	2
208	CRESCENT BAY	3	3	2	2	1102	NORTHERN SAN JUAN CHANNEL	3	3	3	2
209	CRESCENT BAY TO EDIZ HOOK	3	3	2	2	1103	SOUTHERN SAN JUAN CHANNEL	3	3	3	2
301	STRAIT OF JUAN DE FUCA-INNER	4	4	4	3	1104	WASP PASS	3	3	3	2
302	EDIZ HOOK	4	4	4	3	1105	UPRIGHT CHANNEL	3	3	3	2
303	PORT ANGELES	4	4	4	3	1106	HARNEY CHANNEL	3	3	3	2
304	VOICE OF AMERICA	4	4	4	3	1107	OBSTRUCTION PASS	3	3	3	2
305	DUNGENESS SPIT	4	4	4	3	1108	THATCHER PASS	3	3	3	2
306	DUNGENESS BAY/HARBOR	4	4	4	3	1201	MOSQUITO/ROCHE COMPLEX	3	3	3	2
307	JAMESTOWN	4	4	4	3	1202	FRIDAY HARBOR	3	3	3	2
308	SEQUIM BAY	4	4	4	3	1203	GRIFFIN BAY	3	3	3	2
309	MILLER PENINSULA	4	4	4	3	1205	FISHERMAN BAY	3	3	3	2
310	PROTECTION ISLAND	4	4	4	3	1206	SWIFTS/SHOAL BAYS	3	3	3	2
311	DISCOVERY BAY	4	4	4	3	1207	DEER HARBOR	3	3	3	2
312	QUIMPER PENINSULA	4	4	4	3	1208	WEST SOUND	3	3	3	2
313	WHIDBEY ISLAND	4	4	4	3	1209	EAST SOUND	3	3	3	2
314	SMITH ISLAND	4	4	4	3	1210	LOPEZ SOUND	3	3	3	2
315	DECEPTION PASS	4	4	4	3	1401	SKAGIT BAY	2	1	1	1
316	LOPEZ ISLAND (SOUTH SHORE)	4	4	4	3	1402	PENN COVE/CRESCENT HARBOR	2	1	1	1
317	SAN JUAN ISLAND (SOUTH SHORE)	4	4	4	3	1403	SARATOGA PASSAGE	2	1	1	2
401	ADMIRALTY INLET	4	4	4	3	1404	HOLMES HARBOR	2	1	1	1
402	SOUTH ADMIRALTY INLET	4	4	4	3	1405	PORT SUSAN	2	1	1	1
403	PORT TOWNSEND	4	4	4	3	1406	POSSESSION SOUND	2	1	1	2
404	OAK BAY	4	4	4	3	1501	HOOD CANAL ENTRANCE	1	1	1	1
405	KILLSNUT HARBOR	4	4	4	3	1502	PORT LUDLOW	1	1	1	1
501	BELLINGHAM CHANNEL	2	3	2	2	1503	PORT GAMBLE	1	1	1	1
502	GUEMES CHANNEL	2	3	2	2	1504	NORTHERN HOOD CANAL	1	1	1	1
503	FIDALGO BAY	2	3	2	2	1505	CENTRAL HOOD CANAL	1	1	1	1
504	PADILLA BAY	2	3	2	2	1506	DAROB BAY	1	1	1	1
505	SAMISH BAY	2	3	2	2	1507	QUILCENE BAY	1	1	1	1
506	BELLINGHAM BAY	2	3	2	2	1508	SOUTHCENTRAL HOOD CANAL	1	1	1	1
						1509	ANNAS BAY	1	1	1	1
						1510	GREAT BEND	1	1	1	1
						1601	N. PUGET SOUND	3	2	2	2
						1602	N. CENTRAL PUGET SOUND	3	2	2	2
						1603	CENTRAL PUGET SOUND	2	1	1	1
						1604	ELLIOT BAY	2	1	1	1
						1605	EAST PASSAGE	2	1	1	1
						1606	COLVOS PASSAGE	2	1	1	1
						1607	COMMENCEMENT BAY	2	1	1	1
						1608	NARROWS	2	1	1	1
						1609	STELLACOOM	2	1	1	1
						1610	NISQUALLY	2	1	1	1
						1611	TREBLE-JOHNSON	2	1	1	1
						1612	HALE PASSAGE	2	1	1	1
						1613	CARR INLET	2	1	1	1
						1614	PITT PASSAGE	2	1	1	1
						1615	DRAYTON HARBOR	2	1	1	1
						1616	CASE INLET	2	1	1	1
						1617	HENDERSON INLET	2	1	1	1
						1618	DANA PASSAGE	2	1	1	1
						1619	BUDD INLET	2	1	1	1
						1620	EJD INLET	2	1	1	1
						1621	TOTTEN INLET	2	1	1	1
						1622	PICKERING PASSAGE	2	1	1	1
						1623	PEALE PASSAGE	2	1	1	1
						1624	SQUAXIN	2	1	1	1
						1625	SKOOKUM INLET	2	1	1	1
						1626	HAMMERSLEY INLET	2	1	1	1
						1627	OAKLAND BAY	2	1	1	1
						1628	AGATE PASSAGE	2	1	1	1
						1629	LIBERTY BAY	2	1	1	1
						1630	PORT ORCHARD	2	1	1	1
						1631	SINCLAIR INLET	2	1	1	1
						1632	DYES INLET	2	1	1	1
						1633	RICH PASSAGE	2	1	1	1
						1634	QUARTERMASTER HARBOR	2	1	1	1
						1635	DALCO PASSAGE	2	1	1	1
						1636	BALCH PASS	2	1	1	1

(4) The marine mammal vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine mammal species are exposed to spilled oil.

NEW SECTION

WAC 173-183-470 MARINE AND ESTUARINE RECREATION VULNERABILITY.

(1) Each of the marine and estuarine subregions of state waters designated in WAC 173-183-400(2) are relatively ranked and scored for recreation vulnerability on a 1 to 5 scale for each season where a score of 5 represents the greatest vulnerability and a score of 1 represents the least vulnerability.

(2) Recreation vulnerability ranking scores take into consideration seasonal level of participation in recreational activities, number of recreation sites and types of recreational amenities available in a subregion.

(3) Recreation vulnerability ranking scores for each of the marine and estuarine subregions of state waters in each season has been determined from existing information and recommendations of the recreation subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, recreation vulnerability ranking scores (RVS) for the subregions designated in WAC 173-183-400(2) are as follows:

Table 10. Marine and Estuarine Recreation Vulnerability Scores (RVS)

SUBREGION	SEASON				
	SP	SU	FA	WI	
101	NORTHERN OUTER COAST	5	5	5	5
102	KALALOGH	5	5	5	5
103	QUINAULT	1	1	1	1
104	COPALIS BEACH	5	5	5	5
105	GRAYS HARBOR	4	4	4	3
106	TWIN HARBORS BEACH	5	5	5	5
107	WILJAPA BAY	5	5	5	5
108	LONG BEACH	5	5	5	5
109	INNER SHELF	1	1	1	1
110	OUTER SHELF	1	1	1	1
111	SHELF EDGE	1	1	1	1
112	CONTINENTAL SLOPE	1	1	1	1
201	STRAIT OF JUAN DE FUCA-OUTER	1	1	1	1
203	CAPE FLATTERY	1	1	1	1
204	NEAH BAY	1	1	1	1
205	NEAH BAY TO CLALLAM BAY	5	5	5	4
206	CLALLAM BAY	3	4	3	2
207	CLALLAM BAY TO CRESCENT BAY	5	5	5	4
208	CRESCENT BAY	3	4	3	3
209	CRESCENT BAY TO EDIZ HOOK	4	5	4	3
301	STRAIT OF JUAN DE FUCA-INNER	1	1	1	1
302	EDIZ HOOK	3	4	3	3
303	PORT ANGELES	5	5	5	4
304	VOICE OF AMERICA	2	3	2	2
305	DUNGENESS SPIT	1	1	1	1
306	DUNGENESS BAY/HARBOR	5	5	5	4
307	JAMESTOWN	2	3	2	2
308	SEQUIM BAY	4	5	4	4
309	MILLER PENINSULA	2	3	2	2
310	PROTECTION ISLAND	1	1	1	1
311	DISCOVERY BAY	2	2	2	2
312	QUIMPER PENINSULA	3	3	2	2
313	WHIDBEY ISLAND	2	3	2	2
314	SMITH ISLAND	1	1	1	1
315	DECEPTION PASS	5	5	5	5
316	LOPEZ ISLAND (SOUTH SHORE)	4	5	4	3
317	SAN JUAN ISLAND (SOUTH SHORE)	4	5	4	3
401	ADMIRALTY INLET	5	5	5	4
402	SOUTH ADMIRALTY INLET	5	5	5	4
403	PORT TOWNSEND	3	4	3	3
404	OAK BAY	4	5	4	3
405	KILISNOE HARBOR	2	2	2	2
501	BELLINGHAM CHANNEL	5	5	5	4
502	GUEMES CHANNEL	1	1	1	1
503	PIDALGO BAY	4	4	3	3
504	PADILLA BAY	5	5	5	4
505	SAMISH BAY	4	4	3	3
506	BELLINGHAM BAY	5	5	5	4
507	HALE PASSAGE	3	4	3	2

601	LUMMI BAY	1	1	1	1
602	CHERRY POINT	1	1	1	1
603	BIRCH BAY	3	4	3	3
604	SEMAHOO SPIT	3	4	3	3
605	DRAYTON HARBOR	2	2	2	2
607	SAN JUAN ISLANDS-NORTHERN TIER	5	5	5	5
608	GEORGIA STRAIT-EASTERN	1	1	1	1
701	PT. ROBERTS	3	3	3	2
703	GEORGIA STRAIT-WESTERN	1	1	1	1
801	NORTHERN HARO STRAIT	5	5	5	4
802	SOUTHERN HARO STRAIT	5	5	5	4
901	SOUTHERN ROSARIO STRAIT	5	5	5	5
902	CENTRAL ROSARIO STRAIT	4	5	4	4
903	NORTHERN ROSARIO STRAIT	4	4	4	3
1001	PRESIDENT CHANNEL	4	5	4	4
1002	NORTHERN AREAS	4	5	4	3
1101	SPEIDEN CHANNEL	3	4	3	2
1102	NORTHERN SAN JUAN CHANNEL	4	5	4	3
1103	SOUTHERN SAN JUAN CHANNEL	5	5	5	4
1104	WASP PASS	5	5	5	4
1105	UPRIGHT CHANNEL	5	5	4	4
1106	HARNEY CHANNEL	4	5	4	3
1107	OBSTRUCTION PASS	2	2	2	2
1108	THATCHER PASS	4	5	4	3
1201	MOSQUITO/ROCHE COMPLEX	3	4	3	3
1202	FRIDAY HARBOR	3	3	3	2
1203	GRIFFIN BAY	4	5	4	4
1205	FISHERMAN BAY	1	1	1	1
1206	SWIFTS/SHOAL BAYS	1	1	1	1
1207	DEER HARBOR	2	2	2	2
1208	WEST SOUND	3	4	3	2
1209	EAST SOUND	4	5	4	4
1210	LOPEZ SOUND	5	5	5	4
1401	SKAGIT BAY	5	5	5	5
1402	PENN COVE/CRESCENT HARBOR	4	4	3	3
1403	SARATOGA PASSAGE	3	4	3	3
1404	HOLMES HARBOR	2	3	2	2
1405	PORT SUSAN	3	4	3	3
1406	POSSESSION SOUND	4	5	4	3
1501	HOOD CANAL ENTRANCE	4	5	4	3
1502	PORT LUDLOW	4	4	4	3
1503	PORT GAMBLE	1	1	1	1
1504	NORTHERN HOOD CANAL	1	1	1	1
1505	CENTRAL HOOD CANAL	4	4	3	3
1506	DABOB BAY	4	5	4	3
1507	QUILCENE BAY	3	3	2	2
1508	SOUTHCENTRAL HOOD CANAL	4	5	4	3
1509	ANNAS BAY	4	4	4	3
1510	GREAT BEND	3	4	3	3
1601	N. PUGET SOUND	4	4	3	3
1602	N. CENTRAL PUGET SOUND	4	5	4	4
1603	CENTRAL PUGET SOUND	5	5	4	4
1604	ELLIOT BAY	4	5	4	3
1605	EAST PASSAGE	4	5	4	3
1606	COLVOS PASSAGE	3	3	2	2
1607	COMMENCEMENT BAY	2	2	2	2
1608	NARROWS	3	3	3	2
1609	STEHLACOOM	3	3	3	2
1610	NISQUALLY	5	5	5	4
1611	TREMBLE-JOHNSON	3	3	2	2
1612	HALE PASSAGE	2	2	2	2
1613	CARR INLET	4	5	4	4
1614	PITT PASSAGE	2	2	2	2
1615	DRAYTON HARBOR	2	2	2	2
1616	CASE INLET	4	4	3	3
1617	HENDERSON INLET	2	2	2	1
1618	DANA PASSAGE	2	2	2	2
1619	BUDD INLET	3	4	3	3
1620	ELIJAH INLET	2	3	2	2
1621	TOTTEN INLET	1	1	1	1
1622	PICKERING PASSAGE	3	4	3	2
1623	PEALE PASSAGE	3	3	3	2
1624	SQUAXIN	2	2	2	1
1625	SKOOKUM INLET	1	1	1	1
1626	HAMMERSLEY INLET	2	2	2	2
1627	OAKLAND BAY	2	2	1	1
1628	AGATE PASSAGE	2	2	2	2
1629	LIBERTY BAY	2	3	2	2
1630	PORT ORCHARD	3	3	3	2
1631	SINCLAIR INLET	2	3	2	2
1632	DYES INLET	3	3	2	2
1633	RICH PASSAGE	3	4	3	3
1634	QUARTERMASTER HARBOR	2	3	2	2
1635	DALCO PASSAGE	4	5	4	3
1636	BALCH PASS	1	1	1	1

COMPENSATION SCHEDULE FOR SPILLS INTO THE COLUMBIA RIVER ESTUARY

NEW SECTION

WAC 173-183-500 VULNERABILITY OF THE COLUMBIA RIVER ESTUARY ENVIRONMENT TO OIL SPILLS. (1) The purpose of this section is to

describe the method of ranking vulnerability of the Columbia River estuary environment to oil spills for purposes of assessing damages using the compensation schedule.

(2) The Columbia River estuary has been distinguished from other estuarine waters of the state because it resides within the jurisdiction of two states, Washington and Oregon.

(3) For purposes of RCW 90.48.366, estuarine waters of the Columbia River are divided into one kilometer square cells. Bird, fish, mammal, invertebrate, habitat, and human use resource sensitivity have been evaluated for each cell by season. Seasonal resource sensitivities are ranked for each cell on a 1 to 5 scale where 5 represents the greatest sensitivity and 1 represents the least sensitivity as designated on the maps attached as Appendix 6 of this chapter.

(4) A vulnerability score (VS) shall be calculated at the time of a spill for each cell and for the most sensitive season impacted by the spill. The VS rates the vulnerability of public resources to the spilled oil.

(a) VS for a particular cell is determined by summing the sensitivity scores assigned to each cell for bird, fish, mammal, invertebrate, habitat, and human use resources as follows:

$$VS_{ij} = BSS_{ij} + FSS_{ij} + MSS_{ij} + ISS_{ij} + HSS_{ij} + HUS_{ij}$$

where VS_{ij} = spill vulnerability score for a particular cell and season

BSS = bird sensitivity score (from Appendix 6 of this chapter)

FSS = fish sensitivity score (from Appendix 6 of this chapter)

MSS = mammal sensitivity score (from Appendix 6 of this chapter)

ISS = invertebrate sensitivity score (from Appendix 6 of this chapter)

HSS = habitat sensitivity score (from Appendix 6 of this chapter)

HUS = human use sensitivity score (from Appendix 6 of this chapter)

i = the cell under consideration

j = the most sensitive season impacted; fall, winter, spring, or summer

(b) The raw vulnerability score for a spill (SVS) is determined by calculating the average of the vulnerability scores for the cells exposed to the spill as follows:

$$SVS_j = (VS_1 + VS_2 + \dots + VS_x) / x$$

where VS_i = vulnerability score for cell i (from subsection (4)(a) of this section),

x = number of cells exposed to the spill, and

(5) The final SVS score is found by rounding the raw SVS score calculated from the formula in subsection (4) of this section to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

COMPENSATION SCHEDULE FOR SPILLS INTO FRESHWATER STREAMS, RIVERS, AND LAKES

NEW SECTION

WAC 173-183-600 VULNERABILITY OF FRESHWATER STREAM, RIVER, AND LAKE ENVIRONMENTS TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking the vulnerability of state freshwater stream, river, and lake

environments, and portions thereof, to oil spills for purposes of applying the compensation schedule.

(2) Vulnerability of freshwater stream, river, and lake environments to oil spills is based on water type classifications and a habitat index.

(3) For each oil spill into a freshwater stream, river, or lake, a spill vulnerability score (SVS) is calculated. The SVS rates the vulnerability of public resources to spilled oil based on the spilled oil's propensity to cause acute toxicity, mechanical injury, and to persist in the environment. SVS is determined by multiplying the freshwater vulnerability score, which is based on the water type classification, by the habitat index score as described by the following formula:

$$\text{Raw Spill Vulnerability Score (SVS)} = \text{FVS} * \text{HI}$$

where FVS = Freshwater vulnerability score (from WAC 173-183-610), and

HI = Habitat index (from WAC 173-183-620).

(4) The final SVS score is found by rounding the raw SVS score calculated from the formula in subsection (3) of this section to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

NEW SECTION

WAC 173-183-610 FRESHWATER VULNERABILITY INDEX. (1) For purposes of this chapter, freshwater streams, rivers, lakes, and portions thereof, are classified into 5 water types based on the identification system set forth in WAC 222-16-030 which is incorporated by reference.

(a) "Type 1 Water" means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW.

(b) "Type 2 Water" shall mean segments of natural waters which are not classified as Type 1 Water and have a high use and are important from a water quality standpoint for:

(i) Domestic water supplies;

(ii) Public recreation;

(iii) Fish spawning, rearing, or migration or wildlife uses; or

(iv) Are highly significant to protect water quality.

(c) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight use and are moderately important from a water quality standpoint for:

(i) Domestic water supplies;

(ii) Public recreation;

(iii) Fish spawning, rearing, or migration or wildlife uses; or

(iv) Are highly significant to protect water quality.

(d) "Type 4 Water" shall mean segments of natural waters which are not classified as Type 1, 2, or 3. Their significance lies in their influence of water quality downstream in Type 1, 2, or 3 Waters. These may be perennial or intermittent.

(e) "Type 5 Water" means all other waters, in natural water courses, including streams with or without a well-defined channel, areas of perennial or intermittent seepage, ponds, and natural sinks. Drainage ways having

short periods of runoff are considered to be Type 5 Waters.

(3) The vulnerability of freshwater environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of biological and recreational resources ranges from 1 to 5 where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

TABLE 11. Freshwater Vulnerability Score (FVS).

FVS	QUALIFICATION
5	"Type 1 waters"
4	"Type 2 waters"
3	"Type 3 waters"
2	"Type 4 waters"
1	"Type 5 waters"

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

NEW SECTION

WAC 173-183-620 HABITAT INDEX. (1) Most state freshwaters vary to some degree from the natural condition as increased activities within individual watersheds have decreased stream, river, and/or lake habitat quality. In order to account for that degradation prior to assessing damages using the compensation schedule, a habitat index (HI) is calculated to represent existing stream conditions prior to the oil spill.

(2) For each stream, river, or lake impacted by an oil spill where the preassessment screening committee determines that the compensation schedule shall be used, a habitat index (HI) shall be calculated following an oil spill using the following methodology. The HI measures the amount of stream degradation from natural conditions and shall be calculated using the following formula:

$$\text{Habitat Index (HI)} = [(P_1 + P_2 + P_3 + P_4 + P_5 + P_6) \div N_p] \times f_1 \times f_2 \times f_3$$

- where: P₁ = barriers to natural fish movement
 P₂ = urbanization
 P₃ = condition of riparian vegetation
 P₄ = condition of floodplain
 P₅ = land use of watershed
 P₆ = flow alteration

N_p = number of P parameters used to calculate HI

- f₁ = channel modifications
 f₂ = impoundment
 f₃ = water quality

(3) The RDA committee shall determine which of the habitat quality parameters described in subsection (2) of this section are applicable to the particular spill under consideration. If a parameter is not applicable to the spill under consideration, the parameter shall not be included in the formula provided in subsection (2) of this section.

(4) Habitat quality parameters (P).

(a) Barriers to natural fish movement (P₁). Barriers, to some degree, limit the free passage of fish upstream

thus limiting the ability of streams to recover. The scoring of this parameter is based on the influence of barriers in the natural dispersal of fish populations as follows:

Table 12. Scoring of Barriers to Natural Fish Movement (P₁).

RATING QUALIFICATION	
10	No manmade obstructions to free upstream passage of fish
8	No dams or other structures causing a vertical drop of more than 1 foot during low flow
5	No dams or other structures causing a vertical drop of more than 3 foot during low flow
3	No dams or other structures causing a vertical drop of more than 10 foot during low flow
0	One to several dams or other structures each causing a drop of more than 10 feet during low flow

(b) Urbanization (P₂). Urban development has historically had negative habitat effects on freshwater ecosystems. The percent of urban development in a watershed directly influences siltation, riparian abuse, and water quality deterioration. The scoring of this parameter is based on the percent of urbanization in the stream watershed.

Table 13. Scoring of Urbanization (P₂).

RATING QUALIFICATION	
10	Less than 5 percent of the watershed in urban development
8	Five to 10 percent of the watershed in urban development
5	Ten to 40 percent of the watershed in urban development
3	Forty to 70 percent of the watershed in urban development
0	Seventy to 100 percent of the watershed in urban development

(c) Condition of riparian vegetation (P₃). Riparian vegetation is important to seventy percent of the animal and bird species in Washington for some part of their life cycle. It also exerts thermal regulatory and thermal controls for the aquatic system. The scoring of this parameter is based on the percent of banks that are protected by effective riparian vegetation.

Table 14. Scoring of Condition of Riparian Vegetation (P₃).

RATING QUALIFICATION	
10	Ninety to 100 percent of the banks are protected by appropriate perennial vegetation

RATING QUALIFICATION

8	Sixty to 90 percent of the banks are protected by appropriate perennial vegetation
5	Forty to 60 percent of the banks are protected by appropriate perennial vegetation
3	Ten to 40 percent of the banks are protected by appropriate perennial vegetation
0	Zero to 10 percent of the banks are protected by appropriate perennial vegetation

(d) Condition of the floodplain (P₄). The condition of the floodplain forecasts the amount of sedimentation and erosion in the watershed and as such is a primary predictor of stream degradation. The rating of this parameter is as follows:

Table 15. Scoring of the Condition of the Floodplain (P₄).

RATING QUALIFICATION

10	Little or no evidence of active or recent erosion of the floodplain during floods
5	All segments show evidence of occasional erosion of the floodplain. Stream channel essentially intact
0	Floodplain severely eroded and degraded, stream channel poorly defined with much lateral erosion and much reduced flow capacity

(e) Land use of the watershed (P₅). Land use practices exert a great deal of influence on the quality of the aquatic habitat. The rating of this parameter is as follows:

Table 16. Scoring of Land Use of the Watershed (P₅).

RATING QUALIFICATION

10	More than 80 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
8	Sixty to 80 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
5	Forty to 60 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
3	Twenty to 40 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
1	Zero to 20 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices

(f) Flow alteration (P₆). Alteration of the natural flow regime can frequently alter habitat conditions that are necessary for certain behavioral and ecological needs of species. The rating of this parameter is as follows:

Table 17. Scoring for Flow Alteration (P₆).

RATING QUALIFICATION

10	Less than 1 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
8	One to 30 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
5	Thirty to 60 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
3	Sixty to 95 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
0	Ninety-five to 100 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds

(5) Habitat alteration functions (F). Each habitat alteration function has the power to reduce the habitat quality rating, dependent on the type and extent of alteration. Functions are expressed on a scale of 0 to 1.0.

(a) Channel modification (F₁). Channel modification can have a dramatic effect of the ability of a stream to provide for a diversity of habitats. This parameter is rated as follows:

Channel Modification (F₁) = 1.0 - (SM*FR)
 where F₁ = Channel modification rate
 SM = Percent stream reach modified, expressed as a decimal
 FR = Percent fish reduction, expressed as a decimal

Table 18. Scoring for Percent Fish Reduction (FR).

CHANNEL MODIFICATION	% FISH REDUCATION
Clearing, Snagging	25
Channel realignment	80
Channel paving	95

(b) Water quality (F₂). Water quality exerts a variety of detrimental and/or beneficial on the aquatic ecosystem. This parameter is rated as follows:

Table 19. Scoring for Water Quality (F₂).

RATING QUALIFICATION

1.0	Stream water unpolluted. No pollutants detected by standard methods
0.8	Occasional above normal levels of one or more water pollutants usually present, but detectable only by analysis

RATING QUALIFICATION

- 0.5 Occasional visible signs of oversupply of nutrients or other pollutants detected by analysis
- 0.4 Occasional fish kills averaging about every 4 years or more
- 0.2 Occasional fish kills occurring more often than every 4 years
- 0.0 Grossly polluted waters with fish kills occurring annually or more frequently

(c) Streambed condition (F₃). The condition of the substrate habitat can be altered in such a way as to reduce the effective habitat available to the aquatic community as a whole. This parameter is ranked as follows:

Table 20. Scoring of Streambed Condition.

RATING QUALIFICATION

- 1.0 No apparent unstable material in channel with substrate of bedrock, boulders, rubble, gravel or firm alluvium
- 0.9 Traces of unstabilized silt, sand, or gravel in quiet areas or large pools with firm substrate
- 0.8 Quiet areas covered with unstable materials, deep pools restricted to areas of greatest scour
- 0.7 Pools shallow, filled with silt, sand or gravel, riffles contain noticeable silt deposits
- 0.5 Streambed completely covered by varying thicknesses of transported material such as silt, sand and gravel
- 0.0 Stream channel nearly or completely filled with unconsolidated, transported material; no surface flow except during floods

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

**COMPENSATION SCHEDULE
FOR SPILLS INTO FRESHWATER
WETLANDS**

NEW SECTION

WAC 173-183-700 VULNERABILITY OF FRESHWATER WETLAND ENVIRONMENTS TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking the vulnerability of freshwater wetland environments to oil spills for purposes of assessing damages by applying the compensation schedule.

(2) Vulnerability of freshwater wetland environments to oil spills is based on a wetlands classification which rates the vulnerability of a wetland to spilled oil. Wetland environments are classified into five categories which represent the sensitivity of habitat, plants, animals, and recreational use to oil spills. For purposes of this chapter, the wetlands vulnerability score shall be equal to the spill vulnerability score as follows:

Spill Vulnerability Score (SVS) = WVS
where WVS = wetlands vulnerability score (from WAC 173-183-710).

NEW SECTION

WAC 173-183-710 WETLANDS VULNERABILITY CLASSIFICATION. (1) Freshwater wetland environments and portions thereof, are classified into 4 types based on the identification system set forth below.

(a) Category I wetlands. The following types of wetlands are classed as category I wetlands:

- (i) Documented habitat for threatened or endangered plant, animal, or fish species recognized by federal or state agencies; or
- (ii) Documented Natural Heritage wetland sites or high quality native wetland communities which qualify as Natural Heritage wetland sites; or
- (iii) Documented habitat of regional (Pacific Coast) or national significance for migratory birds; or
- (iv) Regionally rare wetland communities; or
- (v) Wetlands with irreplaceable ecological functions;

or
(vi) Documented wetlands of local significance.

(b) Category II wetlands. The following types of wetlands are classed as category II wetlands:

- (i) Documented habitat recognized by federal and state agencies for sensitive plant, animal, or fish species; or
- (ii) Documented priority habitats and species recognized by state agencies; or
- (iii) Wetlands with significant functions which may not be adequately replicated through creation or restoration; or
- (iv) Wetlands with significant habitat value; or
- (v) Documented wetlands of local significance.

(c) Category III wetlands. The following types of wetlands are classed as category III when they satisfy no category I, II, or IV criteria.

(d) Category IV wetlands. The following types of wetlands are classed as category IV wetlands:

- (i) Wetlands less than one acre in size and hydrologically isolated and comprised of one vegetated class that is dominated (more than eighty percent areal cover) by one species from the list in Table 21; or
- (ii) Wetlands less than two acres and hydrologically isolated with one vegetative class and more than ninety percent of the areal cover is any combination of species from the list in Table 22.

Table 21. List of invasive/exotic plant species for rating Category IV wetlands.

Common name	Scientific name
Soft Rush	<i>Juncus effusus</i>
Reed	<i>Phragmites communis</i>
Buttercup	<i>Ranunculus repens</i>
Reed Canary Grass	<i>Phalaris arundinaceae</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Townsend's cordgrass	<i>Spartina townsendii</i>
Non-native blackberry	<i>Rubus discolor, laciniatus, vestitus, macrophyllus</i>
Velvet grass	<i>Holcus lanatus, mollis</i>
Fescue	<i>Festuca arundinaceae, pratensis</i>
Quackgrass	<i>Agropyron repens</i>
Meadow foxtail	<i>Alopecurus pratensis, aequalis</i>
Orchardgrass	<i>Dactylis glomerata</i>
Ryegrass	<i>Lolium perenne, multiflorum, temulentum</i>
Timothy	<i>Phleum pratense</i>
Bluegrass	<i>Poa compressa, palustris, pratensis</i>
Bromes	<i>Bromus tectorum, rigidus, briziformis, geocalius, japonicus, mollis, commutatus, inermis, craccus</i>
Sandbur	<i>Cochlospora leucostachya</i>
Crab Grass	<i>Digitaria sanguinalis</i>
Barnyard grass	<i>Echinochloa crusgalli</i>
Green Bristlegrass	<i>Setaria viridis</i>
Foxtail Barley	<i>Hordeum jubatum</i>
Dogtail	<i>Cynosurus cristatus, achinatus</i>
Russian Thistle	<i>Salsola kali</i>
Knowweeds	<i>Polygonum aviculare, concoloculus, cuspidatum, lapathifolium, periscaria</i>
Tumblemustards	<i>Sisymbrium altissimum, loeselii, officinale</i>
Scotch broom	<i>Cytisus scoparius</i>
Sweet clover	<i>Melilotus alba, officinalis</i>
Bird's foot trefoil	<i>Lotus corniculatus</i>
Alfalfa	<i>Medicago sativa</i>
Clover	<i>Trifolium dubium, pratense, repens, arvense, subterraneum, hybridum</i>
Spurge	<i>Euphorbia pepini, cauda</i>
St. John's wort	<i>Hypericum perforatum</i>
Teasel	<i>Dipsacus sylvestris</i>
Pineapple weed	<i>Marricaria matricarioides</i>
Tansy	<i>Tanacetum vulgare</i>
Thistles	<i>Cirsium vulgare, arvense</i>
Burdock	<i>Arcium minus</i>
Knapweeds	<i>Centaurea solstitialis, repens, cyanus, maculosa</i>
Cultivated species: wheat, corn, barley, triticum, rye	

Table 22. List of native species for rating of Category IV wetlands.

Common name	Scientific name
Hard hack	<i>Spirea douglasii</i>
Cattail	<i>Typha latifolia</i>
Soft rush	<i>Juncus effusus</i>

(2) Freshwater wetland environment vulnerability score (WVS). The vulnerability of freshwater wetland environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of the freshwater wetland environment vulnerability ranges from 1 to 5, where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

Table 23. Freshwater Wetlands Vulnerability Score (WVS).

WVS	QUALIFICATION
5	Category I wetlands
4	Category II wetlands
3	Category III wetlands
1	Category IV wetlands

CALCULATION OF DAMAGES USING THE COMPENSATION SCHEDULE

NEW SECTION

WAC 173-183-800 CALCULATION OF DAMAGES USING THE COMPENSATION SCHEDULE GENERAL. The purpose of WAC 173-183-800 to 173-183-850 are to describe:

- (1) The responsibilities of the OSC and RDA committee chair in applying the compensation schedule; and
- (2) The procedures for determining public resource damages using the compensation schedule.

NEW SECTION

WAC 173-183-810 ON-SCENE COORDINATOR RESPONSIBILITIES. (1) The OSC or department responder, or his or her designee, shall make the following determinations:

- (a) Quantity and type of oil spilled;
- (b) Extent and location of the spill; and
- (c) The amount of oil cleaned up on a daily basis, and in total.

(2) The potentially liable party (PLP) may hire an independent expert to determine the volume of oil spilled and cleaned up, including the volume cleaned up within the first six hours after spill initiation. The volume determinations made by the independent expert shall be used in calculations of damages under the compensation schedule if the independent expert selected is acceptable to both the PLP and the department. Determinations by the mutually agreed upon independent expert of the quantity of oil spilled and cleaned up shall be provided to the RDA committee chair within sixty days of the spill under consideration.

(3) The OSC or department responder shall provide the information enumerated in subsection (1) of this section to the RDA committee chair in a timely manner.

NEW SECTION

WAC 173-183-820 RDA COMMITTEE CHAIR RESPONSIBILITIES. (1) The RDA committee chair shall, in consultation with the OSC and RDA committee, determine the following:

- (a) For spills into marine or estuarine environments excluding the Columbia River estuary:
 - (i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;
 - (ii) Subregion(s) exposed to the spilled oil;
 - (iii) Habitat types exposed to the spilled oil as classified in WAC 173-183-410 for spills of 1,000 gallons or more;
 - (iv) Percent coverage of each habitat type within the area of spill exposure for spills of 1,000 gallons or more;
 - (v) Percent coverage of habitat types present within the subregion(s) exposed to spilled oil for spills of less than 1,000 gallons.
 - (vi) A spill's habitat vulnerability scores (HVS) for acute toxicity, mechanical injury, and persistence as determined by the procedures outlined in WAC 173-183-400; and
 - (vii) The spill vulnerability scores (SVS_{AT}, SVS_{MI}, SVS_{PER}) for the most vulnerable season affected by the spill using the formula provided in WAC 173-183-400.

(b) For spills in the estuarine waters of the Columbia River:

(i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) The cell(s) exposed to the spilled oil; and

(iii) The spill vulnerability score (SVS) for the most vulnerable season affected by the spilled oil using the procedures provided in WAC 173-183-500.

(c) For spills in freshwater streams, rivers, and lakes:

(i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) Freshwater vulnerability score as described in WAC 173-183-610;

(iii) Freshwater habitat index as described in WAC 173-183-620; and

(iv) Spill vulnerability score (SVS) as outlined in WAC 173-183-600 for each stream, river, and/or lake environment exposed to the spill; and

(d) For spills in freshwater wetlands:

(i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) Freshwater wetland vulnerability score as described in WAC 173-183-710;

(iii) Spill vulnerability score (SVS) as outlined in WAC 173-183-700 for each wetland exposed to the spill.

(2) For spills that enter more than one environment, the RDA committee chair shall, in consultation with the OSC and RDA committee, make the determinations enumerated under subsection (1)(a) through (d) of this section.

NEW SECTION

WAC 173-183-830 CALCULATION OF DAMAGES FOR SPILLS INTO MARINE AND ESTUARINE WATERS, EXCEPT THE COLUMBIA RIVER ESTUARY. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into marine and estuarine waters, except the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(a).

(2) In making the determination of percent-coverage of habitat types, the RDA committee chair may assume that the habitat-type visible at low tide extends out to the 20 meter depth contour.

(3) Damages liability shall be calculated using the following formula:

$$\text{Damages (\$)} = \text{gallons spilled} * 0.1 * [(OIL_{AT} * SVS_{AT,j}) + (OIL_{MI} * SVS_{MI,j}) + (OIL_{PER} * SVS_{PER,j})]$$

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;

SVS_j = spill vulnerability score (from WAC 173-183-400(3));
 OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);
 OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and
 OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).
 i = acute toxicity, mechanical injury and persistence effect of oil
 j = the most sensitive season affected by the spill
 0.1 = multiplier to adjust the damages calculated to the \$1-50 per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

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

NEW SECTION

WAC 173-183-840 CALCULATION OF DAMAGES FOR SPILLS INTO THE COLUMBIA RIVER ESTUARY. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(b).

(2) Damages liability shall be calculated using the following formula:

$$\text{Damages (\$)} = \text{gallons spilled} * 0.2 * SVS_j * (OIL_{AT} + OIL_{MI} + OIL_{PER})$$

where: gallons spilled = the number of gallons of oil spilled as determined by procedures outlined in WAC 173-183-810
 SVS_j = spill vulnerability score (from WAC 173-183-400(3));
 j = the most sensitive season affected by the spill
 OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);
 OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and
 OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).
 0.2 = multiplier to adjust the damages calculated to the \$1-50 per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

NEW SECTION

WAC 173-183-850 CALCULATION OF DAMAGES FOR SPILLS IN FRESHWATER STREAMS, RIVERS, AND LAKES. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater streams, rivers, and lakes. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(c).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =

gallons spilled * 0.08 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;
SVS = Spill vulnerability score [from WAC 173-183-600(3)];
OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-360];
OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-360]; and
OIL_{PER} = Persistence Score for Oil [from WAC 173-183-360].
0.08 = multiplier to adjust damages calculated to the \$1-50 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

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

NEW SECTION

WAC 173-183-860 CALCULATION OF DAMAGES FOR SPILLS INTO FRESHWATER WETLANDS. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater wetlands. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) the RDA committee chair as enumerated in WAC 173-183-820 (1)(d).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =

gallons spilled * 0.81 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})

where: gallons spilled = the number of gallons of oil spilled as determined by procedures outlined in WAC 173-183-810;
SVS = Spill vulnerability score [from WAC 173-183-700(3)];
OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-360];
OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-360]; and
OIL_{PER} = Persistence Score for Oil [from WAC 173-183-360].
0.81 = multiplier to adjust damages calculated to the \$1-50 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

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

NEW SECTION

WAC 173-183-865 CALCULATION OF DAMAGES FOR SPILLS ENTERING MORE THAN ONE TYPE OF RECEIVING ENVIRONMENT. For spills that enter more than one type of receiving environment, as classified in WAC 173-183-400, 173-183-500, 173-183-600, and 173-183-700, damages liability shall be determined as follows:

(1) Damages shall be calculated using the procedures enumerated in WAC 173-183-800 through 173-183-890 for each of the receiving environment types exposed to spilled oil;

(2) Total damages liability shall be equal to the greatest of the damages calculated for the receiving environment types exposed to spilled oil as determined in subsection (1) of this section.

NEW SECTION

WAC 173-183-870 MODIFICATION OF DAMAGES BASED ON ACTIONS TAKEN BY THE PLP.

(1) Damages calculated under WAC 173-183-830 through 173-183-860 may be reduced by the amounts specified in subsections (2) through (5) of this section, as determined by the RDA committee, in the following cases:

(a) Where the potentially liable party takes an action that results in no spill exposure and no injury to the following special features: Seal and sea lion haulouts, public recreational areas, smelt, sand lance, and herring spawning areas, salmon concentration areas, hardshell and softshell clam beds, and seabird breeding colonies;

(b) Where the potentially liable party takes an action that restores, rehabilitates, or enhances resources injured by the spill; and

(c) Where the potentially liable party immediately booms spilled oil that has not come into contact with the shore, in areas where water depth is greater than twenty meters, and immediately removes the spilled oil that has been contained in booming.

(2) When the conditions specified under subsection (1)(a) of this section are met, compensation shall be reduced by the amount that the special feature that was protected contributed to the amount of damages calculated under WAC 173-183-830 through 173-183-860. Decisions on how much the protected special feature contributed to the amount of damages calculated under the compensation schedule shall be made by the RDA committee.

(3) When conditions specified under subsection (1)(b) of this section are met, amount of damages calculated under WAC 173-183-830 through 173-183-860 may be reduced. Decisions on reduction of damages shall be made by the RDA committee.

(4) When the conditions specified under subsection (1)(c) of this section are met, the damages calculated under WAC 173-183-830 through 173-183-860 shall be reduced as described by the following steps:

(a) Two separate damages calculations shall be made using the applicable damage liability formula(s) provided in WAC 173-183-830 through 173-183-860. The number of gallons used in the first formula shall be the

number of gallons immediately removed from the receiving environment as described in subsection (1)(c) of this section. The number of gallons used the second formula shall be the number of gallons spilled but not immediately removed from the receiving environment. The values of all other formula variables shall be as defined for the applicable formulas in WAC 173-183-830 through 173-183-860, except as described in subsection (4)(b) of this section;

(b) The values of the mechanical injury (OIL_{MI}) and persistence (OIL_{PER}) scores for oils shall be reduced by ten percent in the first formula; and

(c) Damages derived from the first and second formulas shall be added together to calculate the reduced damages liability.

(5) In no case shall the modifications to compensation enumerated in subsections (1) through (4) of this section result in a reduction of damages to less than one dollar per gallon of oil spilled.

NEW SECTION

WAC 173-183-880 DAMAGE CLAIM. (1) The department shall provide documentation to the liable party that details the information and calculations that were used to assess damages under the compensation schedule. This documentation shall be provided to the liable party along with the damages liability claim.

(2) The liable party shall pay the full amount specified in the damages liability claim to the department within thirty days of receipt.

NEW SECTION

WAC 173-183-890 SUBSTITUTION OF DAMAGES. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the damages determined through application of the procedures in WAC 173-183-300 through 173-183-870.

NEW SECTION

WAC 173-183-900 ANNUAL REPORT. The department shall submit an annual report to the appropriate standing committees of the legislature that addresses each spill for which the RDA committee was convened. The following information shall be included in the report for each spill addressed: The outcome of the preassessment screening, and compensation claims imposed or damage assessment studies conducted, and the revenues to and expenditures from the coastal protection fund.

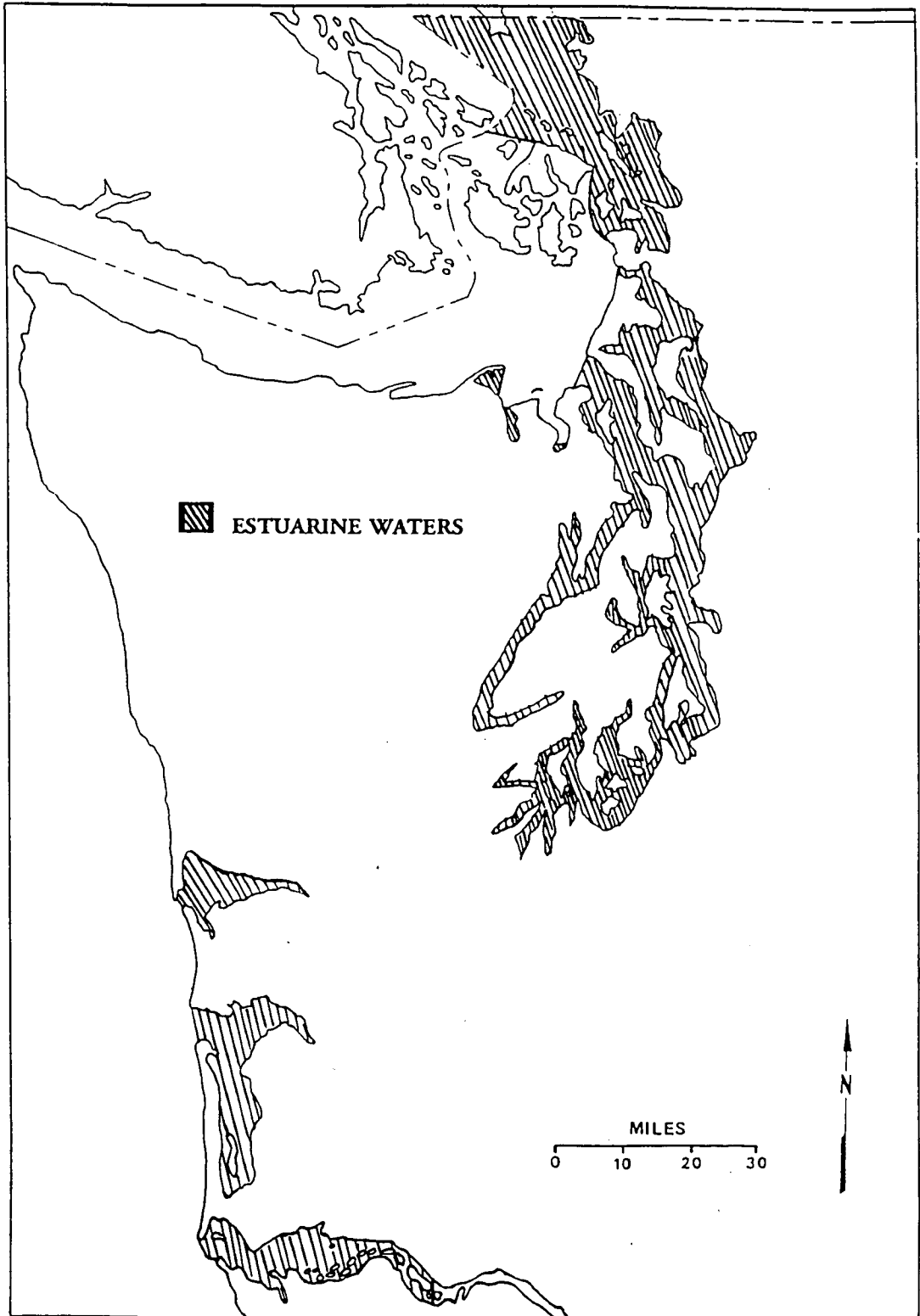
NEW SECTION

WAC 173-183-910 SEVERABILITY. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 173-183-920 APPENDICES. APPENDIX 1: ESTUARINE WATERS OF THE STATE

APPENDIX 1: ESTUARINE WATERS OF THE STATE



APPENDIX 2: SPECIES AND SPECIES GROUPS INCLUDED IN THE MARINE FISH VULNERABILITY RANKING

Common Name	Scientific Name
Pacific sleeper shark	<i>Somniosus pacificus</i>
Spiny dogfish	<i>Squalus acanthias</i>
Skates	Rajidae
Spotted ratfish	<i>Hydrodagus collieri</i>
Green sturgeon	<i>Acipenser medirostris</i>
White sturgeon	<i>Acipenser transmontanus</i>
Pacific herring	<i>Clupea pallasii</i>
Northern anchovy	<i>Engraulis mordax</i>
Surf smelt	<i>Hypomesus pretiosus</i>
Night smelt	<i>Spirinchus starksi</i>
Longfin smelt	<i>Spirinchus thaleichthys</i>
Eulachon	<i>Thaleichthys pacificus</i>
Pacific cod	<i>Gadus macrocephalus</i>
Pacific tomcod	<i>Microgadus proximus</i>
Walleye pollock	<i>Theragra chalcogramma</i>
Whiting	<i>Merluccius productus</i>
Plainfin midshipman	<i>Porichthys notatus</i>
Tubesnout	<i>Aulorhynchus favidus</i>
Three-spine stickleback	<i>Gasterosteus aculeatus</i>
Pacific Ocean perch	<i>Sebastes alutus</i>
Brown rockfish	<i>Sebastes auriculatus</i>
Silvergray rockfish	<i>Sebastes brevispinis</i>
Copper rockfish	<i>Sebastes caurinus</i>
Puget Sound rockfish	<i>Sebastes emphaeus</i>
Widow rockfish	<i>Sebastes entomelas</i>
Yellowtail rockfish	<i>Sebastes flavidus</i>
Quillback rockfish	<i>Sebastes maliger</i>
Black rockfish	<i>Sebastes melanops</i>
Blue rockfish	<i>Sebastes mystinus</i>
China rockfish	<i>Sebastes nebulosus</i>
Bocaccio	<i>Sebastes paucispinis</i>
Canary rockfish	<i>Sebastes pinniger</i>
Yelloweye rockfish	<i>Sebastes ruberrimus</i>
Shortspine thornyhead	<i>Sebastolobus alascanus</i>
Longspine thornyhead	<i>Sebastolobus altivelis</i>
Sablefish	<i>Anoplopoma fimbria</i>
Kelp Greenling	<i>Hexagrammos decagrammus</i>
Lingcod	<i>Ophiodon elongatus</i>
Red Irish lord	<i>Hemilepidotus</i>
Pacific staghorn sculpin	<i>Leptocottus armatus</i>
Cabezon	<i>Scorpaenichthys marmoratus</i>
Redtail surfperch	<i>Amphistichus rhodoterus</i>
Shiner surfperch	<i>Cymatogaster aggregata</i>
Pile surfperch	<i>Damalichthys vacca</i>
Striped surfperch	<i>Embiotoca lateralis</i>
Eelpouts	Zoarcidae
Snake prickleback	<i>Lumpenus sagitta</i>
Gunnels	Pholididae
Wolf-eel	<i>Anarrhichthys ocellatus</i>
Pacific sand lance	<i>Ammodytes hexapterus</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Speckled sand dab	<i>Citharichthys stigmaeus</i>
Arrowtooth flounder	<i>Atheresthes stomias</i>
Petrale sole	<i>Eposetta jordani</i>
Rex sole	<i>Glyptocephalus zachirus</i>
Pacific halibut	<i>Hippoglossus stenolepis</i>
Rock sole	<i>Lepidopsetta bilineata</i>

Common Name	Scientific Name
Dover sole	<i>Microstomus pacificus</i>
English sole	<i>Parophrys vetulus</i>
Starry Flounder	<i>Platichthys stellatus</i>
Sand sole	<i>Psettichthys melanostictus</i>

APPENDIX 3: SPECIES INCLUDED IN THE SALMON VULNERABILITY RANKING

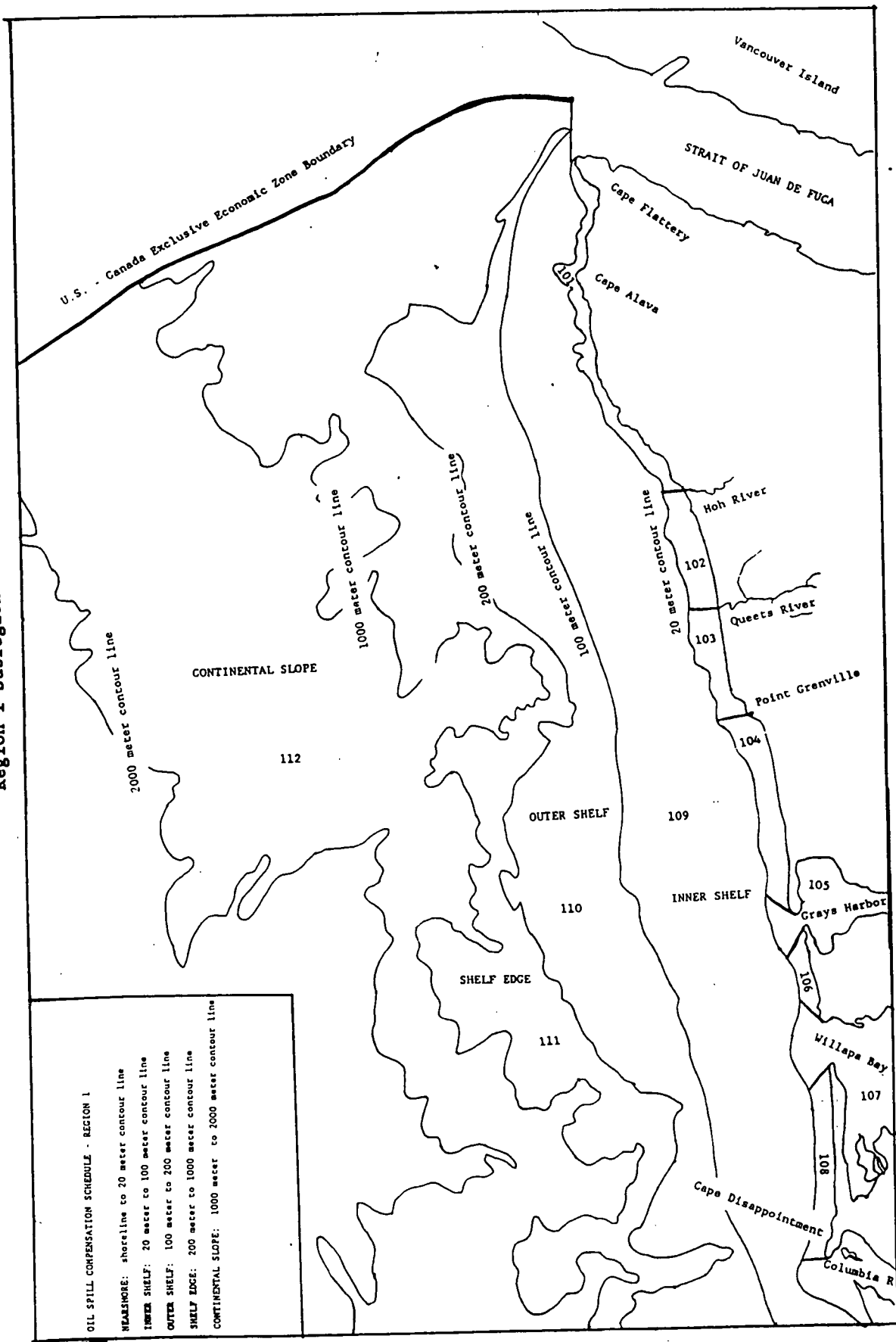
Common Name	Scientific Name
Chinook	<i>Oncorhynchus tshawytscha</i>
Coho	<i>O. kisutch</i>
Pink	<i>O. gorbushca</i>
Chum	<i>O. keta</i>
Sockeye	<i>O. nerka</i>

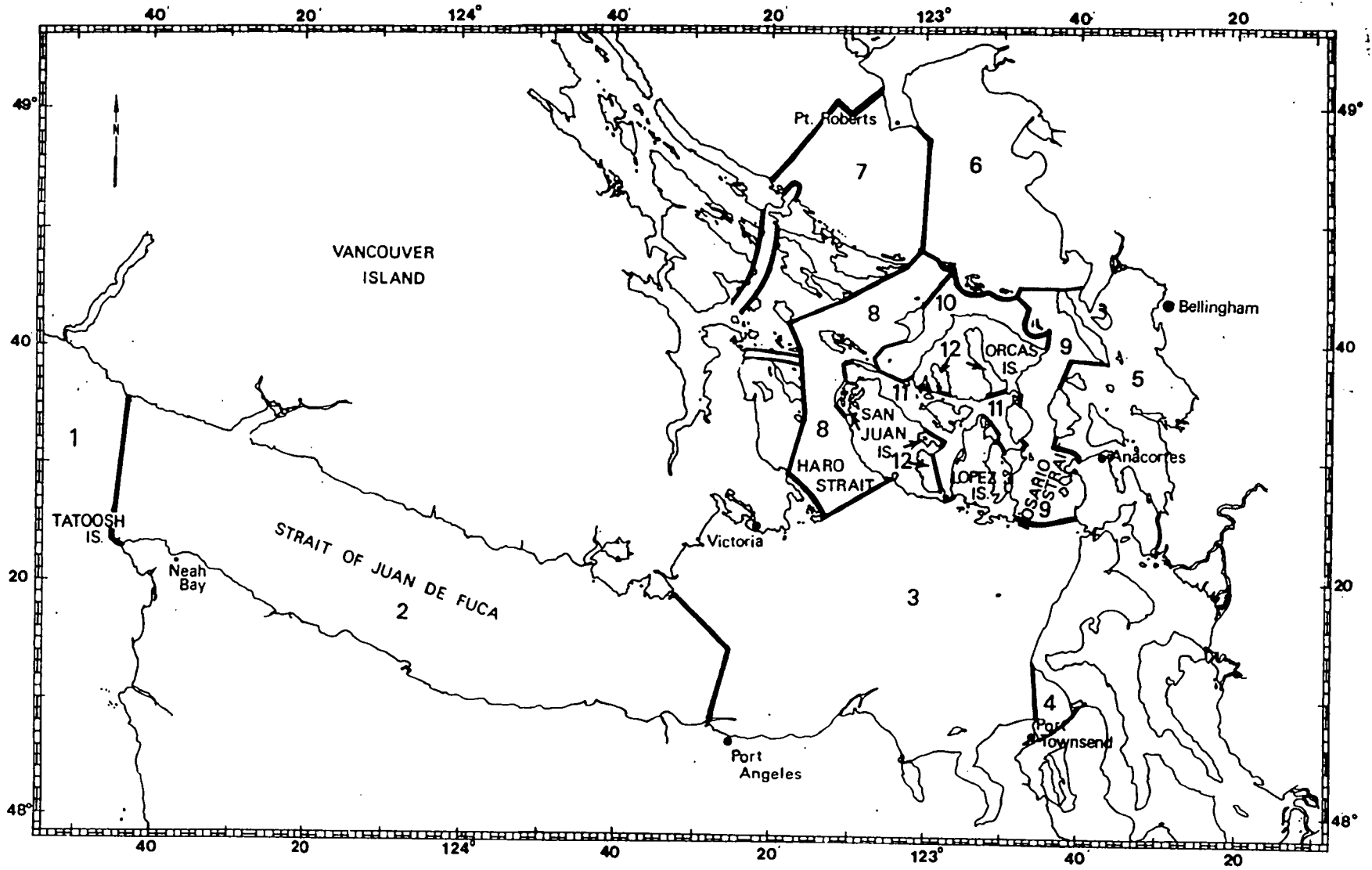
APPENDIX 4: SPECIES INCLUDED IN THE SHELLFISH VULNERABILITY RANKING

Common Name	Scientific Name
Pacific Oyster	<i>Crassostrea gigas</i>
Olympia Oyster	<i>Ostrea lurida</i>
Pacific Razor Clam	<i>Siliqua patula</i>
Geoduck	<i>Panope generosa</i>
Butter Clam	<i>Saxidomus giganteus</i>
Native Little Neck	<i>Protothaca staminea</i>
Manila Clam	<i>Venerupis japonica</i>
Gaper Clam	<i>Tresus nuttalli</i>
Horse Clam	<i>T. capax</i>
Eastern Soft Shell	<i>Mya arenaria</i>
Cockles	<i>Clinocardium nuttalli</i>
Pink Scallop	<i>Chlamys rubida</i>
Spiny Scallop	<i>C. hastata</i>
Rock Scallop	<i>Hinnites multirugous</i>
Weathervane Scallop	<i>Pecten caurinus</i>
Bay Mussel	<i>Mytilus spp.</i>
California Mussel	<i>M. californianus</i>
Goose(neck) Barnacle	<i>Pollicipes polymerus</i>
Squid	<i>Loligo opalescens</i>
Octopus	<i>Octopus dofleini</i>
Northern Abalone	<i>Haliotis kamschatkana</i>
Limpets	subsistence harvest species
Whelks	subsistence harvest species
Moon Snail	<i>Polinices</i>
Chitons	subsistence harvest species
Sea Cucumber	<i>Parastichopus californicus</i>
Red Sea Urchin	<i>Strongylocentrotus franciscanus</i>
Green Sea Urchin	<i>S. droebachiensis</i>
Purple Sea Urchin	<i>S. purpuratus</i>
Dungeness Crab	<i>Cancer magister</i>
Red (Rock) Crab	<i>C. productus</i>
Spot Shrimp	<i>Pandalus platyceros</i>
Coon Stripe Shrimp	<i>P. danae</i>
Side Shrimp	<i>Pandalopsis dispar</i>
Pink Shrimp	<i>Pandalus jordani</i> & <i>P. borealis</i>
Ghost Shrimp	<i>Callinassa spp.</i>
Mud Shrimp	<i>Upogebia pugettensis</i>
Humpback Shrimp	<i>Pandalus hypsinotus</i>

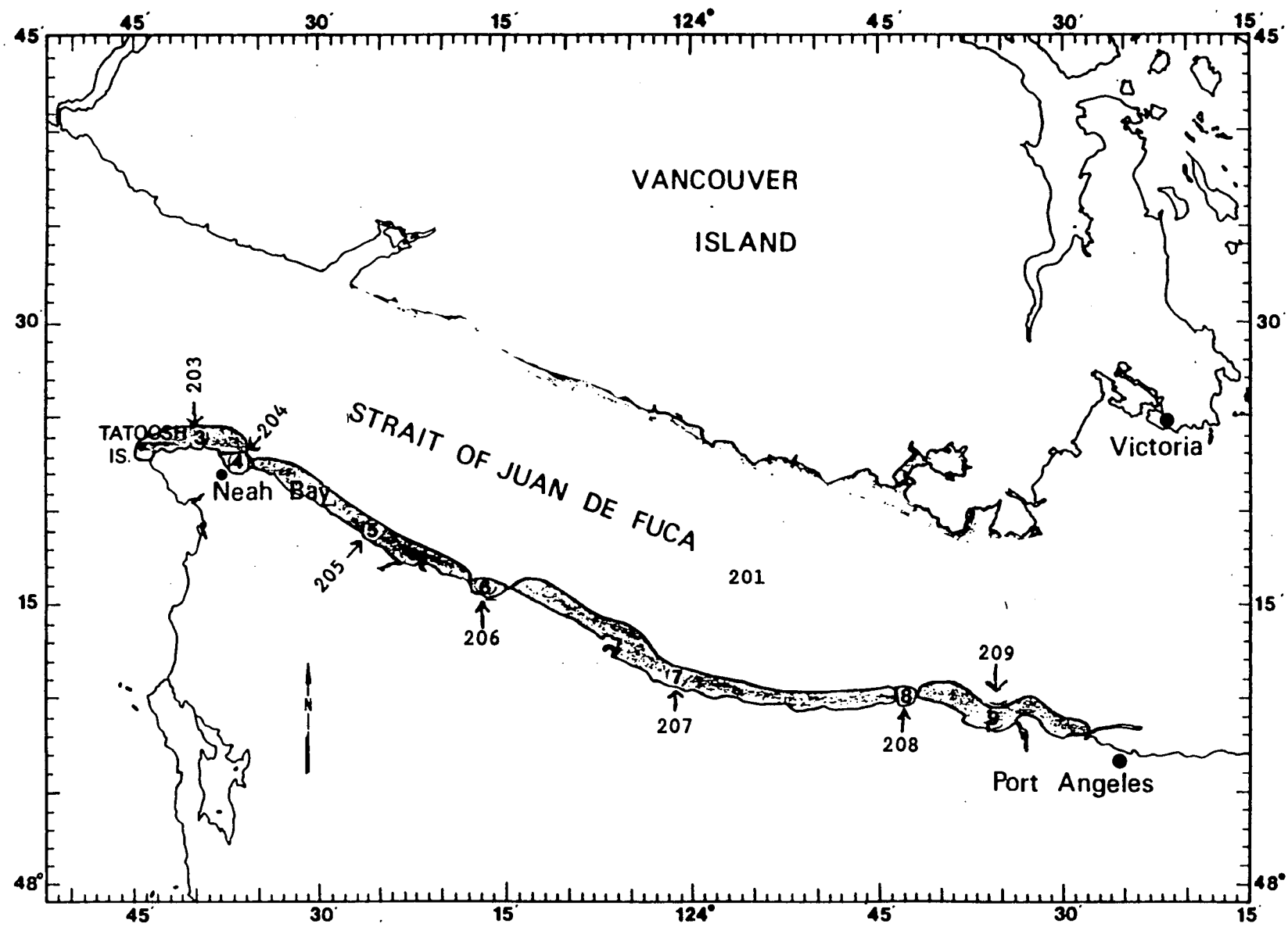
APPENDIX 5: COMPENSATION SCHEDULE REGIONS AND SUBREGIONS

Region 1 Subregions





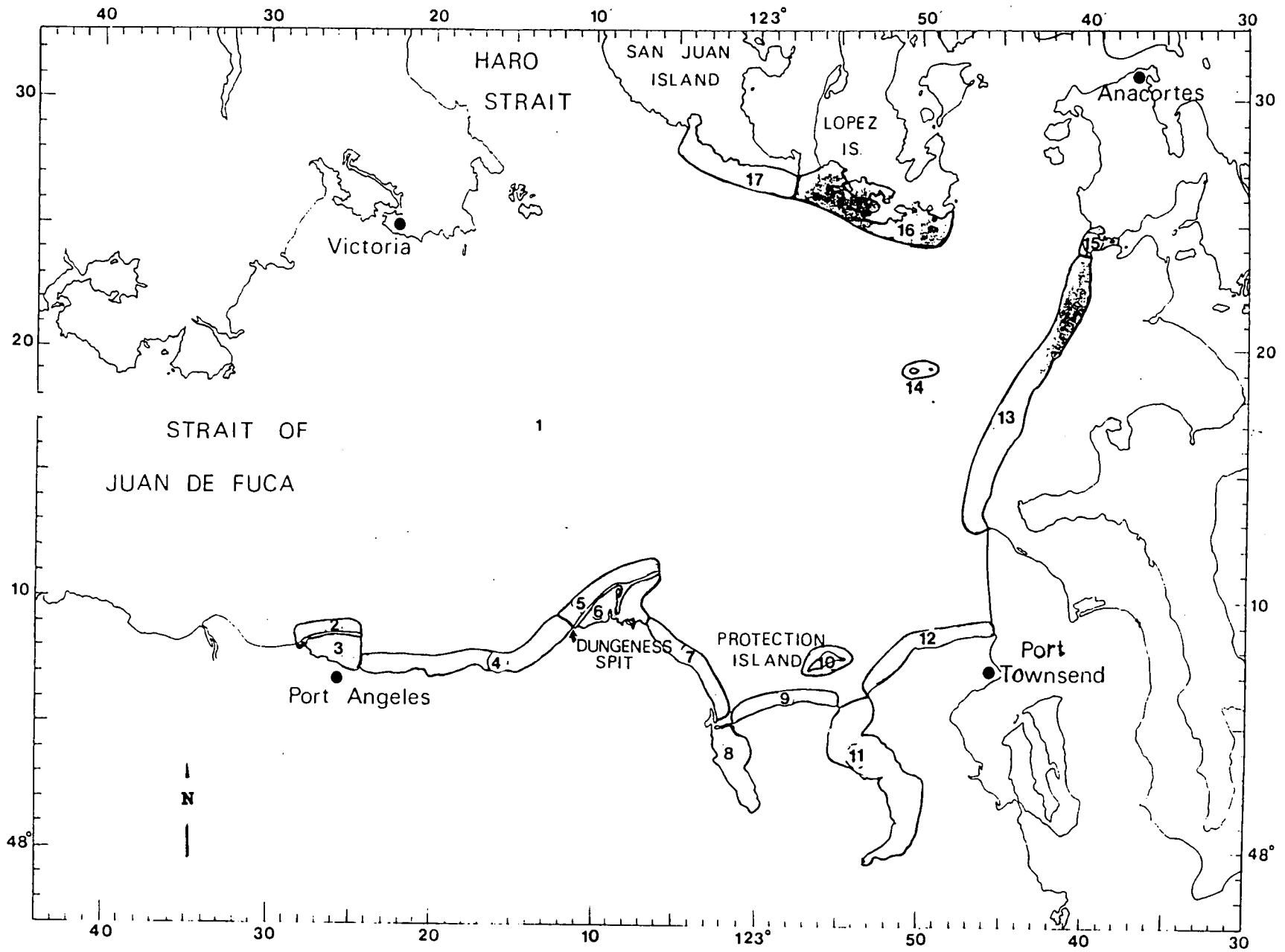
Northern Puget Sound, Strait of Juan de Fuca and Outer Coast
Compensation Schedule Regions



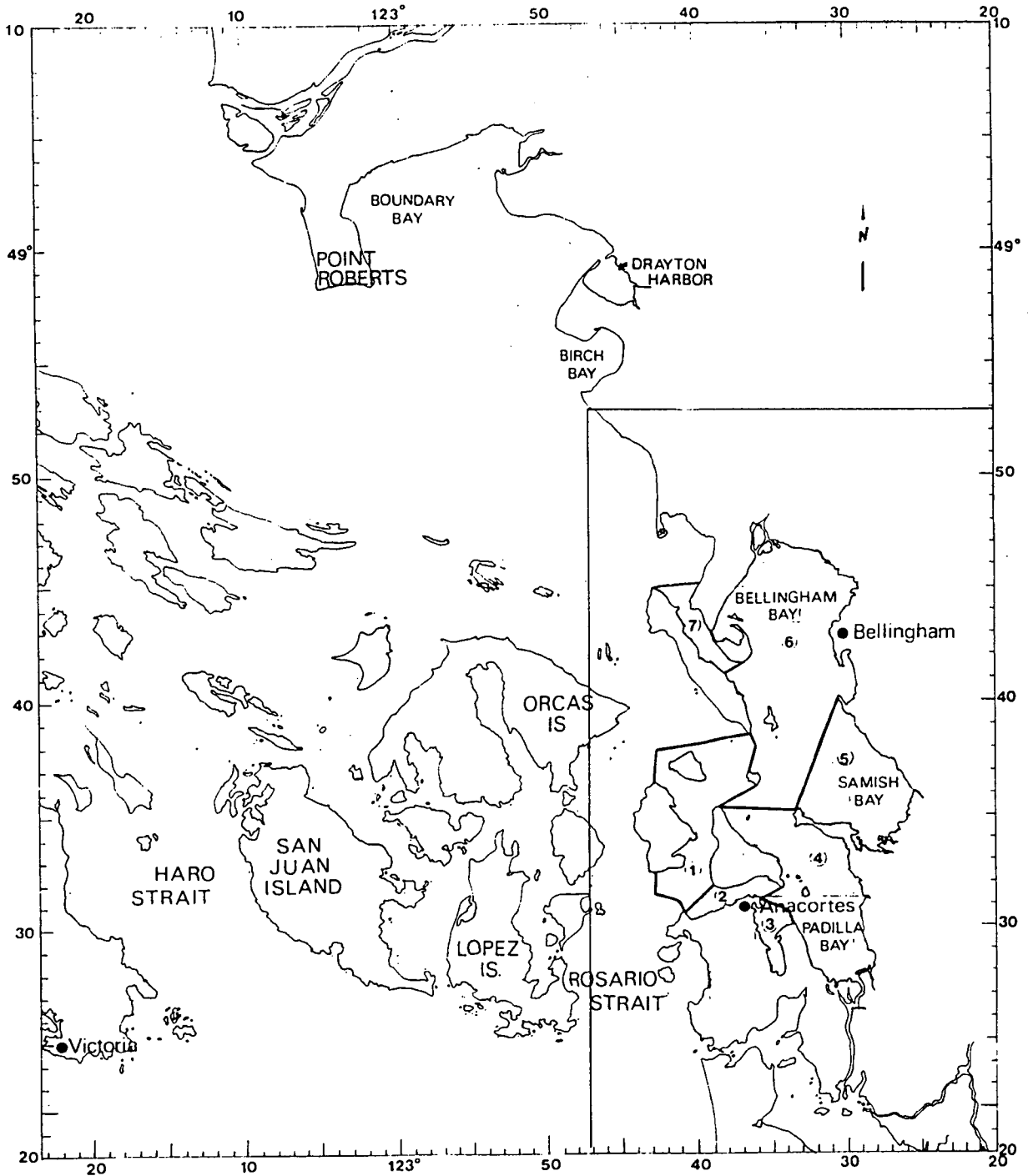
[96]

Region 2 Subregions

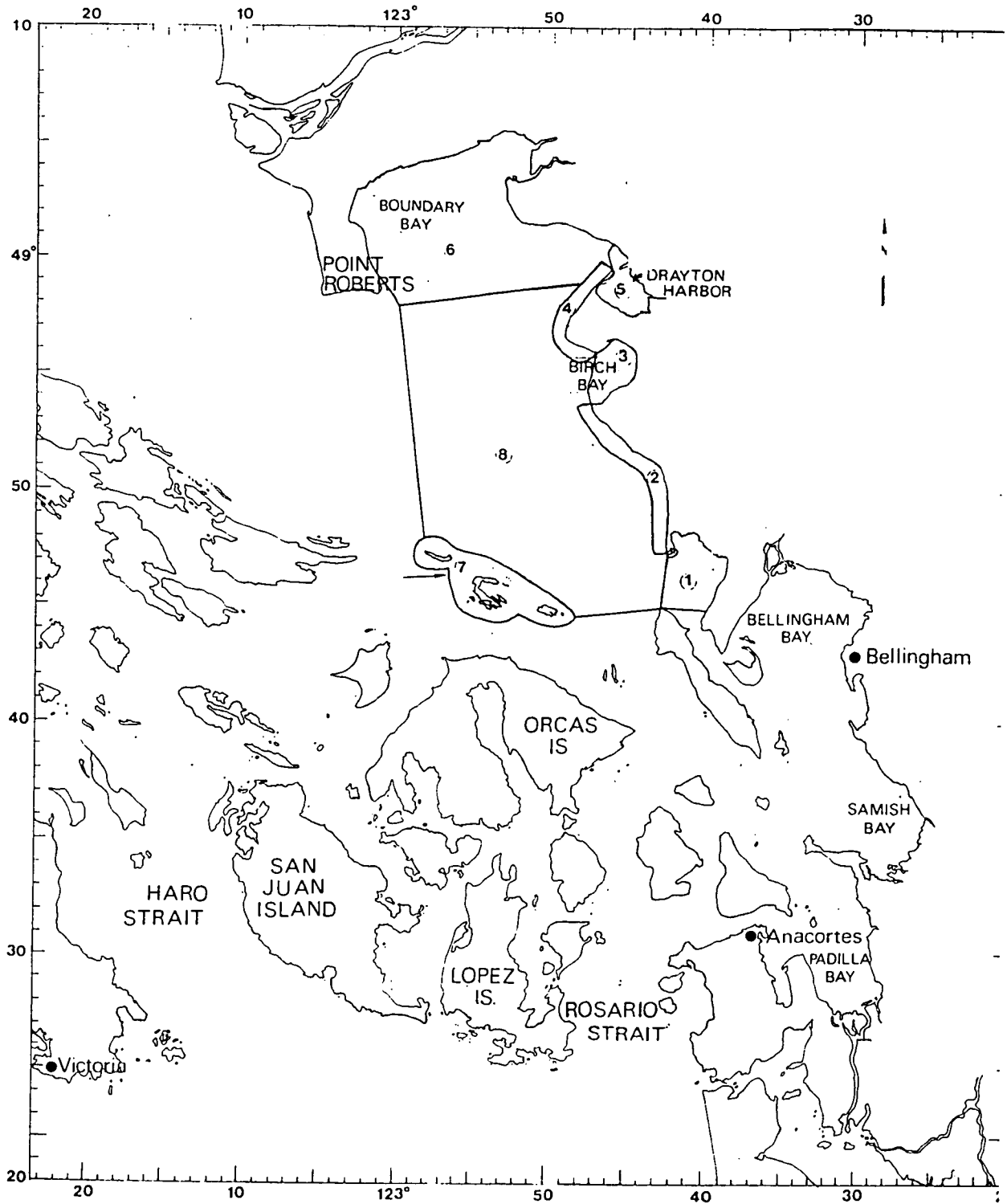
[97]



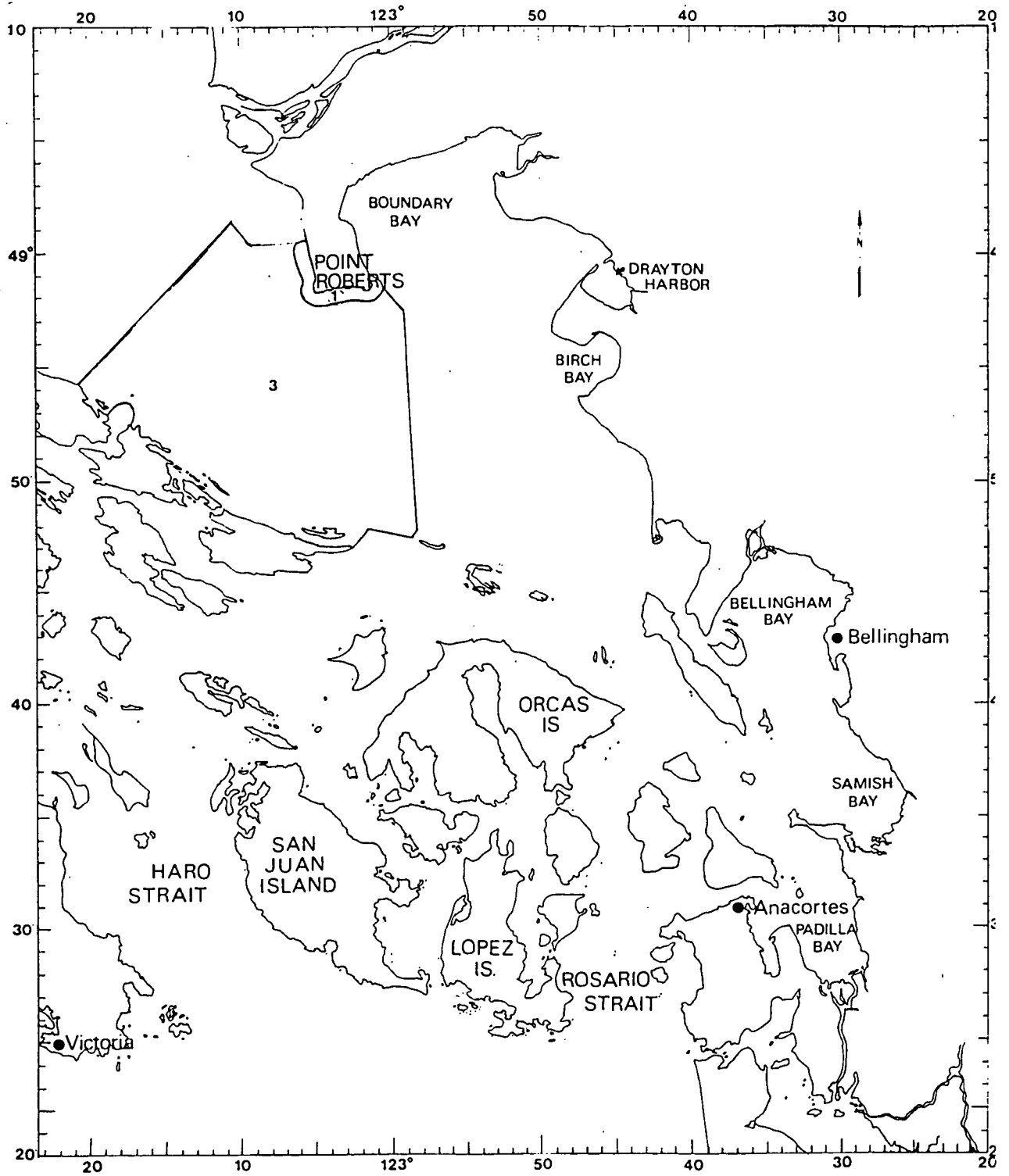
REGION 3 SUBREGIONS 301 THROUGH 317



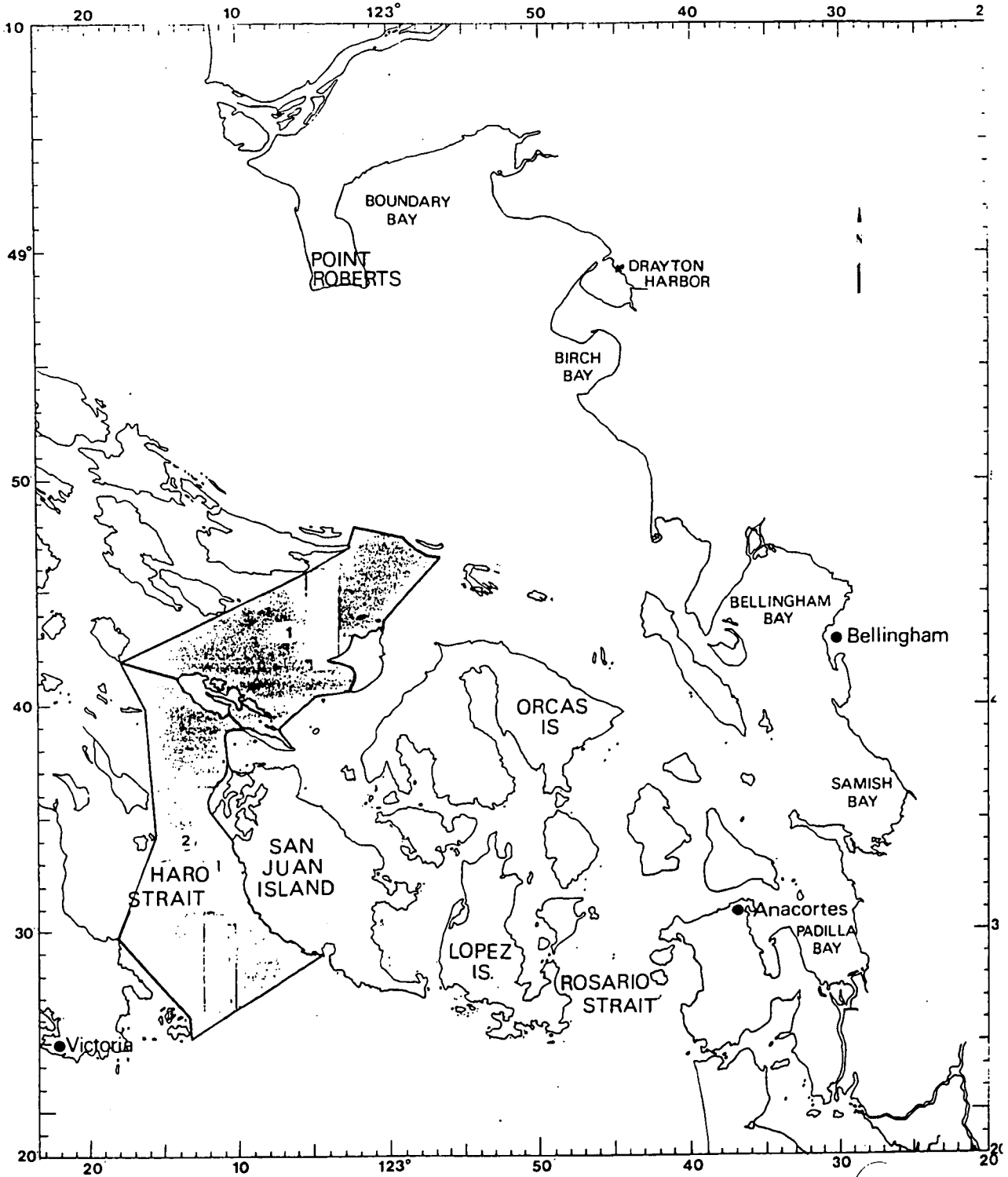
REGION 5 SUBREGIONS 501 THROUGH 507



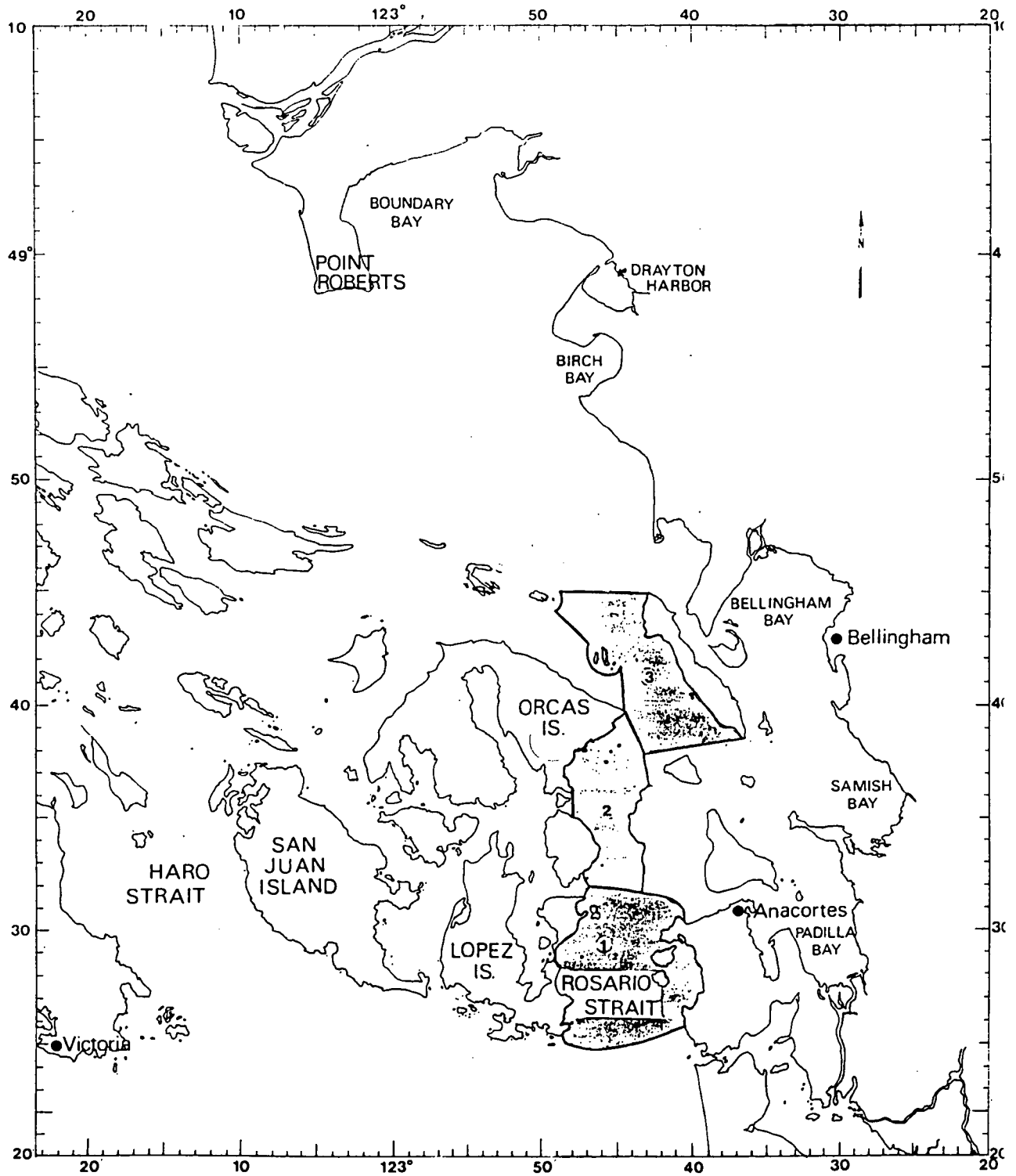
REGION 6 SUBREGIONS 601 THROUGH 607



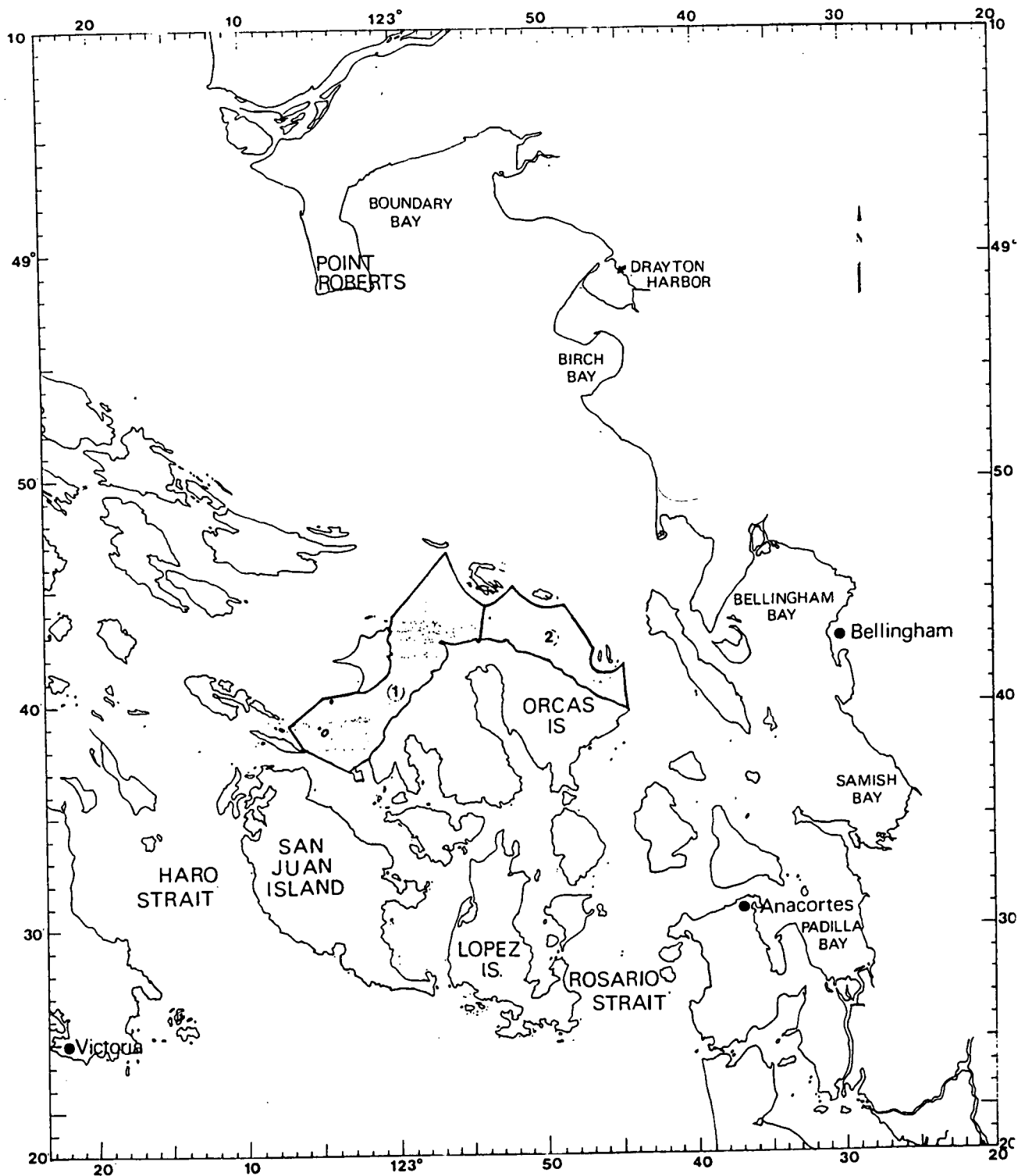
REGION 7 SUBREGIONS 701 AND 703



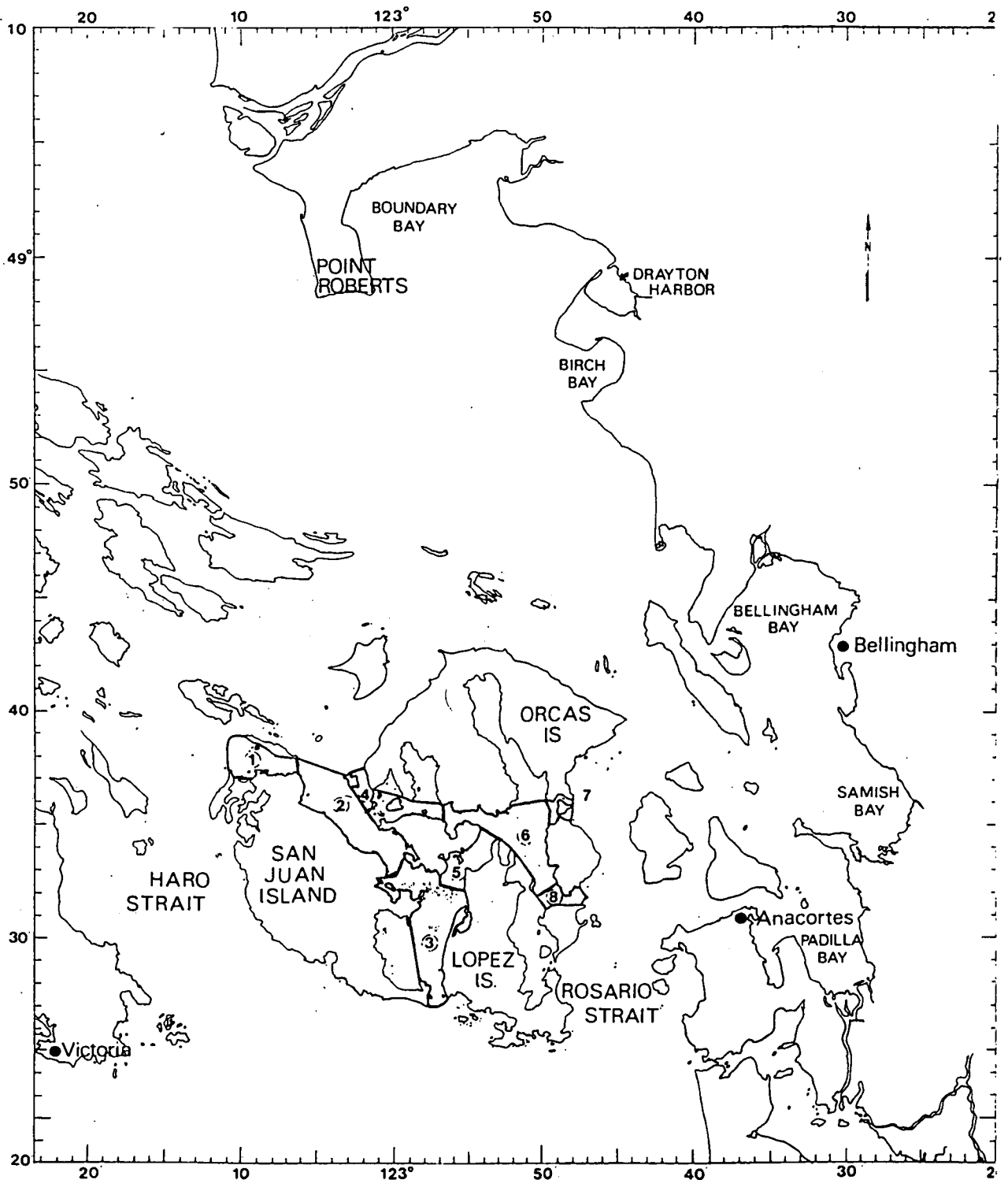
REGION 8 SUBREGIONS 801 AND 802



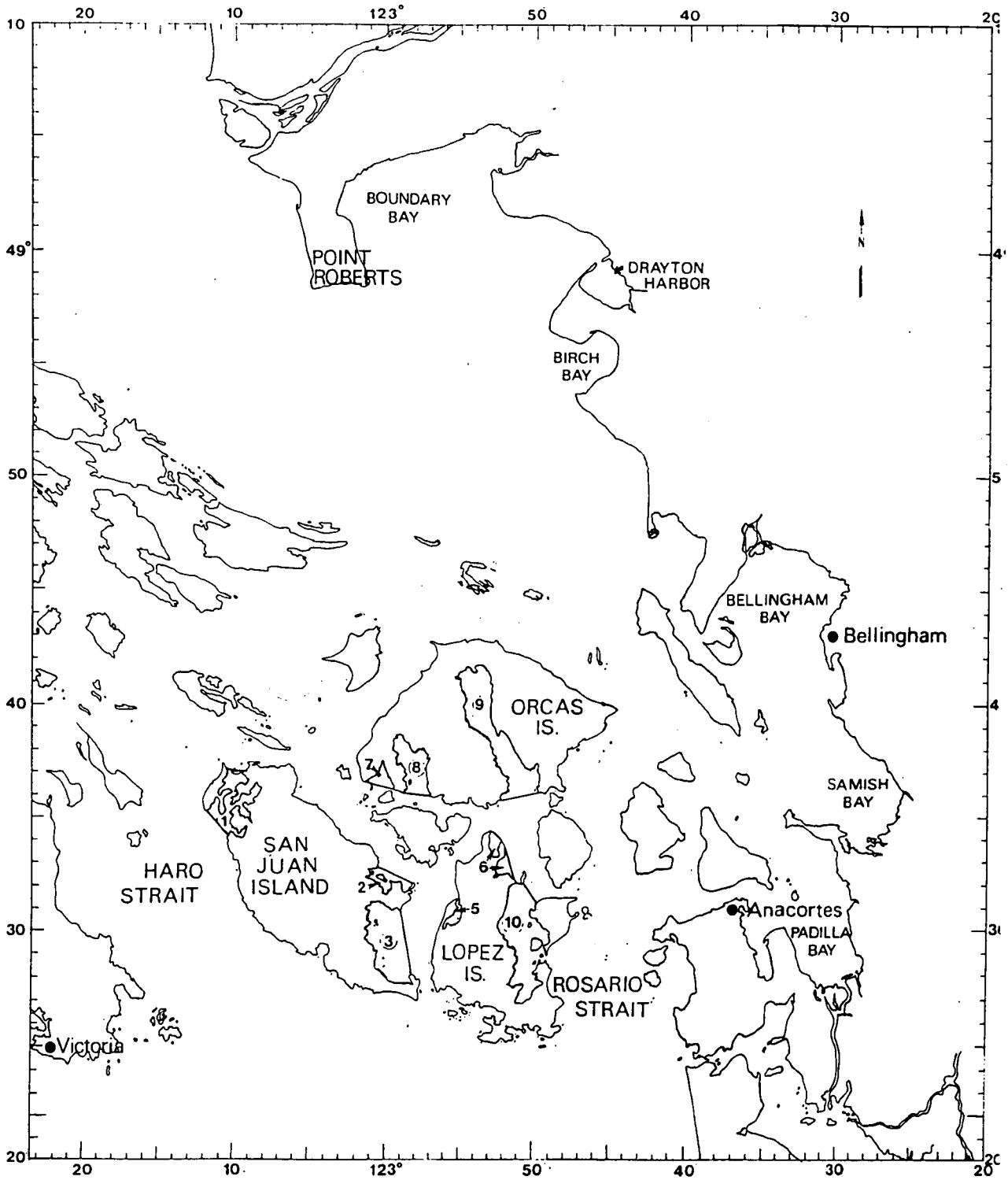
REGION 9 SUBREGIONS 901 THROUGH 903



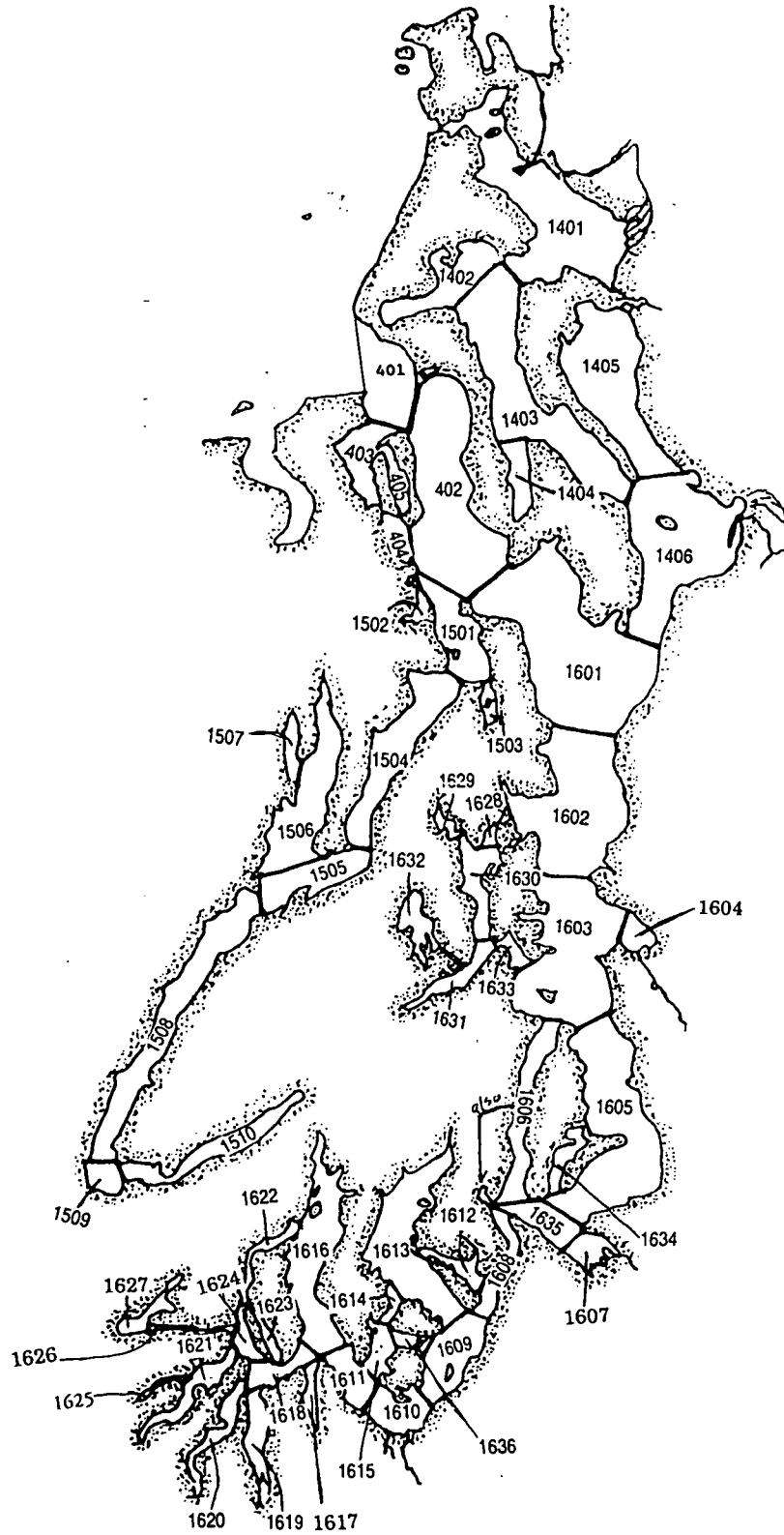
REGION 10 SUBREGIONS 1001 AND 1002



REGION 11 SUBREGIONS 1101 THROUGH 1108

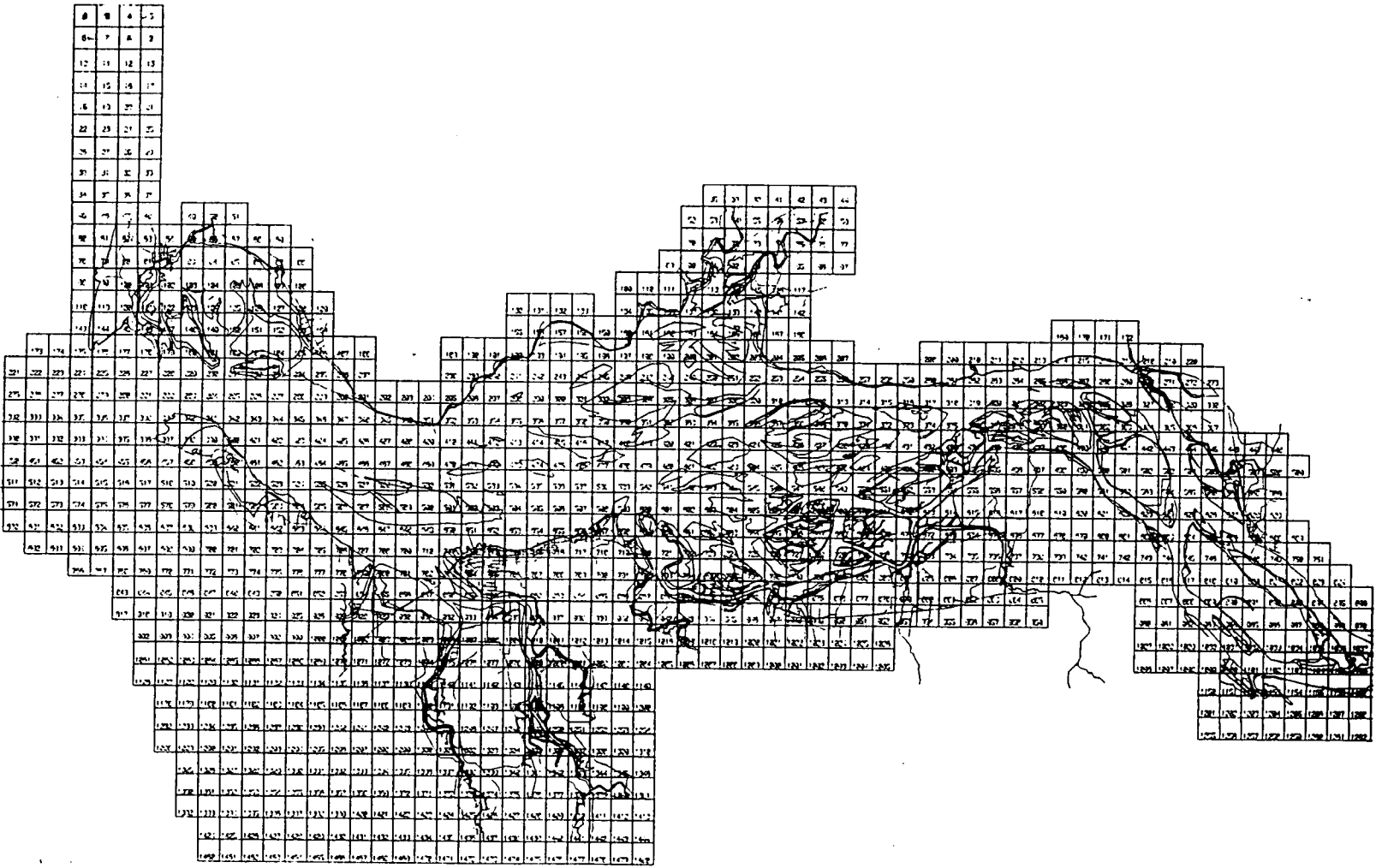


REGION 12 SUBREGIONS 1201 THROUGH 1203 AND 1205 THROUGH 1210

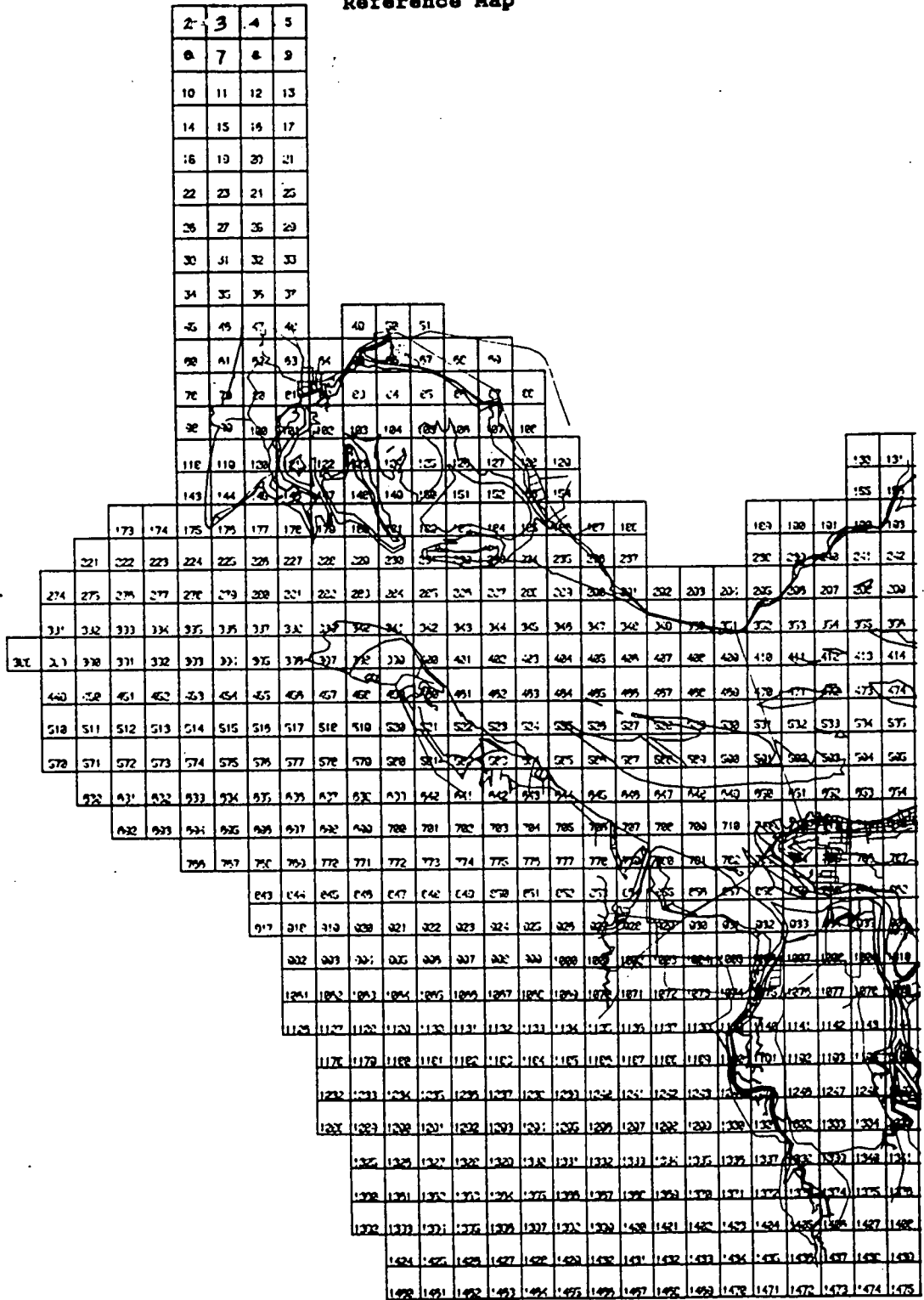


SUBREGIONS OF REGIONS 4, 14, 15 AND 16

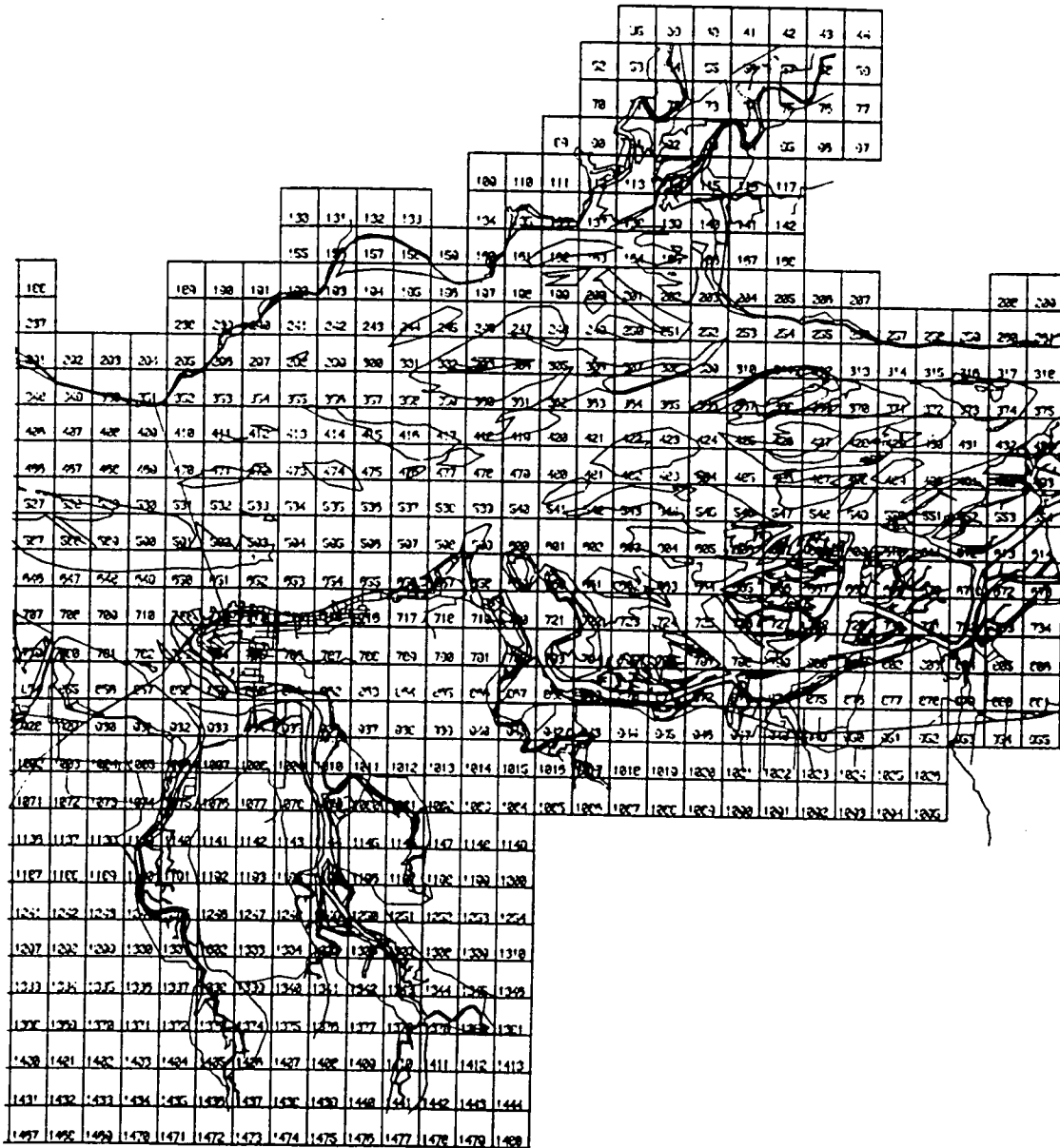
Columbia River Estuary Grid-Cell Identification (CGRID-ID)
REFERENCE MAP (enlarged maps and sensitivity rankings follow)



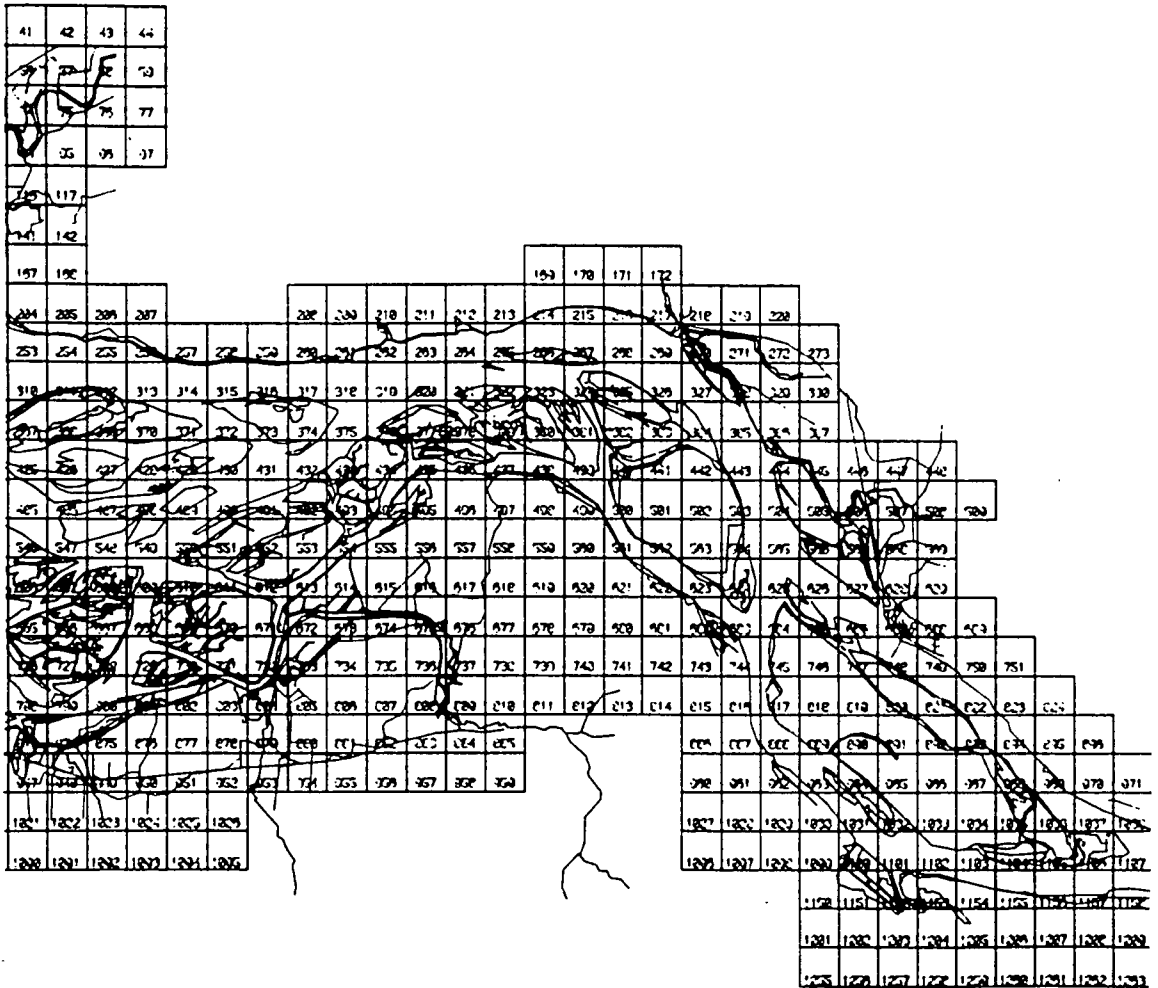
Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
0	1111	1111	1111	1111	1111	1111	1111
1	2222	1111	1111	2222	1111	1111	1111
2	2222	1111	1111	2222	1111	1111	1111
3	1111	1111	1111	1111	1111	1111	1111
4	2222	1111	1111	2222	1111	1111	1111
5	2222	1111	1111	2222	1111	1111	1111
6	1111	1111	1111	1111	1111	1111	1111
7	2222	1111	1111	2222	1111	1111	1111
8	2222	1111	1111	2222	1111	1111	1111
9	2222	1111	1111	2222	1111	1111	1111
10	2222	1111	1111	2222	1111	1111	1111
11	2222	1111	1111	2222	1111	1111	1111
12	2222	1111	1111	2222	1111	1111	1111
13	2222	1111	1111	2222	1111	1111	1111
14	2222	1111	1111	2222	1111	1111	1111
15	2222	1111	1111	2222	1111	1111	1111
16	2222	1111	1111	2222	1111	1111	1111
17	2222	1111	1111	2222	1111	1111	1111
18	2222	1111	1111	2222	1111	1111	1111
19	2222	1111	1111	2222	1111	1111	1111
20	2222	1111	1111	2222	1111	1111	1111
21	2222	1111	1111	2222	1111	1111	1111
22	2222	1111	1111	2222	1111	1111	1111
23	2222	1111	1111	2222	1111	1111	1111
24	2222	1111	1111	2222	1111	1111	1111
25	2222	1111	1111	2222	1111	1111	1111
26	2222	1111	1111	2222	1111	1111	1111
27	2222	1111	1111	2222	1111	1111	1111
28	4444	1111	1111	1111	1111	4444	1111
29	1111	1111	1111	1111	1111	1111	1111
30	1111	1111	1111	1111	1111	1111	1111
31	1111	1111	1111	1111	1111	1111	1111
32	1111	1111	1111	1111	1111	1111	1111
33	1111	1111	1111	1111	1111	1111	1111
34	4422	1111	4422	2222	1111	1111	1111
35	4422	1111	4422	2222	1111	1111	1111
36	4422	1111	4422	1111	1111	1111	1111
37	4444	1111	1111	1111	1111	4444	1111
38	5555	1111	1111	1111	1111	5555	1111
39	1111	1111	1111	1111	1111	1111	1111
40	5555	1111	1111	1111	2222	5555	1111
41	5555	1111	1111	1111	1111	5555	1111
42	5555	1111	1111	1111	1111	5555	1111
43	1111	1111	1111	1111	1111	1111	1111
44	4422	1111	4422	2222	1111	1111	1111
45	4422	1111	4422	2222	1111	1111	1111
46	4432	1111	4432	1111	1111	1111	1111
47	4422	1111	4422	1111	1111	1111	1111
48	4433	1111	4433	1111	1111	1111	1111
49	5555	1111	4433	1111	1111	5555	1111
50	5555	1111	4433	1111	1111	5555	1111
51	5555	1111	4433	1111	1111	5555	1111
52	5555	1111	1131	1111	2222	5555	1111
53	5555	1111	4444	1111	2222	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
54	5555	1111	1131	1111	2222	5555	1111
55	5555	1111	1111	1111	2222	5555	1111
56	5555	1111	1111	1111	1111	5555	1111
57	5555	1111	1111	1111	1111	5555	1111
58	1111	1111	1111	1111	1111	1111	1111
59	4422	1111	4422	2222	1111	1111	1111
60	4422	1111	4422	2222	1111	1111	1111
61	4432	1111	4432	1111	1111	1111	1111
62	4433	1111	4433	1111	1111	3333	1111
63	5555	1111	4433	1111	1111	5555	1111
64	5555	1111	4433	1111	1111	5555	1111
65	4444	1111	4433	1111	1111	4444	1111
66	5555	1111	4433	1111	1111	5555	1111
67	5555	1111	4433	1111	1111	5555	1111
68	5555	1111	4422	1111	1111	5555	1111
69	5555	1111	1144	1111	1111	5555	1111
70	5555	1111	4444	1111	1111	5555	1111
71	5555	1111	4444	1111	1111	5555	1111
72	5555	1111	4444	1111	2222	5555	1111
73	5555	1111	1111	1111	2222	5555	1111
74	1111	1111	1111	1111	1111	1111	1111
75	4422	1111	4422	2222	1111	1111	1111
76	4422	1111	4422	2222	1111	1111	1111
77	5555	1111	4433	1111	1111	5555	1111
78	5555	1111	4433	1111	1111	5555	1111
79	5555	1111	4433	1111	1111	5555	1111
80	4444	1111	4433	1111	1111	4444	1111
81	4444	1111	4433	1111	1111	4444	1111
82	4444	1111	4433	1111	1111	4444	1111
83	5555	1111	4433	1111	1111	5555	1111
84	5555	1111	4433	1111	1111	5555	1111
85	4422	1111	4422	1111	1111	1111	1111
86	5555	1111	1131	1111	1111	5555	1111
87	5555	1111	1144	1111	1111	5555	1111
88	5555	1111	4444	1111	1111	5555	1111
89	5555	1111	4444	1111	1111	5555	1111
90	5555	1111	4444	1111	1111	5555	1111
91	5555	1111	1131	1111	1111	5555	1111
92	4422	1111	4422	2222	1111	1111	1111
93	4422	1111	4422	2222	1111	1111	1111
94	5555	1111	4433	1111	1111	5555	1111
95	5555	1111	4433	1111	1111	5555	1111
96	5555	1111	4433	1111	1111	5555	1111
97	5555	1111	4433	1111	1111	5555	1111
98	4444	1111	4433	1111	1111	4444	1111
99	4444	1111	4433	1111	1111	4444	1111
100	4444	1111	4433	1111	1111	4444	1111
101	5555	1111	4433	1111	2222	5555	1111
102	5555	1111	4433	1111	1111	5555	1111
103	4422	1111	4422	1111	1111	1111	1111
104	4422	1111	4422	1111	1111	1111	1111
105	5555	1111	1131	1111	1111	5555	1111
106	5555	1111	1131	1111	1111	5555	1111
107	5555	1111	1144	1111	1111	5555	1111

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APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
108	4444	1111	1144	1111	1111	4444	1111
109	5555	1111	4444	1111	1111	5555	1111
110	5555	1111	4444	1111	1111	5555	1111
111	5555	1111	1144	1111	1111	5555	1111
112	4422	1111	4422	2222	1111	1111	1111
113	5555	1111	4422	1111	1111	5555	1111
114	5555	1111	5533	1111	1111	5555	1111
115	5555	1111	5533	1111	1111	5555	1111
116	5555	1111	4433	1111	1111	5555	1111
117	5555	1111	4433	1111	1111	5555	1111
118	4444	1111	4433	1111	1111	4444	1111
119	4444	1111	4433	1111	1111	4444	1111
120	4444	1111	4433	1111	1111	4444	1111
121	4444	1111	4433	1111	2222	4444	1111
122	5555	1111	4433	1111	2222	5555	1111
123	5555	1111	4433	1111	1111	5555	1111
124	5555	1111	4433	1111	1111	5555	1111
125	5555	1111	4433	1111	1111	5555	1111
126	5555	1111	1111	1111	1111	5555	1111
127	5555	1111	1131	1111	2222	5555	1111
128	5555	1111	1131	1111	2222	5555	1111
129	3333	1111	1131	1111	1111	3333	1111
130	3333	1111	1131	1111	1111	3333	1111
131	3333	1111	1131	1111	1111	3333	1111
132	5555	1111	4444	1111	1111	5555	1111
133	5555	1111	4444	1111	1111	5555	1111
134	1144	1111	1144	1111	1111	1111	1111
135	4433	1111	4433	1111	1111	1111	1111
136	4433	1111	4433	1111	1111	1111	1111
137	2222	1111	1111	2222	1111	1111	1111
138	2222	1111	1111	2222	1111	1111	1111
139	5555	1111	4422	2222	1111	5555	1111
140	5555	1111	4422	1111	1111	5555	1111
141	4433	1111	4433	1111	1111	1111	1111
142	5533	1111	5533	1111	1111	3333	1111
143	4433	1111	4433	1111	1111	3333	1111
144	5555	1111	4433	1111	1111	5555	1111
145	5555	1111	4433	1111	1111	5555	1111
146	4433	1111	4433	1111	1111	3333	1111
147	4433	1111	4433	1111	1111	3333	1111
148	4433	1111	4433	1111	2222	3333	1111
149	5555	1111	4433	1111	2222	5555	1111
150	5555	1111	4433	1111	2222	5555	1111
151	4444	1111	4433	1111	1111	4444	1111
152	5555	1111	4433	1111	2222	5555	1111
153	4444	1111	4433	1111	1111	4444	1111
154	4444	1111	4433	1111	1111	4444	1111
155	5555	1111	1131	1111	1111	5555	1111
156	5555	1111	1131	1111	2222	5555	1111
157	3333	1111	1131	1111	2222	3333	1111
158	3333	1111	1131	1111	1111	3333	1111
159	3333	1111	1131	1111	1111	3333	1111
160	3333	1111	1131	1111	1111	3333	1111
161	5555	1111	4432	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
162	5555	1111	4444	1111	1111	5555	1111
163	4433	1111	4432	1111	1111	3333	1111
164	1131	1111	1131	1111	1111	1111	1111
165	4433	1111	4433	1111	1111	3333	1111
166	4433	1111	4433	1111	1111	3333	1111
167	4433	1111	4433	1111	1111	3333	1111
168	4433	1111	4433	1111	1111	3333	1111
169	2222	1111	1111	2222	1111	1111	1111
170	2222	1111	1111	2222	1111	1111	1111
171	2222	1111	1111	2222	1111	1111	1111
172	4433	1111	4422	2222	1111	3333	1111
173	4422	1111	4422	2222	1111	1111	1111
174	4422	1111	4422	2222	1111	1111	1111
175	4433	1111	4433	1111	1111	3333	1111
176	4433	1111	4433	1111	1111	3333	1111
177	4433	1111	4433	1111	1111	3333	1111
178	5555	1111	4433	1111	1111	5555	1111
179	5555	1111	4433	1111	1111	5555	1111
180	5555	1111	5533	1111	1111	5555	1111
181	5555	1111	5533	1111	2222	5555	1111
182	4444	1111	4433	1111	2222	4444	1111
183	4433	1111	4433	1111	2222	3333	1111
184	5555	1111	4433	1111	2222	5555	1111
185	5555	1111	4433	1111	1111	5555	1111
186	4444	1111	4433	1111	1111	4444	1111
187	4433	1111	4433	1111	1111	1111	1111
188	4433	1111	4433	1111	1111	1111	1111
189	4433	1111	4433	1111	1111	1111	1111
190	4444	1111	4433	1111	1111	4444	1111
191	4444	1111	1111	1111	1111	4444	1111
192	4444	1111	1131	1111	1111	4444	1111
193	4444	1111	1131	1111	1111	4444	1111
194	4444	1111	1131	1111	1111	4444	1111
195	3333	1111	1131	1111	1111	3333	1111
196	3333	1111	1131	1111	1111	3333	1111
197	3333	1111	1131	1111	1111	3333	1111
198	4444	1111	4433	1111	1111	4444	1111
199	4433	1111	4432	1111	1111	3333	1111
200	4433	1111	4432	1111	1111	3333	1111
201	3333	1111	1131	1111	1111	3333	1111
202	4433	1111	4432	1111	1111	3333	1111
203	4433	1111	4433	1111	1111	3333	1111
204	4433	1111	4433	1111	1111	3333	1111
205	5555	1111	4433	1111	1111	5555	1111
206	4433	1111	4433	1111	1111	3333	1111
207	5555	1111	4433	1111	1111	5555	1111
208	4433	1111	4433	1111	1111	3333	1111
209	5555	1111	4433	1111	1111	5555	1111
210	5555	1111	4433	1111	1111	5555	1111
211	4433	1111	4433	1111	1111	1111	1111
212	5555	1111	4433	1111	1111	5555	1111
213	5555	1111	1111	1111	1111	5555	1111
214	5555	1111	1111	1111	1111	5555	1111
215	3333	1111	1111	1111	1111	3333	1111

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APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
216	2222	1111	1111	2222	1111	1111	1111
217	2222	1111	1111	2222	1111	1111	1111
218	2222	1111	1111	2222	1111	1111	1111
219	2222	1111	1111	2222	1111	1111	1111
220	4422	1111	4422	2222	1111	1111	1111
221	4422	1111	4422	2222	1111	1111	1111
222	4422	1111	4422	2222	1111	1111	1111
223	4422	1111	4422	2222	1111	1111	1111
224	4422	1111	4422	2222	1111	1111	1111
225	4422	1111	4422	2222	1111	1111	1111
226	4422	1111	4422	2222	1111	1111	1111
227	4422	1111	4422	2222	1111	1111	1111
228	4433	1111	4433	2222	1111	1111	1111
229	4433	1111	4433	2222	2222	1111	1111
230	4433	1111	4433	1111	2222	3333	1111
231	4433	1111	4433	1111	2222	3333	1111
232	5555	1111	4433	1111	2222	5555	1111
233	4433	1111	4432	1111	2222	3333	1111
234	5555	1111	4433	1111	1111	5555	1111
235	4433	1111	4433	1111	1111	1111	1111
236	4433	1111	4433	1111	1111	3333	1111
237	4433	1111	4433	1111	1111	1111	1111
238	4444	1111	4433	1111	1111	4444	1111
239	4444	1111	4433	1111	1111	4444	1111
240	4444	1111	4422	1111	1111	4444	1111
241	4444	1111	4422	1111	1111	4444	1111
242	4444	1111	4422	1111	2222	4444	1111
243	4444	1111	4432	1111	2222	4444	1111
244	4444	1111	4433	1111	2222	4444	1111
245	5544	1111	5533	1111	1111	4444	1111
246	5544	1111	5533	1111	1111	4444	1111
247	5544	1111	5532	1111	1111	4444	1111
248	5544	1111	5532	1111	1111	4444	1111
249	5555	1111	4432	1111	1111	5555	1111
250	5555	1111	4432	1111	1111	5555	1111
251	4432	1111	4432	1111	1111	1111	1111
252	4433	1111	4433	1111	1111	3333	1111
253	4433	1111	4433	1111	1111	3333	1111
254	4433	1111	4433	1111	1111	3333	1111
255	4433	1111	4433	1111	1111	3333	1111
256	4433	1111	4433	1111	1111	3333	1111
257	4433	1111	4433	1111	1111	1111	1111
258	4433	1111	4433	1111	1111	3333	1111
259	5555	1111	4433	1111	1111	5555	1111
260	5555	1111	4433	1111	1111	5555	1111
261	5555	1111	4433	1111	1111	5555	1111
262	5555	1111	4433	1111	1111	5555	1111
263	5555	1111	4433	1111	1111	5555	1111
264	5555	1111	4433	1111	1111	5555	1111
265	5555	1111	5533	1111	1111	5555	1111
266	5555	1111	5533	1111	1111	5555	1111
267	5555	1111	1111	1111	1111	5555	1111
268	2222	1111	1111	2222	1111	1111	1111
269	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
270	2222	1111	1111	2222	1111	1111	1111
271	2222	1111	1111	2222	1111	1111	1111
272	4422	1111	4422	2222	1111	1111	1111
273	4422	1111	4422	2222	1111	1111	1111
274	4422	1111	4422	2222	1111	1111	1111
275	4422	1111	4422	2222	1111	1111	1111
276	4433	1111	4422	2222	1111	3333	1111
277	4433	1111	4422	2222	1111	3333	1111
278	4433	1111	4422	2222	1111	3333	1111
279	4422	1111	4422	2222	1111	1111	1111
280	4422	1111	4422	2222	1111	1111	1111
281	4432	1111	4432	2222	1111	1111	1111
282	4432	1111	4432	2222	2222	1111	1111
283	4432	1111	4432	1111	2222	1111	1111
284	4433	1111	4433	1111	2222	2222	1111
285	4433	1111	4433	1111	2222	3333	1111
286	4433	1111	4433	1111	1111	3333	1111
287	4433	1111	4433	1111	1111	3333	1111
288	4433	1111	4433	1111	1111	3333	1111
289	5555	1111	4433	1111	1111	5555	1111
290	4433	1111	4433	1111	1111	1111	1111
291	4433	1111	4433	1111	1111	1111	1111
292	4433	1111	4433	1111	1111	3333	1111
293	4433	1111	4433	1111	1111	1111	1111
294	4433	1111	4433	1111	1111	1111	1111
295	4444	1111	4433	1111	1111	4444	1111
296	4444	1111	4422	1111	1111	4444	1111
297	4444	1111	4422	1111	1111	4444	1111
298	4444	1111	4422	1111	2222	4444	1111
299	4444	1111	4432	1111	2222	4444	1111
300	5544	1111	5533	1111	1111	4444	1111
301	5544	1111	5533	1111	1111	4444	1111
302	5544	1111	5533	1111	1111	4444	1111
303	5544	1111	5532	1111	1111	4444	1111
304	5544	1111	5533	1111	1111	4444	1111
305	5555	1111	5533	1111	1111	5555	1111
306	5555	1111	4432	1111	1111	5555	1111
307	5555	1111	4432	1111	1111	5555	1111
308	4433	1111	4433	1111	1111	3333	1111
309	4433	1111	4433	1111	1111	3333	1111
310	5555	1111	4433	1111	1111	5555	1111
311	5555	1111	4433	1111	2222	5555	1111
312	5555	1111	4433	1111	2222	5555	1111
313	5555	1111	4433	1111	1111	5555	1111
314	5555	1111	4433	1111	1111	5555	1111
315	5555	1111	4433	1111	1111	5555	1111
316	5555	1111	4433	1111	1111	5555	1111
317	5555	1111	4433	1111	1111	5555	1111
318	5555	1111	4433	1111	1111	5555	1111
319	5555	1111	4433	1111	1111	5555	1111
320	5555	1111	4433	1111	1111	5555	1111
321	5555	1111	4433	1111	1111	5555	1111
322	5555	1111	5533	1111	1111	5555	1111
323	4444	1111	1132	1111	1111	4444	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
324	2222	1111	1111	2222	1111	1111	1111
325	2222	1111	1111	2222	1111	1111	1111
326	2222	1111	1111	2222	1111	1111	1111
327	2222	1111	1111	2222	1111	1111	1111
328	2222	1111	1111	2222	1111	1111	1111
329	4422	1111	4422	2222	1111	1111	1111
330	4433	2222	4422	2222	1111	3333	1111
331	4433	2222	4422	2222	1111	3333	1111
332	4433	2222	4422	2222	1111	3333	1111
333	4433	2222	4422	2222	1111	3333	1111
334	4444	4444	4433	1111	1111	3333	1111
335	4444	4444	4444	1111	1111	3333	1111
336	4444	4444	4444	2222	1111	3333	1111
337	4422	1111	4422	2222	1111	1111	1111
338	4422	1111	4422	2222	1111	1111	1111
339	4432	1111	4432	1111	1111	1111	1111
340	4432	1111	4432	1111	2222	1111	1111
341	4433	1111	4433	1111	2222	1111	1111
342	4433	1111	4433	1111	2222	1111	1111
343	4433	1111	4433	1111	1111	1111	1111
344	4433	1111	4433	1111	1111	1111	1111
345	4433	1111	4433	1111	1111	3333	1111
346	4433	1111	4433	1111	1111	1111	1111
347	4433	1111	4433	1111	1111	3333	1111
348	4433	1111	4433	1111	1111	3333	1111
349	4433	1111	4433	1111	1111	3333	1111
350	4433	1111	4433	1111	1111	3333	1111
351	4433	1111	4433	1111	1111	3333	1111
352	4433	1111	4433	1111	1111	3333	1111
353	4433	1111	4422	1111	1111	3333	1111
354	4444	1111	1111	1111	1111	4444	1111
355	4444	1111	1111	1111	1111	4444	1111
356	4444	1111	1111	1111	1111	4444	1111
357	4433	1111	4433	1111	1111	3333	1111
358	5533	1111	5533	1111	1111	3333	1111
359	4433	1111	4433	1111	1111	3333	1111
360	4433	1111	4422	1111	1111	3333	1111
361	4444	1111	4422	1111	1111	4444	1111
362	5555	1111	4422	1111	1111	5555	1111
363	4433	1111	4422	1111	1111	3333	1111
364	5555	1111	4422	1111	1111	5555	1111
365	5555	1111	4433	1111	1111	5555	1111
366	5555	1111	4433	1111	1111	5555	1111
367	5555	1111	4433	1111	1111	5555	1111
368	5555	1111	4433	1111	2222	5555	1111
369	5555	1111	4433	1111	1111	5555	1111
370	5555	1111	4433	1111	1111	5555	1111
371	5555	1111	4433	1111	1111	5555	1111
372	5555	1111	4433	1111	1111	5555	1111
373	5555	1111	4433	1111	1111	5555	1111
374	5555	1111	4433	1111	1111	5555	1111
375	5555	1111	4433	1111	1111	5555	1111
376	5555	1111	4433	5555	1111	5555	1111
377	5555	1111	4433	5555	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
378	5555	1111	4433	5555	1111	5555	1111
379	5555	1111	1111	1111	1111	5555	1111
380	5555	1111	5533	1111	1111	5555	1111
381	5555	1111	5533	1111	1111	5555	1111
382	2222	1111	1111	2222	1111	1111	1111
383	2222	1111	1111	2222	1111	1111	1111
384	2222	1111	1111	2222	1111	1111	1111
385	2222	1111	1111	2222	1111	1111	1111
386	4422	1111	4422	2222	1111	1111	1111
387	4422	2222	4422	2222	1111	1111	1111
388	4422	2222	4422	2222	1111	1111	1111
389	4422	2222	4422	2222	1111	1111	1111
390	4433	2222	4422	2222	1111	3333	1111
391	5555	4444	4433	2222	1111	5555	1111
392	5555	4444	4444	1111	1111	5555	1111
393	5555	4444	4444	1111	1111	5555	1111
394	4444	2222	4444	1111	1111	3333	1111
395	4422	2222	4422	1111	1111	1111	1111
396	4422	1111	4422	1111	1111	1111	1111
397	4432	1111	4432	1111	1111	1111	1111
398	4433	1111	4433	1111	1111	3333	1111
399	4433	1111	4433	1111	1111	1111	1111
400	4433	1111	4433	1111	1111	1111	1111
401	4433	1111	4433	1111	1111	1111	1111
402	4433	1111	4433	1111	1111	1111	1111
403	4433	1111	4433	1111	1111	3333	1111
404	4433	1111	4433	1111	1111	3333	1111
405	4433	1111	4433	1111	1111	3333	1111
406	4433	1111	4433	1111	1111	3333	1111
407	4433	1111	4433	1111	1111	3333	1111
408	4433	1111	4433	1111	1111	3333	1111
409	4433	1111	4433	1111	1111	3333	1111
410	3333	1111	1111	1111	1111	3333	1111
411	3333	1111	1111	1111	1111	3333	1111
412	1111	1111	1111	1111	1111	1111	1111
413	3333	1111	1111	1111	1111	3333	1111
414	3333	1111	1111	1111	1111	3333	1111
415	3333	1111	1111	1111	1111	3333	1111
416	4433	1111	4422	1111	1111	3333	1111
417	4433	1111	4422	1111	1111	3333	1111
418	4433	1111	4422	1111	1111	3333	1111
419	4444	1111	4422	1111	1111	4444	1111
420	5555	1111	4422	1111	1111	5555	1111
421	5555	1111	4422	1111	1111	5555	1111
422	5555	1111	4433	1111	1111	5555	1111
423	5555	1111	4433	1111	1111	5555	1111
424	5555	1111	4433	1111	1111	5555	1111
425	5555	1111	4433	1111	1111	5555	1111
426	5555	1111	4433	1111	1111	5555	1111
427	5555	1111	4433	1111	1111	5555	1111
428	5555	1111	4433	1111	1111	5555	1111
429	4433	1111	4433	1111	1111	1111	1111
430	4444	4444	4433	1111	1111	1111	1111
431	5555	1111	4433	1111	1111	5555	1111

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APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
432	5555	1111	5533	1111	1111	5555	1111
433	5555	1111	4433	5555	1111	5555	1111
434	4433	1111	4433	1111	1111	3333	1111
435	5555	1111	1111	5555	1111	3333	1111
436	5555	1111	1111	5555	1111	5555	1111
437	5555	1111	5533	1111	1111	5555	1111
438	5555	1111	5533	1111	1111	5555	1111
439	5555	1111	5533	1111	1111	5555	1111
440	5555	1111	4432	1111	1111	5555	1111
441	4444	1111	1131	1111	1111	4444	1111
442	2222	1111	1111	2222	1111	1111	1111
443	2222	1111	1111	2222	1111	1111	1111
444	2222	1111	1111	2222	1111	1111	1111
445	2222	1111	1111	2222	1111	1111	1111
446	4422	1111	4422	2222	1111	1111	1111
447	4422	1111	4422	2222	1111	1111	1111
448	4422	1111	4422	2222	1111	1111	1111
449	4422	1111	4422	2222	1111	1111	1111
450	4422	1111	4422	2222	1111	1111	1111
451	4422	1111	4422	2222	1111	1111	1111
452	5555	4444	5544	2222	1111	5555	1111
453	5555	4444	5544	1111	2222	5555	1111
454	4444	2222	4444	1111	2222	4444	1111
455	4433	2222	4433	1111	1111	3333	1111
456	4422	2222	4422	1111	1111	1111	1111
457	4433	1111	4422	1111	1111	3333	1111
458	4433	1111	4433	1111	1111	3333	1111
459	4433	1111	4433	1111	1111	3333	1111
460	4433	1111	4433	1111	1111	3333	1111
461	4433	1111	4433	1111	1111	3333	1111
462	4433	1111	4433	1111	1111	3333	1111
463	4433	1111	4433	1111	1111	3333	1111
464	4433	1111	4433	1111	2222	3333	1111
465	4433	1111	4433	1111	2222	3333	1111
466	4433	1111	4433	1111	1111	1111	1111
467	4433	1111	4433	1111	1111	3333	1111
468	4433	1111	4433	1111	1111	3333	1111
469	4433	1111	4433	1111	1111	1111	1111
470	4433	1111	4433	1111	2222	1111	1111
471	4433	1111	4433	1111	2222	2222	1111
472	4433	1111	4433	1111	2222	1111	1111
473	4444	1111	1111	1111	1111	4444	1111
474	4444	1111	1111	1111	1111	4444	1111
475	4444	1111	1111	1111	1111	4444	1111
476	5555	1111	4422	1111	1111	5555	1111
477	5555	1111	4422	1111	1111	5555	1111
478	5555	1111	4422	1111	1111	5555	1111
479	5555	1111	4422	1111	1111	5555	1111
480	4444	1111	4422	1111	1111	4444	1111
481	4433	1111	4422	1111	1111	3333	1111
482	5555	1111	4433	1111	1111	5555	1111
483	5555	1111	4433	1111	1111	5555	1111
484	5555	1111	5533	1111	1111	5555	1111
485	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
486	5555	1111	4433	1111	1111	5555	1111
487	5555	1111	5533	1111	1111	5555	1111
488	5555	1111	4433	1111	1111	5555	1111
489	4433	1111	4433	1111	1111	1111	1111
490	4433	1111	4433	1111	1111	1111	1111
491	4433	1111	4433	1111	1111	1111	1111
492	4433	1111	4433	1111	1111	1111	1111
493	5555	1111	4433	5555	1111	5555	1111
494	5555	1111	4433	5555	1111	5555	1111
495	5555	1111	1111	5555	1111	3333	1111
496	5555	1111	1122	5555	1111	5555	1111
497	5555	1111	5533	1111	1111	5555	1111
498	5555	1111	5533	1111	1111	5555	1111
499	5555	2222	5533	1111	1111	5555	1111
500	5555	1111	4432	1111	1111	5555	1111
501	2222	1111	1111	2222	1111	1111	1111
502	2222	1111	1111	2222	1111	1111	1111
503	2222	1111	1111	2222	1111	1111	1111
504	2222	1111	1111	2222	1111	1111	1111
505	4422	1111	4422	2222	1111	1111	1111
506	4422	1111	4422	2222	1111	1111	1111
507	4422	1111	4422	2222	1111	1111	1111
508	4422	1111	4422	2222	1111	1111	1111
509	4422	1111	4422	2222	1111	1111	1111
510	4422	1111	4422	2222	1111	1111	1111
511	5544	4444	5544	2222	1111	2222	1111
512	5555	4444	5544	2222	2222	5555	1111
513	5555	4444	4433	1111	2222	5555	1111
514	5555	4444	4433	1111	1111	5555	1111
515	5555	4444	4433	1111	1111	5555	1111
516	4433	1111	4422	1111	1111	3333	1111
517	4433	1111	4433	1111	2222	3333	1111
518	5533	1111	5533	1111	2222	3333	1111
519	4433	1111	4433	1111	2222	3333	1111
520	4433	1111	4433	1111	2222	3333	1111
521	4433	1111	4433	1111	2222	3333	1111
522	4433	1111	4433	1111	2222	3333	1111
523	4433	1111	4433	1111	2222	3333	1111
524	4433	1111	4433	1111	2222	3333	1111
525	4433	1111	4433	1111	1111	1111	1111
526	4433	1111	4433	1111	1111	1111	1111
527	4433	1111	4433	1111	1111	1111	1111
528	4433	1111	4433	1111	2222	1111	1111
529	4444	1111	4433	1111	2222	4444	1111
530	5533	1111	5533	1111	2222	3333	1111
531	4444	1111	4433	1111	2222	4444	1111
532	1111	1111	1111	1111	1111	1111	1111
533	1111	1111	1111	1111	1111	1111	1111
534	4444	1111	1111	1111	1111	4444	1111
535	5555	1111	4422	1111	1111	5555	1111
536	5555	1111	4422	1111	1111	5555	1111
537	5555	1111	4422	1111	1111	5555	1111
538	5555	1111	4433	1111	1111	5555	1111
539	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
540	5555	1111	4432	1111	1111	5555	1111
541	5555	1111	4433	1111	1111	5555	1111
542	5555	1111	4433	1111	1111	5555	1111
543	5555	1111	4433	1111	1111	5555	1111
544	5555	1111	4433	1111	1111	5555	1111
545	5555	1111	4433	1111	1111	5555	1111
546	4433	1111	4433	1111	1111	1111	1111
547	4433	1111	4433	1111	1111	1111	1111
548	4433	1111	4433	1111	1111	1111	1111
549	4433	1111	4433	1111	1111	1111	1111
550	4433	1111	4433	1111	1111	1111	1111
551	4433	1111	4433	1111	1111	1111	1111
552	4433	1111	4433	1111	1111	3333	1111
553	5555	1111	4433	1111	1111	5555	1111
554	5555	1111	4433	5555	1111	5555	1111
555	5555	1111	4433	5555	1111	5555	1111
556	5555	1111	4433	5555	1111	5555	1111
557	5555	1111	5533	5555	1111	5555	1111
558	5555	1111	5533	5555	1111	5555	1111
559	4444	1111	4432	1111	1111	4444	1111
560	2222	1111	1111	2222	1111	1111	1111
561	2222	1111	1111	2222	1111	1111	1111
562	2222	1111	1111	2222	1111	1111	1111
563	4422	1111	4422	2222	1111	1111	1111
564	4422	1111	4422	2222	1111	1111	1111
565	4422	1111	4422	2222	1111	1111	1111
566	4422	1111	4422	2222	1111	1111	1111
567	4422	1111	4422	2222	1111	1111	1111
568	4422	1111	4422	2222	1111	1111	1111
569	4422	2222	4422	2222	1111	1111	1111
570	5544	4444	5544	2222	1111	2222	1111
571	5555	4444	4433	1111	1111	5555	1111
572	5555	4444	4433	1111	1111	5555	1111
573	4444	4444	4422	1111	1111	4444	1111
574	4444	4444	4422	1111	1111	3333	1111
575	4433	1111	4433	1111	2222	3333	1111
576	4433	1111	4433	1111	2222	3333	1111
577	4433	1111	4433	1111	2222	3333	1111
578	4433	1111	4433	1111	2222	3333	1111
579	4433	1111	4433	1111	2222	3333	1111
580	4433	1111	4433	1111	2222	3333	1111
581	4433	1111	4433	1111	2222	3333	1111
582	4433	1111	4433	1111	2222	3333	1111
583	4433	1111	4433	1111	2222	1111	1111
584	4433	1111	4433	1111	2222	1111	1111
585	4433	1111	4433	1111	2222	3333	1111
586	5555	1111	4433	1111	2222	5555	1111
587	5555	4444	4433	1111	1111	5555	1111
588	4433	1111	4433	1111	1111	3333	1111
589	5555	1111	4433	1111	1111	5555	1111
590	5555	1111	4433	1111	2222	5555	1111
591	4433	1111	4433	1111	1111	3333	1111
592	5555	1111	4433	1111	1111	5555	1111
593	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
594	5555	1111	4433	1111	1111	5555	1111
595	5555	1111	4433	1111	1111	5555	1111
596	5555	1111	4433	1111	1111	5555	1111
597	5555	1111	4433	1111	1111	5555	1111
598	5555	1111	4433	1111	1111	5555	1111
599	5555	1111	4433	1111	1111	5555	1111
600	5555	1111	4433	1111	1111	5555	1111
601	5555	1111	5533	5555	1111	5555	1111
602	5555	1111	5533	1111	1111	5555	1111
603	5555	1111	4433	1111	1111	5555	1111
604	5555	1111	4433	1111	1111	5555	1111
605	5555	1111	5533	1111	1111	5555	1111
606	5555	1111	4433	1111	1111	5555	1111
607	4433	1111	4433	1111	1111	1111	1111
608	4433	1111	4433	1111	1111	1111	1111
609	4433	1111	4433	1111	1111	1111	1111
610	4433	1111	4433	1111	1111	1111	1111
611	4433	1111	4433	1111	1111	1111	1111
612	5555	4444	5533	1111	1111	5555	1111
613	5555	1111	4433	1111	1111	5555	1111
614	5555	1111	1133	5555	1111	5555	1111
615	5555	1111	1133	5555	1111	5555	1111
616	5555	1111	5533	5555	1111	5555	1111
617	5544	2222	5533	1111	1111	4444	1111
618	1131	1111	1131	1111	1111	1111	1111
619	2222	1111	1111	2222	1111	1111	1111
620	2222	1111	1111	2222	1111	1111	1111
621	4422	1111	4422	2222	1111	1111	1111
622	4422	1111	4422	2222	1111	1111	1111
623	4422	1111	4422	2222	1111	1111	1111
624	4422	1111	4422	2222	1111	1111	1111
625	4422	1111	4422	2222	1111	1111	1111
626	4422	1111	4422	2222	1111	1111	1111
627	4422	1111	4422	2222	1111	1111	1111
628	5544	4444	5544	2222	1111	2222	1111
629	5544	4444	5544	1111	1111	2222	1111
630	4444	4444	4422	1111	1111	1111	1111
631	4444	4444	4422	1111	1111	1111	1111
632	4444	4444	4422	1111	1111	3333	1111
633	5555	4444	4433	1111	1111	5555	1111
634	4444	1111	4433	1111	1111	4444	1111
635	4433	1111	4433	1111	1111	3333	1111
636	4433	1111	4433	1111	1111	3333	1111
637	4433	1111	4433	1111	1111	3333	1111
638	4444	4444	4433	1111	2222	3333	1111
639	4444	4444	4433	1111	2222	3333	1111
640	4444	4444	4433	1111	1111	3333	1111
641	5555	4444	4433	1111	1111	5555	1111
642	5555	4444	4433	1111	1111	5555	1111
643	4444	4444	4433	1111	1111	4444	1111
644	5555	4444	4433	1111	1111	5555	1111
645	5555	1111	4433	1111	1111	5555	1111
646	5555	1111	5533	1111	1111	5555	1111
647	5555	1111	4433	1111	2222	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
648	5555	1111	4433	1111	2222	5555	1111
649	5555	1111	4433	1111	1111	5555	1111
650	5555	1111	4433	1111	1111	5555	1111
651	5555	1111	4433	1111	1111	5555	1111
652	5555	1111	4433	1111	1111	5555	1111
653	5555	1111	4433	1111	1111	5555	1111
654	5555	1111	4433	1111	1111	5555	1111
655	5555	1111	4433	1111	1111	5555	1111
656	5555	1111	4433	1111	1111	5555	1111
657	5555	1111	4433	1111	1111	5555	1111
658	5555	1111	5533	5555	1111	5555	1111
659	5555	1111	5533	5555	1111	5555	1111
660	5555	1111	4433	1111	1111	5555	1111
661	5555	1111	4433	1111	1111	5555	1111
662	4433	1111	4433	1111	1111	1111	1111
663	5555	4444	4433	1111	1111	5555	1111
664	5555	1111	4433	1111	1111	5555	1111
665	4433	1111	4433	1111	1111	1111	1111
666	4433	1111	4433	1111	1111	1111	1111
667	4433	1111	4433	1111	1111	1111	1111
668	4433	1111	4433	1111	1111	1111	1111
669	4433	1111	4433	1111	1111	1111	1111
670	5555	1111	4433	1111	1111	5555	1111
671	5555	1111	4433	1111	1111	5555	1111
672	3333	1111	1133	1111	1111	3333	1111
673	5555	1111	1133	5555	1111	5555	1111
674	5555	1111	1133	5555	1111	5555	1111
675	5555	1111	1111	5555	1111	5555	1111
676	1131	1111	1131	1111	1111	1111	1111
677	1111	1111	1111	1111	1111	1111	1111
678	4444	1111	4433	1111	1111	4444	1111
679	4444	1111	4433	1111	1111	4444	1111
680	2222	1111	1111	2222	1111	1111	1111
681	2222	1111	1111	2222	1111	1111	1111
682	2222	1111	1111	2222	1111	1111	1111
683	2222	1111	1111	2222	1111	1111	1111
684	2222	1111	1111	2222	1111	1111	1111
685	2222	1111	1111	2222	1111	1111	1111
686	2222	1111	1111	2222	1111	1111	1111
687	2222	2222	1111	2222	1111	1111	1111
688	5544	4444	5544	2222	1111	2222	1111
689	4444	4444	1111	1111	1111	1111	1111
690	4444	4444	1111	1111	1111	1111	1111
691	4422	1111	4422	1111	1111	1111	1111
692	5555	1111	4433	1111	1111	5555	1111
693	5555	1111	4433	1111	1111	5555	1111
694	5555	1111	4433	1111	1111	5555	1111
695	4433	1111	4433	1111	1111	3333	1111
696	4433	1111	4433	1111	1111	3333	1111
697	4444	4444	4433	1111	1111	4444	1111
698	4444	1111	4433	1111	1111	4444	1111
699	4433	1111	4433	1111	1111	1111	1111
700	4433	1111	4433	1111	1111	1111	1111
701	4433	1111	4433	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell#</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
702	4433	1111	4433	1111	1111	1111	1111
703	4433	1111	4433	1111	1111	1111	1111
704	4433	1111	4433	1111	1111	1111	1111
705	5533	1111	5533	1111	1111	1111	1111
706	5555	1111	4433	1111	1111	5555	1111
707	5555	1111	4433	1111	1111	5555	1111
708	5555	1111	4433	1111	1111	5555	1111
709	5555	1111	4433	1111	1111	5555	1111
710	5555	1111	4433	1111	1111	5555	1111
711	5555	1111	4433	1111	1111	5555	1111
712	5555	1111	4433	1111	1111	5555	1111
713	5555	1111	4433	1111	1111	5555	1111
714	5555	1111	4433	1111	1111	5555	1111
715	5555	1111	4433	1111	1111	5555	1111
716	5555	1111	5533	1111	1111	5555	1111
717	5555	1111	4433	1111	1111	5555	1111
718	5555	4444	5533	5555	1111	5555	1111
719	5555	1111	4433	1111	1111	5555	1111
720	4433	1111	4433	1111	1111	1111	1111
721	4433	1111	4433	1111	1111	1111	1111
722	5555	1111	4433	1111	1111	5555	1111
723	5555	1111	4433	1111	1111	5555	1111
724	4433	1111	4433	1111	1111	1111	1111
725	4433	1111	4433	1111	1111	1111	1111
726	4433	1111	4433	1111	1111	1111	1111
727	4433	1111	4433	1111	1111	1111	1111
728	4433	1111	4433	1111	1111	1111	1111
729	1111	1111	1111	1111	1111	1111	1111
730	3333	1111	1133	1111	1111	3333	1111
731	5555	1111	1133	1111	1111	5555	1111
732	1133	1111	1133	1111	1111	1111	1111
733	5555	1111	1111	5555	1111	5555	1111
734	5555	1111	1111	5555	1111	5555	1111
735	5555	1111	1111	5555	1111	5555	1111
736	5555	1111	1111	1111	1111	5555	1111
737	1111	1111	1111	1111	1111	1111	1111
738	4433	1111	4433	1111	1111	2222	1111
739	4433	1111	4433	1111	1111	2222	1111
740	5555	1111	4433	1111	1111	5555	1111
741	5555	1111	5533	1111	1111	5555	1111
742	5555	1111	4433	1111	1111	5555	1111
743	4444	1111	4433	1111	1111	4444	1111
744	4444	1111	4433	1111	1111	4444	1111
745	4444	1111	4433	1111	1111	4444	1111
746	4444	1111	4433	1111	1111	4444	1111
747	4444	1111	4433	1111	1111	4444	1111
748	4444	1111	4433	1111	1111	4444	1111
749	4444	1111	4433	1111	1111	4444	1111
750	4433	1111	4433	1111	1111	1111	1111
751	4444	1111	4433	1111	1111	4444	1111
752	2222	1111	1111	2222	1111	1111	1111
753	2222	1111	1111	2222	1111	1111	1111
754	2222	1111	1111	2222	1111	1111	1111
755	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,E,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,E,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,E,W)</u>	<u>FISH</u> <u>(Sp,Su,E,W)</u>	<u>HABITAT</u> <u>(Sp,Su,E,W)</u>	<u>INVERT</u> <u>(Sp,Su,E,W)</u>
756	2222	1111	1111	2222	1111	1111	1111
757	2222	1111	1111	2222	1111	1111	1111
758	5544	4444	5544	2222	1111	2222	1111
759	5544	4444	5544	1111	1111	1111	1111
760	4444	4444	1144	1111	1111	1111	1111
761	4444	1111	4444	1111	1111	1111	1111
762	4422	1111	4422	1111	1111	1111	1111
763	5555	1111	4422	1111	1111	5555	1111
764	5555	1111	4422	1111	1111	5555	1111
765	4444	1111	4422	1111	1111	4444	1111
766	4444	1111	4432	1111	1111	4444	1111
767	4444	1111	4432	1111	1111	4444	1111
768	5555	4444	4432	1111	1111	5555	1111
769	5555	4444	4432	1111	1111	5555	1111
770	5555	1111	4433	1111	1111	5555	1111
771	5555	1111	5533	1111	1111	5555	1111
772	5533	1111	5533	1111	1111	1111	1111
773	5522	1111	5522	1111	1111	1111	1111
774	4433	1111	4433	1111	1111	1111	1111
775	4444	4444	4433	1111	1111	4444	1111
776	5555	1111	4433	1111	1111	5555	1111
777	5555	1111	4433	1111	1111	5555	1111
778	5555	1111	4433	1111	1111	5555	1111
779	5555	1111	4433	1111	1111	5555	1111
780	5555	1111	4433	1111	1111	5555	1111
781	5555	1111	4433	1111	1111	5555	1111
782	5555	1111	4433	1111	1111	5555	1111
783	5555	1111	4433	1111	1111	5555	1111
784	5555	1111	5533	1111	1111	5555	1111
785	5555	1111	5533	1111	1111	5555	1111
786	4433	1111	4433	1111	1111	1111	1111
787	5555	1111	4433	1111	1111	5555	1111
788	5555	1111	4433	1111	1111	5555	1111
789	4433	1111	4433	1111	1111	1111	1111
790	4433	1111	4433	1111	1111	1111	1111
791	4433	1111	4433	1111	1111	1111	1111
792	5555	1111	4433	1111	1111	5555	1111
793	5555	1111	4433	1111	1111	5555	1111
794	4433	1111	4433	1111	1111	1111	1111
795	1111	1111	1111	1111	1111	1111	1111
796	4444	4444	1133	1111	1111	4444	1111
797	5555	1111	1133	1111	1111	5555	1111
798	4444	1111	1111	1111	1111	4444	1111
799	4444	1111	1111	1111	1111	4444	1111
800	5555	1111	1111	1111	1111	5555	1111
801	5555	1111	1111	1111	1111	5555	1111
802	5555	1111	4422	1111	1111	5555	1111
803	5555	1111	1111	1111	1111	5555	1111
804	1111	1111	1111	1111	1111	1111	1111
805	4433	1111	4433	1111	1111	1111	1111
806	4433	1111	4433	1111	1111	2222	1111
807	4433	1111	4433	1111	1111	2222	1111
808	4433	1111	4433	1111	1111	2222	1111
809	4444	1111	4433	1111	1111	4444	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell#</u>	<u>FINAL</u> <u>(Sp,Su,E,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,E,W)</u>	<u>BIRD</u> <u>(Sp,Su,E,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,E,W)</u>	<u>FISH</u> <u>(Sp,Su,E,W)</u>	<u>HABITAT</u> <u>(Sp,Su,E,W)</u>	<u>INVERT</u> <u>(Sp,Su,E,W)</u>
810	5555	1111	4433	1111	1111	5555	1111
811	5555	1111	4433	1111	1111	5555	1111
812	5555	1111	4433	1111	1111	5555	1111
813	5555	1111	4433	1111	1111	5555	1111
814	5555	1111	4433	1111	1111	5555	1111
815	4433	1111	4433	1111	1111	2222	1111
816	4433	1111	4433	1111	1111	2222	1111
817	4433	1111	4433	1111	1111	2222	1111
818	4433	2222	4433	1111	1111	3333	1111
819	4444	1111	4433	1111	1111	4444	1111
820	4444	1111	4433	1111	1111	4444	1111
821	4444	1111	4433	1111	1111	4444	1111
822	4444	1111	4433	1111	1111	4444	1111
823	2222	1111	1111	2222	1111	1111	1111
824	2222	1111	1111	2222	1111	1111	1111
825	2222	1111	1111	2222	1111	1111	1111
826	2222	1111	1111	2222	1111	1111	1111
827	2222	1111	1111	2222	1111	1111	1111
828	2222	1111	1111	2222	1111	1111	1111
829	5544	2222	5544	2222	1111	2222	1111
830	5544	4444	5544	2222	1111	2222	1111
831	4444	4444	1144	1111	1111	1111	1111
832	4444	1111	4444	1111	1111	1111	1111
833	5555	1111	4422	1111	1111	5555	1111
834	5555	2222	4422	1111	1111	5555	1111
835	5555	1111	4422	1111	1111	5555	1111
836	5555	1111	4422	1111	1111	5555	1111
837	5555	1111	4432	1111	1111	5555	1111
838	5555	1111	4432	1111	1111	5555	1111
839	4444	1111	4432	1111	1111	4444	1111
840	5555	4444	4432	1111	1111	5555	1111
841	5555	1111	4433	1111	1111	5555	1111
842	5555	1111	4433	1111	1111	5555	1111
843	5533	1111	5533	1111	1111	1111	1111
844	5522	1111	5522	1111	1111	1111	1111
845	4422	1111	4422	1111	1111	1111	1111
846	5555	1111	4422	1111	1111	5555	1111
847	4444	1111	4422	1111	2222	4444	1111
848	5555	1111	4422	1111	1111	5555	1111
849	5555	1111	4433	1111	1111	5555	1111
850	4433	1111	4433	1111	1111	1111	1111
851	5555	1111	4433	1111	1111	5555	1111
852	4433	1111	4433	1111	1111	1111	1111
853	5555	1111	4433	1111	1111	5555	1111
854	5555	1111	4433	1111	1111	5555	1111
855	5555	2222	4433	1111	1111	5555	1111
856	4433	1111	4433	1111	1111	1111	1111
857	4433	1111	4433	1111	1111	1111	1111
858	4433	1111	4433	1111	1111	1111	1111
859	4433	1111	4433	1111	1111	1111	1111
860	4433	1111	4433	1111	1111	1111	1111
861	4433	1111	4433	1111	1111	1111	1111
862	4433	1111	4433	1111	1111	1111	1111
863	4433	1111	4433	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
864	4433	1111	4433	1111	1111	1111	1111
865	4433	1111	4433	1111	1111	1111	1111
866	1111	1111	1111	1111	1111	1111	1111
867	1111	1111	1111	1111	1111	1111	1111
868	5555	1111	1111	1111	1111	5555	1111
869	5555	1111	4422	1111	1111	5555	1111
870	5555	1111	4422	1111	1111	5555	1111
871	4444	1111	1111	1111	1111	4444	1111
872	1111	1111	1111	1111	1111	1111	1111
873	5555	1111	4422	1111	1111	5555	1111
874	5555	1111	5533	1111	1111	5555	1111
875	5555	1111	1131	1111	1111	5555	1111
876	4433	1111	4433	1111	2222	1111	1111
877	4433	1111	4433	1111	1111	1111	1111
878	4444	1111	4433	1111	1111	4444	1111
879	4444	1111	4433	1111	1111	4444	1111
880	4444	1111	4433	1111	1111	4444	1111
881	4444	1111	4433	1111	1111	4444	1111
882	4433	1111	4433	1111	1111	1111	1111
883	4433	1111	4433	1111	1111	1111	1111
884	5555	1111	4433	1111	1111	5555	1111
885	5555	1111	4433	1111	1111	5555	1111
886	5555	1111	4433	1111	1111	5555	1111
887	5555	1111	4433	1111	1111	5555	1111
888	4444	1111	4433	1111	1111	4444	1111
889	4444	1111	4433	1111	1111	4444	1111
890	4444	1111	4433	1111	1111	4444	1111
891	5555	1111	5533	1111	1111	5555	1111
892	5555	1111	5533	1111	1111	5555	1111
893	5555	1111	5533	1111	1111	5555	1111
894	4444	1111	4433	1111	1111	4444	1111
895	2222	1111	1111	2222	1111	1111	1111
896	2222	1111	1111	2222	1111	1111	1111
897	2222	1111	1111	2222	1111	1111	1111
898	2222	1111	1111	2222	1111	1111	1111
899	2222	1111	1111	2222	1111	1111	1111
900	2244	1111	1144	2222	1111	1111	1111
901	5544	4444	5544	2222	1111	2222	1111
902	1144	1111	1144	1111	1111	1111	1111
903	4444	4444	4444	1111	1111	1111	1111
904	4444	4444	4422	1111	1111	4444	1111
905	4422	1111	4422	1111	1111	1111	1111
906	4422	1111	4422	1111	1111	1111	1111
907	4422	1111	4422	1111	1111	1111	1111
908	4422	2222	4422	1111	1111	1111	1111
909	5555	4444	4422	1111	1111	5555	1111
910	5555	1111	4422	1111	1111	5555	1111
911	4432	1111	4432	1111	1111	1111	1111
912	5555	1111	4432	1111	1111	5555	1111
913	5555	1111	4432	1111	1111	5555	1111
914	5555	1111	4422	1111	2222	5555	1111
915	4422	1111	4422	1111	1111	1111	1111
916	4422	1111	4422	1111	1111	1111	1111
917	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
918	4444	1111	4422	1111	1111	4444	1111
919	5555	1111	4422	1111	1111	5555	1111
920	5555	1111	1111	1111	1111	5555	1111
921	4433	1111	4433	1111	1111	1111	1111
922	5533	1111	5533	1111	1111	1111	1111
923	4433	1111	4433	1111	1111	1111	1111
924	1111	1111	1111	1111	1111	1111	1111
925	1111	1111	1111	1111	1111	1111	1111
926	1111	1111	1111	1111	1111	1111	1111
927	1111	1111	1111	1111	1111	1111	1111
928	4433	1111	4433	1111	1111	1111	1111
929	4433	1111	4433	1111	1111	1111	1111
930	1111	1111	1111	1111	1111	1111	1111
931	1111	1111	1111	1111	1111	1111	1111
932	1111	1111	1111	1111	1111	1111	1111
933	5555	1111	1111	1111	1111	5555	1111
934	5555	1111	4422	1111	1111	5555	1111
935	5555	1111	4422	1111	1111	5555	1111
936	4444	1111	1111	1111	1111	4444	1111
937	5555	1111	1111	5555	1111	1111	1111
938	5555	1111	5533	5555	1111	5555	1111
939	5555	1111	5533	1111	1111	5555	1111
940	4444	1111	4433	1111	2222	4444	1111
941	4444	1111	4433	1111	2222	4444	1111
942	4444	1111	4433	1111	1111	4444	1111
943	4444	1111	4433	1111	1111	4444	1111
944	4444	1111	4433	1111	1111	4444	1111
945	4444	1111	4433	1111	1111	4444	1111
946	4444	1111	4433	1111	1111	4444	1111
947	4444	1111	4433	1111	1111	4444	1111
948	4433	1111	4433	1111	1111	1111	1111
949	4433	1111	4433	1111	1111	1111	1111
950	4433	1111	4433	1111	1111	1111	1111
951	4444	1111	4433	1111	1111	4444	1111
952	4433	1111	4433	1111	1111	1111	1111
953	4433	1111	4433	1111	1111	1111	1111
954	4433	1111	4433	1111	1111	1111	1111
955	4433	1111	4433	1111	1111	1111	1111
956	4444	1111	4433	1111	1111	4444	1111
957	5555	1111	4433	1111	1111	5555	1111
958	5544	1111	5533	1111	1111	4444	1111
959	5555	1111	5533	1111	1111	5555	1111
960	4433	1111	4433	1111	1111	1111	1111
961	2222	1111	1111	2222	1111	1111	1111
962	2222	1111	1111	2222	1111	1111	1111
963	2222	1111	1111	2222	1111	1111	1111
964	2222	1111	1111	2222	1111	1111	1111
965	2222	1111	1111	2222	1111	1111	1111
966	2222	1111	1111	2222	1111	1111	1111
967	5544	4444	5544	2222	1111	2222	1111
968	5544	4444	5544	1111	1111	1111	1111
969	4422	1111	4422	1111	1111	1111	1111
970	5533	1111	5533	1111	1111	1111	1111
971	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
972	4422	1111	4422	1111	1111	1111	1111
973	4422	1111	4422	1111	1111	1111	1111
974	5555	1111	4422	1111	1111	5555	1111
975	5555	1111	4422	1111	1111	5555	1111
976	4422	1111	4422	1111	1111	1111	1111
977	4422	1111	4422	1111	1111	1111	1111
978	5555	1111	4432	1111	1111	5555	1111
979	5555	1111	4432	1111	1111	5555	1111
980	5555	4444	4432	1111	2222	5555	1111
981	5555	1111	4422	1111	1111	5555	1111
982	5555	1111	4422	1111	1111	5555	1111
983	4422	1111	4422	1111	1111	1111	1111
984	4422	1111	4422	1111	1111	1111	1111
985	4422	1111	4422	1111	1111	1111	1111
986	5555	1111	1111	1111	1111	5555	1111
987	4444	1111	4433	1111	1111	4444	1111
988	4433	1111	4433	1111	1111	1111	1111
989	4433	1111	4433	1111	1111	1111	1111
990	1111	1111	1111	1111	1111	1111	1111
991	1111	1111	1111	1111	1111	1111	1111
992	1111	1111	1111	1111	1111	1111	1111
993	1111	1111	1111	1111	1111	1111	1111
994	4433	1111	4433	1111	1111	1111	1111
995	4433	1111	4433	1111	1111	1111	1111
996	1111	1111	1111	1111	1111	1111	1111
997	1111	1111	1111	1111	1111	1111	1111
998	1111	1111	1111	1111	1111	1111	1111
999	1111	1111	1111	1111	1111	1111	1111
1000	5555	1111	1111	1111	1111	5555	1111
1001	5555	1111	4422	1111	1111	5555	1111
1002	4444	1111	1111	1111	1111	4444	1111
1003	5555	1111	5533	5555	1111	5555	1111
1004	5555	1111	5533	5555	1111	5555	1111
1005	5555	1111	5533	1111	1111	5555	1111
1006	5555	1111	4433	1111	2222	5555	1111
1007	4444	1111	4433	1111	2222	4444	1111
1008	4433	1111	4433	1111	2222	3333	1111
1009	4444	1111	4433	1111	1111	4444	1111
1010	4444	1111	4433	1111	1111	4444	1111
1011	4444	1111	4433	1111	1111	4444	1111
1012	4444	1111	4433	1111	1111	4444	1111
1013	5555	1111	4433	1111	1111	5555	1111
1014	4444	1111	4433	1111	1111	4444	1111
1015	4433	1111	4433	1111	1111	1111	1111
1016	4433	1111	4433	1111	1111	1111	1111
1017	4433	1111	4433	1111	1111	1111	1111
1018	4433	1111	4433	1111	1111	1111	1111
1019	5544	1111	5533	1111	1111	4444	1111
1020	5555	1111	4433	1111	1111	5555	1111
1021	4433	1111	4433	1111	1111	2222	1111
1022	4433	1111	4433	1111	1111	2222	1111
1023	4433	1111	4433	1111	1111	1111	1111
1024	2222	1111	1111	2222	1111	1111	1111
1025	2222	1111	1111	2222	1111	1111	1111

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APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

Grid-Cell #	FINAL (Sp,Su,F,W)	HUMAN USE (Sp,Su,F,W)	BIRD (Sp,Su,F,W)	MAMMAL (Sp,Su,F,W)	FISH (Sp,Su,F,W)	HABITAT (Sp,Su,F,W)	INVERT (Sp,Su,F,W)
1026	2222	1111	1111	2222	1111	1111	1111
1027	2222	1111	1111	2222	1111	1111	1111
1028	2222	1111	1111	2222	1111	1111	1111
1029	2222	1111	1111	2222	1111	1111	1111
1030	2222	2222	1111	2222	1111	1111	1111
1031	5544	4444	5544	2222	1111	2222	1111
1032	4422	1111	4422	1111	1111	1111	1111
1033	4422	1111	4422	1111	1111	1111	1111
1034	4422	1111	4422	1111	1111	1111	1111
1035	4422	1111	4422	1111	1111	1111	1111
1036	4422	1111	4422	1111	1111	1111	1111
1037	5555	4444	4422	1111	1111	5555	1111
1038	5555	1111	4422	1111	1111	5555	1111
1039	4422	1111	4422	1111	1111	1111	1111
1040	4422	1111	4422	1111	1111	1111	1111
1041	4432	1111	4432	1111	1111	1111	1111
1042	5555	1111	4432	1111	1111	5555	1111
1043	4432	1111	4432	1111	1111	1111	1111
1044	5555	1111	4432	1111	1111	5555	1111
1045	5555	1111	4422	1111	1111	5555	1111
1046	4422	1111	4422	1111	1111	1111	1111
1047	4422	1111	4422	1111	1111	1111	1111
1048	5555	1111	1111	1111	1111	5555	1111
1049	5555	1111	1111	1111	1111	5555	1111
1050	5555	1111	1111	5555	1111	5555	1111
1051	5555	1111	1111	5555	1111	5555	1111
1052	5555	1111	1111	5555	1111	2222	1111
1053	5555	1111	1111	5555	1111	5555	1111
1054	5555	1111	1111	5555	1111	5555	1111
1055	5555	1111	4433	5555	2222	5555	1111
1056	4433	1111	4433	1111	2222	2222	1111
1057	4444	1111	4433	1111	2222	4444	1111
1058	4444	1111	4433	1111	1111	4444	1111
1059	4444	1111	4433	1111	1111	4444	1111
1060	4444	1111	4433	1111	1111	4444	1111
1061	5555	1111	4433	1111	1111	5555	1111
1062	5555	1111	5533	1111	1111	5555	1111
1063	4433	1111	4433	1111	1111	1111	1111
1064	4433	1111	4433	1111	1111	1111	1111
1065	4433	1111	4433	1111	1111	1111	1111
1066	4433	1111	4433	1111	1111	1111	1111
1067	4444	1111	4433	1111	1111	4444	1111
1068	5555	1111	4433	1111	1111	5555	1111
1069	5555	1111	4433	1111	1111	5555	1111
1070	4444	1111	4433	1111	1111	4444	1111
1071	4433	1111	4433	1111	1111	2222	1111
1072	2222	1111	1111	2222	1111	1111	1111
1073	2222	1111	1111	2222	1111	1111	1111
1074	2222	1111	1111	2222	1111	1111	1111
1075	2222	1111	1111	2222	1111	1111	1111
1076	2222	1111	1111	2222	1111	1111	1111
1077	2222	1111	1111	2222	1111	1111	1111
1078	5544	2222	5544	2222	1111	2222	1111
1079	4422	1111	4422	1111	1111	1111	1111

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APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
1080	4422	1111	4422	1111	1111	1111	1111
1081	4422	1111	4422	1111	1111	1111	1111
1082	4422	1111	4422	1111	1111	1111	1111
1083	5555	1111	4422	1111	1111	5555	1111
1084	5555	1111	4422	1111	1111	5555	1111
1085	4422	1111	4422	1111	1111	1111	1111
1086	4422	1111	4422	1111	1111	1111	1111
1087	4422	1111	4422	1111	1111	1111	1111
1088	4444	1111	4432	1111	1111	4444	1111
1089	5555	1111	4432	1111	1111	5555	1111
1090	4432	1111	4432	1111	1111	1111	1111
1091	5555	1111	4422	1111	1111	5555	1111
1092	5555	1111	4422	1111	1111	5555	1111
1093	4422	1111	4422	1111	1111	1111	1111
1094	4422	1111	4422	1111	1111	1111	1111
1095	1111	1111	1111	1111	1111	1111	1111
1096	1111	1111	1111	1111	1111	1111	1111
1097	5555	1111	1111	1111	1111	5555	1111
1098	5555	4444	1111	1111	1111	5555	1111
1099	5555	1111	1111	5555	1111	4444	1111
1100	5555	1111	1111	5555	1111	1111	1111
1101	5555	1111	1111	5555	1111	1111	1111
1102	5555	1111	4433	5555	1111	1111	1111
1103	4433	1111	4433	1111	1111	1111	1111
1104	4433	1111	4433	1111	1111	1111	1111
1105	4444	1111	4433	1111	1111	4444	1111
1106	4444	1111	4433	1111	1111	4444	1111
1107	4433	1111	4433	1111	1111	3333	1111
1108	5555	1111	4433	1111	1111	5555	1111
1109	5555	1111	4433	1111	1111	5555	1111
1110	4444	1111	4433	1111	1111	4444	1111
1111	4433	1111	4433	1111	1111	1111	1111
1112	4433	1111	4433	1111	1111	1111	1111
1113	4433	1111	4433	1111	1111	1111	1111
1114	5555	1111	4433	1111	1111	5555	1111
1115	5555	1111	4433	1111	1111	5555	1111
1116	5555	1111	4433	1111	1111	5555	1111
1117	4444	1111	4433	1111	1111	4444	1111
1118	4433	1111	4433	1111	1111	2222	1111
1119	4433	1111	4433	1111	1111	2222	1111
1120	2222	1111	1111	2222	1111	1111	1111
1121	2222	1111	1111	2222	1111	1111	1111
1122	2222	1111	1111	2222	1111	1111	1111
1123	2222	1111	1111	2222	1111	1111	1111
1124	2222	1111	1111	2222	1111	1111	1111
1125	2222	1111	1111	2222	1111	1111	1111
1126	5544	2222	5544	2222	1111	2222	1111
1127	5544	4444	5544	1111	1111	1111	1111
1128	4422	1111	4422	1111	1111	1111	1111
1129	4422	1111	4422	1111	1111	1111	1111
1130	4422	1111	4422	1111	1111	1111	1111
1131	4422	1111	4422	1111	1111	1111	1111
1132	5555	1111	4422	1111	1111	5555	1111
1133	5555	1111	4422	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
1134	4422	1111	4422	1111	1111	1111	1111
1135	4422	1111	4422	1111	1111	1111	1111
1136	4432	1111	4432	1111	1111	1111	1111
1137	5555	1111	4433	1111	1111	5555	1111
1138	5555	1111	4433	1111	2222	5555	1111
1139	5555	1111	4433	1111	1111	5555	1111
1140	5555	1111	4422	1111	1111	5555	1111
1141	4422	1111	4422	1111	1111	1111	1111
1142	4422	1111	4422	1111	1111	1111	1111
1143	1111	1111	1111	1111	1111	1111	1111
1144	1111	1111	1111	1111	1111	1111	1111
1145	1111	1111	1111	1111	1111	1111	1111
1146	1111	1111	1111	1111	1111	1111	1111
1147	1111	1111	1111	1111	1111	1111	1111
1148	1111	1111	1111	1111	1111	1111	1111
1149	1111	1111	1111	1111	1111	1111	1111
1150	4433	1111	4433	1111	1111	1111	1111
1151	4433	1111	4433	1111	1111	1111	1111
1152	4433	1111	4433	1111	1111	1111	1111
1153	4433	1111	4433	1111	1111	1111	1111
1154	4433	1111	4433	1111	1111	1111	1111
1155	4433	1111	4433	1111	1111	1111	1111
1156	4444	1111	4433	1111	1111	4444	1111
1157	4444	1111	4433	1111	1111	4444	1111
1158	4444	1111	4433	1111	1111	4444	1111
1159	4433	1111	4433	1111	1111	1111	1111
1160	4433	1111	4433	1111	1111	1111	1111
1161	4433	1111	4433	1111	1111	1111	1111
1162	4444	1111	4433	1111	1111	4444	1111
1163	4444	1111	4433	1111	1111	4444	1111
1164	4444	1111	4433	1111	1111	4444	1111
1165	4444	1111	4433	1111	1111	4444	1111
1166	5555	1111	4433	1111	1111	5555	1111
1167	4433	1111	4433	1111	1111	2222	1111
1168	4433	1111	4433	1111	1111	1111	1111
1169	4444	1111	4433	1111	1111	4444	1111
1170	4433	1111	4433	1111	1111	1111	1111
1171	4444	1111	4433	1111	1111	4444	1111
1172	2222	1111	1111	2222	1111	1111	1111
1173	2222	1111	1111	2222	1111	1111	1111
1174	2222	1111	1111	2222	1111	1111	1111
1175	2222	1111	1111	2222	1111	1111	1111
1176	2222	1111	1111	2222	1111	1111	1111
1177	2222	1111	1111	2222	1111	1111	1111
1178	2222	2222	1111	2222	1111	2222	1111
1179	5544	2222	5544	2222	1111	2222	1111
1180	4422	1111	4422	1111	1111	1111	1111
1181	4422	1111	4422	1111	1111	1111	1111
1182	4422	1111	4422	1111	1111	1111	1111
1183	4422	1111	4422	1111	1111	1111	1111
1184	4422	1111	4422	1111	1111	1111	1111
1185	5555	1111	4422	1111	1111	5555	1111
1186	4422	1111	4422	1111	1111	1111	1111
1187	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
1188	4432	1111	4432	1111	1111	1111	1111
1189	5555	1111	4433	1111	2222	5555	1111
1190	5555	1111	5533	1111	2222	5555	1111
1191	5555	1111	4433	1111	2222	5555	1111
1192	4422	1111	4422	1111	1111	1111	1111
1193	4422	1111	4422	1111	1111	1111	1111
1194	4422	1111	4422	1111	1111	1111	1111
1195	4422	1111	4422	1111	1111	1111	1111
1196	4433	1111	4433	1111	1111	1111	1111
1197	5555	1111	4433	1111	1111	5555	1111
1198	5555	1111	4433	1111	1111	5555	1111
1199	5555	1111	4433	1111	1111	5555	1111
1200	4433	1111	4433	1111	1111	1111	1111
1201	4433	1111	4433	1111	1111	1111	1111
1202	4433	1111	4433	1111	1111	1111	1111
1203	4433	1111	4433	1111	1111	1111	1111
1204	4433	1111	4433	1111	1111	1111	1111
1205	4444	1111	4433	1111	1111	4444	1111
1206	5555	2222	4433	1111	1111	5555	1111
1207	5555	1111	4433	1111	1111	5555	1111
1208	2222	1111	1111	2222	1111	1111	1111
1209	2222	1111	1111	2222	1111	1111	1111
1210	2222	1111	1111	2222	1111	1111	1111
1211	2222	1111	1111	2222	1111	1111	1111
1212	2222	1111	1111	2222	1111	1111	1111
1213	2222	2222	1111	2222	1111	1111	1111
1214	5544	4444	5544	2222	1111	2222	1111
1215	4444	4444	4422	1111	1111	1111	1111
1216	4422	1111	4422	1111	1111	1111	1111
1217	4422	1111	4422	1111	1111	1111	1111
1218	4422	1111	4422	1111	1111	1111	1111
1219	4422	1111	4422	1111	1111	1111	1111
1220	5555	1111	4422	1111	2222	5555	1111
1221	5555	1111	4422	1111	2222	5555	1111
1222	4422	1111	4422	1111	1111	1111	1111
1223	4432	1111	4432	1111	1111	1111	1111
1224	4433	1111	4433	1111	1111	1111	1111
1225	5555	1111	4433	1111	2222	5555	1111
1226	5555	1111	4433	1111	1111	5555	1111
1227	5555	1111	4432	1111	1111	5555	1111
1228	4422	1111	4422	1111	1111	1111	1111
1229	4422	1111	4422	1111	1111	1111	1111
1230	5555	1111	4433	1111	1111	5555	1111
1231	4433	1111	4433	1111	1111	2222	1111
1232	4433	1111	4433	1111	1111	1111	1111
1233	4433	1111	4433	1111	1111	1111	1111
1234	4433	2222	4433	1111	1111	1111	1111
1235	4444	1111	4433	1111	1111	4444	1111
1236	5555	1111	4433	1111	1111	5555	1111
1237	5555	1111	4433	1111	1111	5555	1111
1238	5555	1111	4433	1111	1111	5555	1111
1239	2222	1111	1111	2222	1111	1111	1111
1240	2222	1111	1111	2222	1111	1111	1111
1241	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
1242	2222	1111	1111	2222	1111	1111	1111
1243	2222	1111	1111	2222	1111	1111	1111
1244	2222	1111	1111	2222	1111	1111	1111
1245	5544	2222	5544	2222	1111	2222	1111
1246	4444	4444	4422	1111	1111	1111	1111
1247	4444	4444	4422	1111	1111	1111	1111
1248	4422	1111	4422	1111	1111	1111	1111
1249	4422	1111	4422	1111	1111	1111	1111
1250	4422	1111	4422	1111	1111	1111	1111
1251	5555	1111	4422	1111	1111	5555	1111
1252	5555	1111	4422	1111	1111	5555	1111
1253	5555	1111	4422	1111	1111	5555	1111
1254	4422	1111	4422	1111	1111	1111	1111

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WSR 92-10-006
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed April 24, 1992, 9:20 a.m.]

Date of Adoption: April 24, 1992.

Purpose: To implement chapter 200, Laws of 1991, effective October 1, 1991, which imposes a tax on the offloading from waterborne vessel of crude oil or petroleum products at marine terminals in this state.

Statutory Authority for Adoption: RCW 82.23B.050.

Pursuant to notice filed as WSR 92-07-092 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: Changed the time period in subsection (4)(a) for notification by the marine terminal operator to the taxpayer of tax due from ten to twenty days.

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

April 23, 1992
 Edward L. Faker
 Assistant Director

NEW SECTION

WAC 458-20-260 OIL SPILL RESPONSE AND ADMINISTRATION TAX. (1) **INTRODUCTION.** This section explains and implements the provisions of chapter 82.23B RCW which imposes an oil spill response tax and an oil spill administration tax, effective October 1, 1991. The taxes are imposed upon the privilege of offloading crude oil or petroleum products at a marine terminal in this state from a waterborne vessel or barge operating through or upon the navigable waters of this state. This section provides applicable definitions, the rate and measure of the tax, the tax payment and reporting procedure, and describes an exemption and a credit against tax.

(2) **DEFINITIONS.** For purposes of this section, the following terms will apply.

(a) "Tax" means the oil spill response and oil spill administration taxes imposed by chapter 82.23B RCW.

(b) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(c) "Crude oil" means any naturally occurring liquid hydrocarbon at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(d) "Department" means the department of revenue.

(e) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(f) "Navigable waters" means those waters of the state and their adjoining shorelines, that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(g) "Person" has the meaning provided in RCW 82.04.030.

(h) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are

the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(i) "Taxpayer" means the person owning crude oil or petroleum products immediately before the same are offloaded at a marine terminal in this state and who is liable for the tax.

(j) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(k) "Previously taxed product" means any crude oil or petroleum product which has been offloaded in this state in a manner subject to the tax and upon which the tax has been paid.

(l) "Offloading" means the physical act of moving crude oil or petroleum product from a waterborne vessel or barge to a marine terminal. Offloading occurs at the point where the crude oil or petroleum product passes through the dock flange or point of connection between the vessel or barge and the marine terminal.

(3) **TAX RATE AND MEASURE.** The tax is imposed on the privilege of offloading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating through or across the navigable waters of this state. The tax is levied upon the owner of the crude oil or petroleum products immediately before such offloading occurs.

(a) The oil spill response tax is imposed at the rate of two cents per barrel of crude oil or petroleum product offloaded.

(b) The oil spill administration tax is imposed at the rate of three cents per barrel of crude oil or petroleum product offloaded.

(c) The number of barrels offloaded shall be computed as the net barrels received by the marine terminal operator. Net barrels shall be computed by using an industry standard adjustment to gross barrels offloaded to account for variations in temperature and content of water or other nonpetroleum substances.

(4) **TAX COLLECTION BY THE MARINE TERMINAL OPERATOR.** Unless the taxpayer has been issued a direct payment certificate as provided in subsection (5) of this section, the operator of any marine terminal located in this state where crude oil or petroleum products are offloaded is responsible for the collection of the tax from the taxpayer.

(a) Failure to collect the tax from the taxpayer and remit it to the department will cause the marine terminal operator to become personally liable for the tax, unless the marine terminal operator has billed the taxpayer for the tax or notified the taxpayer in writing of the position of the tax. The tax has been billed to a taxpayer when an invoice, statement of account, or notification of the position of the tax is mailed or delivered by the terminal operator within the

billing cycle and separately states the dates of offloading, rate of tax, number of barrels offloaded, and the amount of the tax required to be collected. A taxpayer has been notified of the imposition of the tax when, within twenty days from the date of offloading, a notice is mailed or delivered to the taxpayer, or to an agent of the taxpayer authorized to accept notices of this type other than the marine terminal operator, which separately states the dates of offloading, rate of tax, number of barrels offloaded, and the amount of the tax required to be collected. Marine terminal operators shall maintain a record of the names and addresses of taxpayers billed for the tax, or in cases where taxpayers are sent written notification of the imposition of the tax, the names and addresses of the persons to whom notice is sent. Such records shall indicate those persons billed or notified from whom the tax has been collected. Upon request, the records shall be made available for inspection by the department.

(b) The tax collected shall be held in trust by the terminal operator until paid to the department.

(c) The tax collected shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the tax is collected.

(d) A terminal operator who relies in good faith upon a direct payment certificate issued to a taxpayer shall be relieved from any liability for the collection of the tax from the taxpayer. A marine terminal operator shall likewise be relieved from liability for collection of the tax from a taxpayer if the marine terminal operator relies in good faith upon a current roster of certificate holders published by the department which bears the name of a taxpayer.

(5) DIRECT PAYMENT TO THE DEPARTMENT. Any taxpayer may apply to the department in writing for permission to pay the tax directly to the department. Upon approval of the department, any taxpayer making application for direct payment shall be issued a direct payment certificate entitling the taxpayer to pay the tax directly to the department.

(a) In order to qualify for direct payment, the taxpayer must meet the following requirements:

(i) The taxpayer must be registered with the department.

(ii) The taxpayer must file a bond with the department in an amount equal to two months estimated liability for the tax, but in no event less than ten thousand dollars. The bond shall be executed by the taxpayer as principal, and by a corporation approved by the department and authorized to engage in business as a surety company in this state, as surety. Two months estimated tax liability shall be the total number of barrels offloaded in this state by the taxpayer during the two months in the immediately preceding twelve-month period with the highest number of barrels offloaded multiplied by the total tax rate. If the department determines the result of the foregoing calculation does not represent an estimate of the actual tax liability which is expected to incur, it may set the bond

requirement at such higher amount as the department determines in its judgment will secure the payment of the tax. The bond requirement may be waived upon proof satisfactory to the department that the taxpayer has sufficient assets located in this state to insure payment of the tax.

(iii) The taxpayer must be current in all of its tax obligations to the state having filed all returns as required by Title 82 RCW.

(b) The department may, from time to time, review the amount of any bond filed by a taxpayer possessing a direct payment certificate and may, upon twenty days written notice to the taxpayer, require such higher bond as the department determines to be necessary to secure the payment of the tax. The filing of a substitute bond in such higher amount shall be a condition to the continuation of the right to make direct payment under this section.

(c) A direct payment certificate issued under this section may be revoked by the department if the taxpayer fails to maintain a current registration, fails to file a substitute bond within twenty days from a written request, or becomes delinquent in the payment of the tax.

(d) The department shall maintain a current roster of all taxpayers who have a direct payment certificate. Copies of the roster shall be made available on a monthly basis to any interested person requesting to be placed on the roster subscription list. Requests to be placed on the subscription list should be mailed to the Miscellaneous Tax Division, Department of Revenue, P.O. Box 47470, Olympia, WA 98504-7470.

(e) Applications for a direct payment certificate shall be in writing and shall include the name and address of the applicant, the applicant's registration number if currently registered, and the name and phone number of a contact person. The application shall also contain a statement that if the application is approved, the taxpayer consents to the public disclosure that the taxpayer has been granted a direct payment certificate, or if the certificate is later revoked, the taxpayer consents to the public disclosure of the fact of revocation. Applications should be mailed to the Miscellaneous Tax Division, Department of Revenue, P.O. Box 47470, Olympia, WA 98504-7470.

(6) EXEMPTION - PREVIOUSLY TAXED OIL OR PETROLEUM PRODUCTS. The tax applies only to the first offloading of crude oil or petroleum products at a marine terminal in this state. An exemption is available for the subsequent offloading at a marine terminal in this state of previously taxed product. This exemption applies even though the previously taxed product is refined or processed prior to further transportation and subsequent offloading.

(a) Crude oil or petroleum products offloaded for the first time at a marine terminal in this state which have been commingled with previously taxed product present a special problem in determining the amount of tax properly due. In such cases the amount of tax due is equal to the difference between the total number of barrels offloaded and the number of barrels of previously taxed product multiplied by the total tax rates. Due to

the difficulty of determining the amount of tax due under such circumstances the following rebuttable presumptions shall apply:

(i) All crude oil or petroleum products loaded on a vessel and shipped from a point within this state will be presumed, subject to rebuttal, to be previously taxed product. The subsequent offloading at a point within this state of such product will be treated as exempt from the tax.

(ii) All crude oil or petroleum products loaded on a vessel and shipped from a point outside this state will be presumed to be crude oil or petroleum products offloaded for the first time in this state. The subsequent offloading at a point within this state of such crude oil or petroleum products will be treated as subject to the tax.

(b) The presumptions in this subsection may be rebutted upon proof of the number of barrels of previously taxed product offloaded in this state.

(c) Example. The presumptions in this subsection (6) can be illustrated by the following example:

A previously taxed petroleum product is loaded on an ocean-going barge at a marine terminal located on Puget Sound in Washington. The barge is towed to Portland, Oregon where the petroleum product is offloaded and commingled with a similar product which has not been subjected to the tax. Later, commingled product is loaded onto a barge which is towed up the Columbia River to a marine terminal located in Pasco, Washington and offloaded. The petroleum products loaded onto the barge in Portland would be presumed, subject to rebuttal, to be subject to the tax when offloaded in Pasco.

(7) EXPORT CREDIT. A credit is allowed against the tax imposed for any crude oil or petroleum products previously offloaded in a manner subjected to the tax and subsequently exported or sold for export from the state.

(a) An export credit may be taken by any person exporting or selling for export any previously taxed product who has paid the tax on such product to a marine terminal operator or the department. An export credit may also be taken by any person who has purchased previously taxed product and who subsequently exports the product or sells the product for export, provided that such person has been invoiced for and has paid the tax to its seller. Any such invoice must state the amount of the tax passed on to the purchaser and identify the product to which the tax amount relates by type and quantity.

(b) A person exports previously taxed product when they actually transport the product beyond the borders of this state for purposes of sale, or deliver the product to a common carrier for delivery and subsequent sale or use at a point outside this state.

(c) A person sells previously taxed product for export when as a necessary incident to a contract of sale the seller agrees to, and does deliver previously taxed product:

- (i) To the buyer at a destination outside this state;
- (ii) To a carrier consigned to and for transportation to a destination outside this state;

(iii) To the buyer alongside or aboard a vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the product has begun; or

(iv) Into a pipeline for transportation to a destination outside this state.

In all circumstances there must be a certainty of export evidenced by some overt step taken in the export process. A sale for export will not necessarily be deemed to have occurred if the product is merely in storage awaiting shipment, even though there is reasonable certainty that the product will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate certainty of export if the product has not commenced its journey outside this state. The product must actually enter the export stream. Sales of petroleum products by delivery into the fuel tank of a vessel or other vehicle in quantities greater than one hundred gallons will be considered placed into the export stream, provided the vessel or vehicle is immediately destined for a point outside this state and the seller obtains and keeps the documentary evidence provided in (d) of this subsection.

(d) A person claiming credit for sales for export under this subsection (7) must document the fact the product was placed into the export process. This fact may be shown by obtaining and keeping any of the following documentary evidence:

(i) A bona fide bill of lading in which the seller is the shipper/consignor and by which the carrier agrees to transport the product to the buyer at a destination outside this state; or

(ii) A written certification in substantially the following form:

Certificate of Export

I hereby certify that the crude oil or petroleum products specified herein, purchased by or transferred to the undersigned from (seller or transferor), have been received into the export stream and are for export for sale or use outside Washington state. I will become liable for any tax credit granted (seller or transferor) pertaining to any crude oil or petroleum products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud.

Registration No. _____ Type of Business _____
(If applicable)

Firm Name _____ Registered Name _____
(If different)

Authorized Signature _____

Title _____

Identity of Product _____
(Kind and amount by volume)

Date _____

; or

(iii) Documents consisting of:

(A) Purchase orders or contracts of sale which show that the seller is required to place the product into the export stream, e.g., "f.a.s. vessel"; and

(B) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the product was delivered into the export stream; and

(C) When available, records showing that the products were packaged, numbered or otherwise handled in a way which is exclusively attributable to products sold for export.

(e) Only the export or sale for export of crude oil or petroleum products will qualify for the export credit. Crude oil or petroleum products will not be eligible for the export credit if, prior to export, they are subject to further processing or used as ingredients in other compounds unless the resulting products are themselves crude oil or petroleum products.

(f) Crude oil or petroleum products delivered to purchasers in other states pursuant to location exchange agreements will not qualify for the export credit unless the crude oil or petroleum products were previously subject to the tax and credit has not yet been taken. A location exchange agreement is any arrangement where crude oil or petroleum products located in this state are exchanged through an accounts crediting system, or any other method, for like substances located in other states. Any person acquiring previously taxed product in this state for which no credit has been taken may claim a credit on any such product subsequently exported or sold for export, provided all of the requirements set forth in this subsection (7) have been met.

Example. An oil company enters into a location exchange agreement with a competitor which provides for the delivery of one thousand barrels of petroleum products to a local storage facility owned by the competitor. In exchange for the petroleum products delivered in Washington the competitor delivers one thousand barrels of like petroleum products to the oil company's storage facilities in California. The delivery of petroleum products in California would not constitute an export or sale for export of the products delivered in Washington even though the products are of like quality and quantity. If the competitor delivers products which have been previously subject to the tax and no credit has been taken, the delivery of products in California may qualify for the credit. The subsequent export of the petroleum products received by the competitor in Washington would qualify for the credit if the competitor has been invoiced for and has paid the tax to the exchanging oil company.

(g) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. For this purpose any person claiming a credit who maintains those records required by WAC 458-20-19301 (Multiple activities tax credit), subsection (9), will be considered to have satisfied the requirements of this subsection.

(8) AMOUNT OF CREDIT. The amount of the credit will be equal to the tax previously paid by the person claiming the credit on the crude oil or petroleum product exported or sold for export.

(a) In the case of a person claiming credit who is not the taxpayer, the credit will be equal to that portion of the tax billed on an invoice which relates to the particular product exported or sold for export. In order to determine the amount of tax reflected on an invoice which

relates to a particular product exported or sold for export, it may be necessary to convert the tax paid from a rate per barrel to a rate per gallon or some other unit of measurement. This conversion is computed by taking the total amount of tax paid on an invoice for a particular product and dividing that figure by the total quantity of the product expressed in terms of the unit of measurement used for export. The credit is then computed by multiplying the converted rate times the quantity of product exported or sold for export. In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.

(b) Due to the fungible nature of crude oil and petroleum products it will sometimes be impossible for a person claiming a credit to determine exactly the rate of tax invoiced for a specific quantity of oil being exported or sold for export. The physical handling of oil or petroleum products requires that products of like kind be stored in bulk. This commingling results in product bearing tax passed on at different rates making it difficult to determine the amount of credit applicable to an export sale. Under such circumstances a person claiming the export credit may compute the tax using one of the following methods:

(i) First-in, first-out method. Under this method the export credit is computed by treating existing inventory as sold before later acquired inventory.

(ii) Average of tax paid method. Under this method the export credit is determined by calculating the average rate of tax paid on all inventory. This method requires computing the tax by making adjustments in the rate of tax paid on all product on hand as it is removed from or added to storage.

(iii) Any other method approved by the department.

(c) The use of one of the methods set forth in this subsection (8) to account for tax paid on commingled crude oil or petroleum products shall constitute an election to continue using the method selected. Once selected, no change in accounting method will be permitted without the prior consent of the department.

(d) Examples. The following are examples of the way in which the credit is to be computed:

(i) A petroleum products distributor purchases 100 barrels each of premium unleaded gasoline and regular unleaded gasoline. The invoice from the refiner separately states that the invoice includes \$5.00 of tax for each of the two types of products. The distributor pays the invoiced amount and later sells 2,000 gallons of the premium unleaded and 4,000 gallons of the regular unleaded to a retailer located outside Washington. In order to compute the amount of credit on the export sales the distributor must convert the tax paid from barrels to gallons. Since there are 42 US gallons in a barrel and 200 barrels purchased, the number of gallons equals 8400 (42×200). The per gallon tax paid on both products is equal to .119 cents per gallon ($\$10.00 \div 8400$). The distributor would be eligible for credit equal to \$2.38 for the premium unleaded ($2,000 \times \$0.00119$) and \$4.76 for the regular unleaded ($4,000 \times \$0.00119$).

(ii) A petroleum products distributor purchases 100 barrels of unleaded gasoline which it will use to blend

with 30 barrels of ethanol to produce gasohol. The invoice for the unleaded separately states that the total price includes \$4.00 of tax. The distributor pays the invoiced amount and sells 2,940 gallons of gasohol to a retailer for sale outside Washington. The tax paid on the unleaded is equal to .095 cents per gallon ($\$4.00 \div 4200$). Since the exported product has been blended with a component that has not been taxed, only 76.9% of the exported product is eligible for credit ($100 \div 130$). The credit would be \$2.15 ($2,940 \times .769 \times \0.00095).

(iii) A petroleum distributor purchases 100 barrels of unleaded gasoline from refinery A and later purchases 100 barrels from refinery B. The distributor stores all of its unleaded gasoline in a single storage tank. The invoice from refinery A separately states the amount of tax on the gasoline as \$5.00 and the refinery B invoice states the tax as \$4.00. The distributor pays the two invoiced amounts and sells 2,100 gallons of the commingled unleaded to a retailer located outside Washington. The distributor then purchases 100 more barrels of unleaded gasoline from distributor C. Distributor C's invoice separately states the tax as \$3.00. Following payment of the invoice, the distributor exports an additional 2,100 gallons of unleaded. The distributor could choose to calculate the tax using one of the methods of accounting described in (b) of this subsection.

(A) Under the first-in, first-out method the distributor would treat all 4,200 gallons sold as if it was the unleaded gasoline purchased from refinery A. Under this method, the credit would be equal to .119 cents per gallon ($\$5.00 \div 4,200$) or \$5.00 total ($$.00119 \times 4,200$).

(B) Under the average of tax paid method the distributor would recompute the tax paid on average for the entire commingled amount making adjustments as gasoline is sold or gasoline is added. Prior to the addition of the purchases from refinery B or distributor C, the rate would be .119 cents per gallon ($\$5.00 \div 4,200$). Following the addition of the 100 barrels from refinery B the tank contains 8,400 gallons. The rate of tax would now be .107 cents per gallon ($(\$5.00 + \$4.00) \div 8,400$). Out of this amount 2,100 gallons is exported in the first sale. The credit for this sale would be equal to \$2.25 ($$.00107 \times 2,100$). After the addition of the 100 barrels from distributor C, the tank contains 10,500 gallons ($8,400 - 2,100 + 4,200$). In order to recompute the tax, the total tax paid on the remaining gasoline after the first sale must be computed. After withdrawal of the 2,100 gallons of unleaded for the first sale, the total tax paid on the remainder would be \$6.74 ($(8,400 - 2,100) \times \0.00107). The addition of the 100 barrels from distributor C causes the total tax for the stored amount to rise to \$9.74 ($\$6.74 + \3.00). The average rate of tax is now .093 cents per gallon ($\$9.74 \div 10,500$). The credit for the second export sale would be \$1.95 ($$.00093 \times 2,100$).

(9) HOW AND WHEN TO PAY TAX. The tax must be reported on special return forms prescribed by the department. The tax is due for payment together with the timely filing of the return upon which it is reported, on the twenty-fifth day of the month following the month in which the taxable offloading occurs. In case any offloading commences on the last day of any month and

extends past midnight, the offloading will be deemed to have occurred during the following month.

(10) HOW AND WHEN TO CLAIM CREDITS. Persons who pay tax under a direct payment certificate and persons who are both taxpayers and marine terminal operators should claim credits as an offset against tax liability reported on the same return when possible. The tax return form provides a line for reporting the tax and a line and supporting schedule for taking credits as an offset against the tax reported. Persons claiming credit who are not required to file returns reporting liability for the tax may claim credits on forms provided by the department for this purpose. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(11) SALES TO UNITED STATES GOVERNMENT. The tax does not apply to the offloading of crude oil or petroleum products owned by the United States government. The United States government is also not required to collect the tax as a marine terminal operator when the United States government owns the facilities where crude oil or petroleum products are received. However, owners of crude oil or petroleum products offloaded at marine terminals owned by the United States government remain liable for the tax. In such instances the taxpayer is required to report the tax on forms supplied by the department. The tax is due for payment along with a completed return on the twenty-fifth day of the month following the month in which the offloading occurred.

WSR 92-10-007

NOTICE OF PUBLIC MEETINGS COUNCIL ON VOCATIONAL EDUCATION

[Memorandum—April 24, 1992]

Board Room – Third Floor
Washington State Grange
924 Capitol Way
Olympia, Washington
May 6, 1992
9:00 a.m. – 3:00 p.m.

The meeting site is barrier free. People needing special accommodations should contact the council office at (206) 753-3715.

WSR 92-10-008

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed April 24, 1992, 9:27 a.m.]

The Department of Agriculture is withdrawing the original notice for the proposed penalty matrix rules, WSR 92-06-083, filed on March 4, 1992. After consideration was given to all testimony, the proposed rules will not be

adopted. The department plans to publish notice on a new proposal at a later date.

Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

WSR 92-10-009

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed April 24, 1992, 9:29 a.m.]

The Department of Agriculture is withdrawing the original notice for the proposed complainant rights rules, WSR 92-06-084, filed on March 4, 1992. After consideration was given to all testimony, the proposed rules will not be adopted. The department plans to publish notice on a new proposal at a later date.

Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

WSR 92-10-010

PERMANENT RULES DEPARTMENT OF LICENSING

[Filed April 24, 1992, 11:25 a.m., effective June 1, 1992]

Date of Adoption: April 24, 1992.

Purpose: To make technical corrections reflecting current procedures and to add a fee for trade name searches.

Citation of Existing Rules Affected by this Order: Amending WAC 308-300-220, 308-300-230, 308-300-240, 308-300-250, 308-300-270, and 308-300-280.

Statutory Authority for Adoption: RCW 19.80.045.

Pursuant to notice filed as WSR 92-07-095 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-300-270(4), substitute "legal owner" for "corporate" to prevent confusion with a Secretary of State corporate title search.

Effective Date of Rule: June 1, 1992.

April 24, 1992
Tobias Washington, Jr.
Assistant Director

AMENDATORY SECTION (Amending Order 601-DOL, filed 1/6/81)

WAC 308-300-220 DEFINITIONS. The following definitions apply to use of these terms in RCW 19.80-.010:

(1) ~~((True and real name means:~~

~~(a) The surname of an individual coupled with one or more of his or her other names, one or more of his or her initials, or any combination thereof;~~

~~(b) The designation or appellation by which a person is best known and called in the business community~~

~~where he or she transacts business, if this is used as the legal signature:~~

~~(2) Person means: Any individual or general partnership conducting, intending to conduct, or having an interest in a business in the state of Washington.~~

~~(3)) Style means: As used in these rules, title or appellation of a person.~~

~~((4)) (2) Trade name, as used in these rules, means assumed name, that is:~~

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company," "and sons," "and associates."

~~((5) Acknowledgement, as used in these rules, is an acknowledgement)) (3) Application means the master application as prescribed by chapter ((64.08)) 19.02 RCW.~~

~~((6)) (4) Director means the director of the department of licensing.~~

~~((7)) (5) Department means the department of licensing.~~

AMENDATORY SECTION (Amending Order 551-DOL, filed 9/5/79)

WAC 308-300-230 REQUIRED REGISTRATION(~~(=CERTIFICATE))~~ OF TRADE NAME. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall ~~((sign and cause to have filed an acknowledged certificate of))~~ register a trade name with the department. The ~~((certificate))~~ application for registration of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature ~~((for each such person))~~ of a person having an interest therein.

(3) Every county in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

~~((5) Acknowledgement of signature(s) by an officer authorized to take acknowledgement of deeds.))~~

Upon receipt of a properly completed ~~((certificate of))~~ application for trade name registration and proper fee payment, the department shall register the trade name. Such registration shall remain in effect until cancelled.

AMENDATORY SECTION (Amending Order 551-DOL, filed 9/5/79)

WAC 308-300-240 ((AMENDMENT OR)) CANCELLATION. (1) ((An acknowledged certificate of amendment shall be filed with the department on a form provided by the department when one of the following occurs:

(a) There is a change in the true and real name of an individual conducting or having an interest in the business for which the trade name is registered; or

(b) There is a change in the counties designated for use or intended use of the trade name; or

(c) There is a change of any mailing address set forth on the certificate of trade name.

(2)) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

((3)) (2) A notice of cancellation, together with a new ((certificate)) application for registration of trade name shall be filed when:

(a) There is an addition, deletion or any change of person or persons set forth on the ((certificate)) application for registration of trade name as those conducting or intending to conduct business under the registered trade name((: PROVIDED, That this subsection (3) does not apply to the legal name change of an individual for which a certificate of amendment is required under (1)(a) above));

(b) There is a change in the wording or spelling of the registered trade name.

AMENDATORY SECTION (Amending Order 551-DOL, filed 9/5/79)

WAC 308-300-250 FORMS. The department shall provide forms for ((certificates)) registration of trade name, ((supplemental pages, and certificates of amendment/notice of cancellation)) which ((may)) must be used to make the required filings and which will be available from the following:

(1) Business license ((center)) services of the department of licensing; and

(2) ((Offices of county clerks;

(3) Persons or institutions, public or private, that request forms for public distribution; and

(4)) Other distribution points as the director deems appropriate.

AMENDATORY SECTION (Amending Order 551-DOL, filed 9/5/79)

WAC 308-300-270 ((INSPECTION OF TRADE NAME FILES ENCOURAGED)) SEARCHES. ((Each person contemplating use of a trade name is encouraged to make or cause to make an inspection of the trade name files located in the Olympia office of the department of licensing to determine whether the proposed trade name is similar to any already registered.)) Upon request and the payment of fees as specified in WAC 308-300-280, the department shall make a comprehensive search of the master license service's records to determine any of the following facts:

(1) Persons conducting business under a trade name;

(2) Registered trade names;

(3) Firm names;

(4) Legal owner names; and

(5) Verification of business existence.

AMENDATORY SECTION (Amending Order 551-DOL, filed 9/5/79)

WAC 308-300-280 FEES AND REFUNDS. (1) The department shall charge and collect:

(a) Five dollars for ((initial filing of certificate)) registration of trade name;

(b) ((Two)) Four dollars for each ((certificate of amendment)) trade name search plus the costs of any electronic medium used;

(c) ((Twenty-five cents per page for copies of the document(s);

(d)) Two dollars for each letter of certification to accompany copies of the document(s).

(2) ((All fees remitted to the department shall be deposited with the state treasurer to the general fund.

(3)) No refund of less than five dollars shall be made except upon written request by the registrant.

WSR 92-10-011

PROPOSED RULES

PERSONNEL BOARD

[Filed April 24, 1992, 2:02 p.m.]

Continuance of WSR 92-06-089.

Title of Rule: WAC 356-06-055 Exempt—Classified service—Movement between.

Purpose: This rule determines the rights of employees who are moving between exempt and classified service.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on May 14, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 12, 1992.

Date of Intended Adoption: May 14, 1992.

April 20, 1992

Dee W. Henderson

Secretary

WSR 92-10-012

PROPOSED RULES

PERSONNEL BOARD

[Filed April 24, 1992, 2:05 p.m.]

Continuance of WSR 92-06-090.

Title of Rule: WAC 356-15-060 Shift premium provisions and compensation.

Purpose: This rule describes varied work schedules and determines which shifts are entitled to additional compensation and how the rates are established.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.060.150 [41.06.150].

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on May 14, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 12, 1992.

Date of Intended Adoption: May 14, 1992.

April 20, 1992
Dee W. Henderson
Secretary

WSR 92-10-013
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 24, 1992, 3:14 p.m.]

Original Notice.

Title of Rule: Chapter 246-327 WAC, Fees for home health agency; chapter 246-331 WAC, Fees for hospice agency; and chapter 246-336 WAC, Fees for home care agency.

Purpose: To amend the fee schedule for home health agencies, hospice agencies, and home care agencies.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: This will amend the fees in the above WACs.

Reasons Supporting Proposal: The department has determined that additional fees are necessary to support the programs that regulate health care agencies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Stout, Olympia, 753-5916.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 70.127 RCW authorizes the Department of Health to license home health, hospice, and home care agencies and requires that the licensing activities be financed entirely by fees assessed to the applicants. In 1989, fees were established simply by estimating how many hours surveys would require and how many agencies would apply. Some "start-up" money was provided during the first year. Since then, the established fees for licenses have not met operating expenses resulting in a \$40,000 deficit last year.

Proposal Changes the Following Existing Rules: Increase fees.

Small Business Economic Impact Statement

This proposed rule will increase licensing fees which will have an economic impact upon small home health, hospice, and home care agencies. The increases vary from \$200.00 (33%) for home care agencies to \$500.00 (100%) for hospice agencies and \$500.00 (83%) for home health agencies.

According to the 1989 Department of Employment Security records (Home Health Care Services, SIC 808.2, the industry index which includes all of the above types of agencies and which is the most recent official data available) 46 of the 79 businesses (58%) of the agencies listed employed less than 50 people. Since some of these agencies have grown in the past three years and the number of licensed agencies has increased to 209, the following facts have been considered:

(1) The data from the "In-Home Care Reporting System," which is a formal informational survey of the agencies licensed in this category, reports the number of visits and number of hours of service provided by the agencies annually. The impact of the licensing fee increase to small agencies is estimated to be not more than \$0.05 per \$1,000.00 of income.

(2) RCW 43.20B.020 and 43.70.250 require the Department of Health to set fees based on, but not exceeding, the cost to the department for the licensure of the activity and the necessary inspection.

(3) This licensing program was initiated in 1989 with no history of costs upon which to base the fees. The current fees have proven to be inadequate with a shortfall of approximately \$40,000 last year and continuing comparable shortfall this year. There is no legislative appropriation in the state general fund to support this program. Therefore, it must be funded entirely by licensing fees.

The actual cost of the licensing process was based upon reports of surveyors which show preparation, travel time and per diem costs, and on-site survey and report time for each survey performed during the past year, as well as program administration, operating and overhead expenses. Salary and related costs were computed and found to be higher than the fees proposed. In an effort to reduce the fees as much as possible, survey procedures were reviewed and hours per survey as well as the number of survey staff were reduced to the minimum required to determine compliance with the regulations.

(4) The department has met with representatives of the industry to discuss the fee structure. A letter was also sent to all licensees inviting comments. Most of the respondents recommended that large businesses be assessed higher fees than small ones, which is reflected in the current proposal. This is consistent with the licensing fee structure for hospitals, boarding homes, etc. Because services are delivered in individual residences and may involve either intermittent visits or 24 hour care, the size of agencies could not be determined by number of beds or number of people served. Therefore, the fees are based upon the number of employees.

Although home health agencies require approximately the same amount of survey time as hospice agencies, the number of home health complaints received and investigated is considerably greater and must be added to the overall costs of their licensure. Home care agencies require less survey time.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on June 9, 1992, at 1:30 p.m.

Submit Written Comments to: Leslie Baldwin, P.O. Box 47902, Olympia, WA 98504-7902, by June 8, 1992.

Date of Intended Adoption: June 16, 1992.
 April 24, 1992
 Kristine Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-327-990 FEES. (1) Agencies licensed only as home health agencies under chapter ((71+27)) 70.127 RCW shall submit an annual license fee ((of six hundred dollars)) to the department((:

(2) The department shall assess annual fees for agencies with combinations of licenses under RCW 70.127.110, the following fee schedule applies:

Categories of Agencies	Fee When All Agencies at One Address	Fee When Agencies At Separate Addresses Within One County
Home Health and Hospice	\$ 800	\$ 900
Home Health and Home Care	1,000	1,100
Hospice and Home Care	700	800
Home Health and Home Health	1,000	1,100
Hospice and Hospice	800	900
Home Care and Home Care	1,000	1,100
Any combination of three of the same or different categories	1,200	1,300
Any combination of four of the same or different categories	1,600	1,700
Any combination of five of the same or different categories	2,000	2,100))

as follows:

(a) Agencies with fifty or more employees, one thousand three hundred dollars; and

(b) Agencies with less than fifty employees, one thousand one hundred dollars.

(2) An agency applying for a combination of home health, hospice, or home care licenses shall receive a fee reduction of fifty dollars per license in accordance with the provisions of RCW 70.127.110.

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-331-990 FEES. (1) Hospice agencies shall submit under chapter 70.127 RCW an annual license fee ((of five hundred dollars)) to the department((:

(2) The department shall assess annual fees for combinations of initial licenses or renewal of combination of licenses under RCW 70.127.110 as follows:

Categories of Agencies	Fee When All Agencies at One Address	Fee When Agencies At Separate Addresses Within One County
Home Health and Hospice	\$ 800	\$ 900
Home Health and Home Care	1,000	1,100
Hospice and Home Care	700	800
Home Health and Home Health	1,000	1,100
Hospice and Hospice	800	900
Home Care and Home Care	1,000	1,100
Any combination of three of the same or different categories	1,200	1,300
Any combination of four of the same or different categories	1,600	1,700
Any combination of five of the same or different categories	2,000	2,100))

as follows:

(a) Agencies with fifty or more employees, one thousand two hundred dollars; and

(b) Agencies with less than fifty employees, one thousand dollars.

(2) An agency applying for a combination of home health, hospice, or home care licenses shall receive a fee reduction of fifty dollars per license in accordance with the provisions of RCW 70.127.110.

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-336-990 FEES. (1) Home care agencies licensed under chapter 70.127 RCW shall submit an annual license fee ((of six hundred twenty-five dollars)) to the department((:

(2) The department shall assess annual fees for combinations of initial licenses or renewal of combination of licenses under RCW 70.127.110 as follows:

Categories of Agencies	Fee When All Agencies at One Address	Fee When Agencies At Separate Addresses Within One County
Home Health and Hospice	\$ 800	\$ 900
Home Health and Home Care	1,000	1,100
Hospice and Home Care	700	800
Home Health and Home Health	1,000	1,100
Hospice and Hospice	800	900
Home Care and Home Care	1,000	1,100
Any combination of three of the same or different categories	1,200	1,300
Any combination of four of the same or different categories	1,600	1,700
Any combination of five of the same or different categories	2,000	2,100))

as follows:

(a) Agencies with fifty or more employees, one thousand twenty-five dollars; and

(b) Agencies with less than fifty employees, eight hundred twenty-five dollars.

(2) An agency applying for a combination of home health, hospice, or home care licenses shall receive a fee reduction of fifty dollars per license in accordance with the provisions of RCW 70.127.110.

WSR 92-10-014
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed April 24, 1992, 3:17 p.m.]

Original Notice.

Title of Rule: Chapter 246-323 WAC, Fees for residential treatment facilities for psychiatrically impaired children and youth; and chapter 246-325 WAC, Fees for adult residential rehabilitation centers.

Purpose: To amend the fee schedule for residential treatment facilities for psychiatrically impaired children and youth and adult residential rehabilitation centers.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: This will amend the fees in the above WACs.

Reasons Supporting Proposal: The department has determined that additional fees are necessary to support the programs that regulate health care agencies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Stout, Olympia, 753-5916.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Current rules are amended to reflect additional fees that are necessary to support the programs that are responsible for regulating health care facilities.

Proposal Changes the Following Existing Rules: Increase fees. The department has determined increasing

of fees are necessary to support programs that regulate health care facilities.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not for the reason that adult residential rehabilitation centers comprise less than 10% of the industries under the industry code for Residential Care, 8361.

8361 - Residential Care

Alcoholism Treatment Facilities	-	50
Adult Residential Rehab Centers	-	21
Children's Homes (group care and crisis residential facilities)	-	89
Group Foster Homes:		
Children	-	6000
Adults	-	921
Rest Homes and Homes for the Physically, Mentally and Emotionally Handicapped (boarding homes)	-	343
Juvenile Correction Facilities and Group Homes	-	12
Old Soldiers Homes	-	2
Residential Habilitation Centers	-	6
Schools for Deaf and Blind	-	2
		7446

Rehabilitation Facilities = 71
 Total Under 8361 = 7446 = .009

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on June 9, 1992, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, P.O. Box 47902, Olympia, WA 98504-7902, by June 8, 1992.

Date of Intended Adoption: June 16, 1992.
 April 24, 1992
 Kristine Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-323-990 FEES. Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of (~~thirty-five~~) forty-five dollars for each bed space within the licensed bed capacity of the RTF-CY;
- (2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and
- (3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-325-990 FEES. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of (~~thirty-five~~) forty-five dollars for each bed space within the licensed bed capacity of the ARRC;

- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

- (3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

WSR 92-10-015
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—April 24, 1992]

The May 1992 Washington State Transportation Commission meeting will be held on Thursday, May 21, 1992, at 9:00 a.m. in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings on Wednesday, May 20.

The June 1992 Washington State Transportation Commission meeting will be held on Thursday, June 18, 1992, at 9:00 a.m. in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings on Wednesday, June 17.

WSR 92-10-016
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 92-04—Filed April 28, 1992, 4:10 p.m.]

Date of Adoption: April 17, 1992.
 Purpose: To clarify procedure for requesting agency public records.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-105-013; and amending WAC 392-105-015, 392-105-020, 392-105-025, 392-105-030, and 392-105-035.

Statutory Authority for Adoption: RCW 42.17.250 through [42.17].320.

Pursuant to notice filed as WSR 92-06-052 on February 28, 1992.

Effective Date of Rule: Thirty-one days after filing.
 April 28, 1992
 Judith A. Billings
 Superintendent of
 Public Instruction

NEW SECTION

WAC 392-105-007 DEFINITIONS. (1) Public records. As used in this chapter, "public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: **PROVIDED, HOWEVER,** That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sound or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-015 ((COPYING AND MAILING)) PUBLIC RECORDS OFFICER. ((1) Persons may obtain a copy or copies of any record which may be inspected. The superintendent of public instruction may charge a fee of ten cents per page for each copy made by agency copy machines.

(2) Actual mailing costs, if any, may be charged.

(3) Secretarial time, at any hourly rate equivalent to the salary of the employee, may be charged.

(4) When the provision of copies of public records requires computer operations, the superintendent of public instruction may make appropriate charges for programming and computer costs.

(5) The above charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request. Charges may be collected prior to the release of the copies of public records.) The agency's public records shall be in the charge of the public records officer designated by the superintendent of public instruction. The person so designated shall be located in the Old Capitol Building, Olympia, Washington 98504-7200. The public records officer shall be responsible for the following: Implementation of the agency's rules and regulations regarding release of public records, coordinating the agency employees in this regard, and generally ensuring compliance by agency employees with the public records disclosure requirements in chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-020 ((PROTECTION OF RECORDS)) OFFICE HOURS. ((No records shall be removed from any office of the superintendent of public instruction by anyone other than a staff member or other officially authorized person, unless a receipt for the records signed by the person taking them and giving the address where they will be kept has been approved and signed by the person in charge of the record. Staff members in charge of public records in the custody of the superintendent of public instruction comply with the provisions in chapter 40.14 RCW relating to the preservation and destruction of public records.) Public records shall be available for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-025 ((REVIEW OF DENIAL)) REQUESTS FOR PUBLIC RECORDS. ((When an agency staff member believes that a request to inspect a record must be denied, the staff member shall immediately contact his or her supervisor and obtain concurrence from the supervisor before denying inspection. The supervisor shall then promptly issue, or cause to be promptly issued, a written statement as required by RCW 42.17.310(4) and 42.17.320 which shall identify the specific exemption authorizing the withholding of the record (or part) and provide a brief explanation of how the exemption applies to the record withheld. A copy of the statement shall be immediately transmitted to the superintendent of public instruction or his/her designee.) In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing. The written request shall be presented to the public records officer or designee at the information services office of the superintendent of public instruction during customary office hours or may also be mailed. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending Order 39, filed 11/2/90, effective 12/3/90)

WAC 392-105-030 ((INDEX)) COPYING. ((The superintendent of public instruction does maintain current indexes of public records as required by RCW 42.17.260(2) and 34.05.220. The indexes identify agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. The indexes shall be kept current and maintained by the superintendent's designee(s), the information resource management office, or in the case of records of appeal and rules information, legal services, and shall be updated no less frequently than annually. All indexes maintained shall be categorized by party,

~~calendar year, topic, or a combination of these, as appropriate.)~~ No fee shall be charged for the inspection of public records. SPI may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

~~WAC 392-105-035 ((LIST OF EMPLOYEES AND ELECTED OFFICERS)) DETERMINATION REGARDING EXEMPT RECORDS. ((Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.)) (1) SPI reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 392-105-025 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, counsel for administrative law services, or an assistant attorney general assigned to the agency.~~

~~(2) Pursuant to RCW 42.17.260, SPI reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: PROVIDED, HOWEVER, In each case, the justification for the deletion shall be explained fully in writing.~~

~~(3) Response to requests for a public record must be made promptly.~~

~~(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.~~

NEW SECTION

WAC 392-105-040 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the SPI or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review

of a decision denying a public record, SPI or his or her designee, shall complete such review.

(4) During the course of the review SPI or his or her designee shall consider the obligations of the agency fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 392-105-045 RECORDS INDEX—INSPECTION. The superintendent of public instruction does maintain current indexes of public records as required by RCW 42.17.260(2) and 34.05.220. The indexes identify agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. The indexes shall be kept current and maintained by the superintendent's designee(s), the information services office, or in the case of records of appeal and rules information, legal services, and shall be updated no less frequently than annually. All indexes maintained shall be categorized by program or section, title, and/or description, or a combination of these, as appropriate.

NEW SECTION

WAC 392-105-050 PROTECTION OF PUBLIC RECORDS. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 392-105-030.

NEW SECTION

WAC 392-105-055 LIST OF EMPLOYEES AND ELECTED OFFICERS. Pursuant to RCW 42.17.260(5), the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.

NEW SECTION

WAC 392-105-060 RECORDS INDEX. (1) The agency has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the agency after June 30, 1972:

(a) Final options, including concurring and dissenting opinions, as well as orders, made in the adjudicated cases;

(b) Those statements of policy and interpretative policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructional staff that affect a member of the public;

(d) Planning policies and goals, and interim and planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the agency shall be available to all persons under the same rules and all the same conditions as are applied to public records available for inspection.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-105-013 REQUEST TO INSPECT AND COPY.

WSR 92-10-017

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-25—Filed April 28, 1992, 4:34 p.m.]

Date of Adoption: April 27, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A limited number of chinook salmon are available for harvest. Coho protection needs dictate release of all coho salmon. This rule is adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: Immediately.

April 27, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000S SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River, coastal waters, Pacific Ocean waters, or waters at the mouth of the Columbia River west of the Buoy 10 line except as provided for in this section:

(1) Waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River and east of the Bonilla-Tatoosh Line - Open May 1 through May 31. Bag Limit F, except coho salmon may not be retained, and must be immediately returned to the water unharmed.

WSR 92-10-018

PERMANENT RULES

**PARKS AND RECREATION
COMMISSION**

[Filed April 29, 1992, 11:10 a.m.]

Date of Adoption: April 24, 1992.

Purpose: Increase environmental learning center fees to cover operation and maintenance costs.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-250.

Statutory Authority for Adoption: Chapter 43.51 RCW.

Pursuant to notice filed as WSR 92-07-083 on March 17, 1992.

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

April 24, 1992

Mel Wortman

Chair

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 5/15/91)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: \$8.00 per night;

(2) Overnight camping - utility campsite: \$12.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$2.00 per night;

(3) Overnight camping - primitive campsite: \$4.00 per night for nonmotorized vehicle and \$5.50 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple

campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(6) Group camping area – certain parks: \$.75 per person per day and/or night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center – overnight camping: ~~((\$3.65))~~ \$3.90 per camper per night: PROVIDED, HOWEVER, The fee shall be ~~((\$3.90))~~ \$4.45 per camper per night, effective June 15, ~~((1991))~~ 1992;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: ~~((\$4.05))~~ \$4.30 per camper per night: PROVIDED, HOWEVER, The fee shall be ~~((\$4.30))~~ \$5.45 per camper per night, effective June 15, ~~((1991))~~ 1992;

(b) Environmental learning center – day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group – whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle charge: \$4.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities – see WAC 352-12-020 and 352-12-030;

(13) Overnight camping – emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the \$4.00 per night permit fee. The permit must be prominently displayed in the vehicle.

(15) Campsite reservations – see WAC 352-32-035(6).

WSR 92-10-019
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed April 29, 1992, 11:14 a.m.]

Date of Adoption: April 24, 1992.

Purpose: Lowers cost of copying public records or documents from 50 cents for a single document or 25 cents for multiple documents to 10 cents per page.

Citation of Existing Rules Affected by this Order: Amending WAC 352-40-090.

Statutory Authority for Adoption: Chapter 43.51 RCW.

Pursuant to notice filed as WSR 92-07-062 on March 16, 1992.

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

April 24, 1992

Mel Wortman

Chair

AMENDATORY SECTION (Amending Order 15, filed 7/25/73)

WAC 352-40-090 COPYING. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ~~((fifty))~~ ten cents ~~((per page of copy for single page documents and twenty-five cents))~~ per page ~~((of))~~ per copy for ~~((multiple page document copies of))~~ public records and for use of the commission copy equipment. This charge is the amount necessary to reimburse the commission for its ~~((actual))~~ costs ~~((incident to such))~~ for copying.

WSR 92-10-020
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-24—Filed April 29, 1992, 11:28 a.m.]

Date of Adoption: April 28, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-051 and 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The preseason estimate of Hood Canal shrimp available for harvest is fifteen percent below the average, and a reduced recreational and commercial harvest is required. The seasons provided for in these rules will utilize all available surplus. Immediate implementation is required to allow for harvest.

Effective Date of Rule: Immediately.

April 28, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

WSR 92-10-022

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 91-67—Filed April 29, 1992, 1:42 p.m., effective April 30, 1992]

NEW SECTION

WAC 220-52-05100K COMMERCIAL SHRIMP SEASON—HOOD CANAL. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes from all waters south of the Hood Canal Floating Bridge except as provided for in this section:

(1) Open 9:00 a.m. June 8 through 6:00 p.m. June 10, 1992.

(2) Maximum 35 pots per fisher.

(3) All Hood Canal shrimp taken under a commercial license must be reported on State of Washington fish receiving tickets, either through sale to a licensed wholesale dealer, or through the shrimp fisher having a wholesale dealer's license and reporting the catch as an original receiver.

(4) Gear may not be pulled or set from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-56-32500U PERSONAL USE SHRIMP SEASON—HOOD CANAL. Notwithstanding the provisions of WAC 220-56-325, effective immediately until further notice it is unlawful to fish for or possess shrimp taken for personal use from all waters south of the Hood Canal Floating Bridge except as provided for in this section:

(1) Open 9:00 a.m. May 16 through 6:00 p.m. May 21, 1992.

(2) Gear may not be pulled or set from one hour after official sunset to one hour before official sunrise.

WSR 92-10-021

PREPROPOSAL COMMENTS
DEPARTMENT OF ECOLOGY

[Filed April 29, 1992, 1:36 p.m.]

Subject of Possible Rule Making: Pursuant to chapter 70.105 RCW, the Department of Ecology is proposing to assess permit fees for facilities that treat, store, or dispose of mixed waste, including facilities undergoing closure.

Persons may Comment on this Subject in the Following Ways: All comments concerning this rule can be addressed to Patrick Svoboda, Department of Ecology, Nuclear and Mixed Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, by June 12, 1992.

April 28, 1992
Fred Olson
Deputy Director

Date of Adoption: April 28, 1992.

Purpose: To increase the retail sales fee to \$30.00 and remove exemption of masonry fireplaces from collection of fee.

Citation of Existing Rules Affected by this Order: Amending WAC 173-433-170.

Statutory Authority for Adoption: Chapter 70.94 RCW and ESHB 1028 (1991).

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: ESHB 1028 increases the retail sales fee from \$15.00 to \$30.00 after January 1, 1992, and the rule was adopted to meet that deadline. Collection of the funds on January 1, 1992, is necessary to fund the woodstove education and enforcement program.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The CR-102 for this rule was filed on April 7, 1992, and this is extending the emergency rule until the rule is adopted.

Effective Date of Rule: April 30, 1992.

April 28, 1992
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order 90-58, filed 3/20/91, effective 4/20/91)

WAC 173-433-170 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 ~~((fifteen dollars, until January 1, 1991))~~ thirty dollars on January 1, 1992. Thereafter, ecology may annually increase adjust the fee ((according to changes in the consumer price index)) 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((, with the exception of built-in masonry fireplaces,)).

(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 sub-contractor 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 sub-contracts 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 sub-contracts 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 subsection (i) above.

(e) (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.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-10-023
PERMANENT RULES
SECRETARY OF STATE
 [Filed April 29, 1992, 2:08 p.m.]

Date of Adoption: April 29, 1992.

Purpose: To adopt the rule which sets for [forth] the standards, regulations, and fees pertaining to the administration of international student exchange agency registrations.

Statutory Authority for Adoption: RCW 19.166.050 and 19.166.060.

Pursuant to notice filed as WSR 92-02-104 on January 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: The section titled Revocation was deleted and the remaining sections renumbered accordingly.

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

April 29, 1992

Donald F. Whiting

Assistant Secretary of State

Chapter 434-166 WAC
INTERNATIONAL STUDENT EXCHANGE
AGENCY REGISTRATION

PART A
GENERAL PROVISIONS AND DEFINITIONS

NEW SECTION

WAC 434-166-010 **AUTHORITY.** These rules are adopted under the authority of RCW 19.166.040 and 19.166.060 to provide for the administration of the International Student Exchange Agency Registration Act, hereafter referred to as the "act." These regulations shall be considered a supplement to and not a replacement for the act.

NEW SECTION

WAC 434-166-020 **PURPOSE OF REGULATIONS.** The purpose of the regulations is to set minimum standards to implement the "act" in an effective and efficient manner.

NEW SECTION

WAC 434-166-030 **OFFICIAL ADDRESS, TELEPHONE NUMBER OF THE OFFICE OF THE**

SECRETARY OF STATE, INTERNATIONAL STUDENT EXCHANGE DIVISION. The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State
International Student Exchange Division
505 E Union, 2nd Floor
PO Box 40234
Olympia WA 98504-0234

The telephone to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: (206) 753-7120.

NEW SECTION

WAC 434-166-040 OFFICE HOURS. Customary hours of operation of the International Student Exchange Division are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Registration documents received after 4:00 p.m. will not be processed until the next day.

NEW SECTION

WAC 434-166-050 PUBLIC RECORDS. Except as provided by RCW 42.17.310, all documents relating to the International Student Exchange Division are public record and are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

NEW SECTION

WAC 434-166-060 PUBLIC RECORDS COPYING CHARGE—EXEMPTIONS. Requests for copies or certificates relating to the public records of this act shall be charged per registered organization, as follows:

(1) A photocopy shall be fifty cents per page for the first ten pages and twenty-five cents per page for each additional page.

(2) A certified copy or certificate of fact shall be five dollars for the certification plus any additional copying charges.

(3) Requests for copies (whether photo or certified) or a certificate of fact by a Washington state agency in the pursuit of business shall be provided without charge.

NEW SECTION

WAC 434-166-070 REGISTRATION APPLICATIONS—GROUNDS FOR DENIAL. Any application or form shall not be accepted by the secretary of state if it is not on the form prescribed by the secretary, or is unsigned, incomplete, illegible, or does not include all required fees, information, and documents.

NEW SECTION

WAC 434-166-080 DEFINITIONS. Terms defined in RCW 19.166.020 shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(1) "Secretary" means the secretary of state or an employee of the secretary acting under the authority of the secretary.

(2) "Act" means the International Student Exchange Agency Registration Act, chapter 128, Laws of 1991 and Title 19 RCW.

(3) "International student exchange visitor placement organization" or "organization" means any organization which arranges for the placement of two or more international student exchange visitors in the state of Washington during any consecutive five-year period.

(4) "International student exchange visitor" or "student" means any foreign national who:

(a) Is eighteen years of age or under, or up to the age of twenty-one; and

(b) Is engaged in full-time participation in a prescribed course of study in this state conducted by any secondary public institution of learning; and

(c) Has been selected to participate in an exchange visitor program sponsored by an international student exchange visitor placement organization; and

(d) Enters the state of Washington with a nonimmigrant visa.

(5) "Responsible officer" means the officer or employee of the international student placement organization who has primary authority for supervising placements in the state of Washington.

(6) "Responsible officer address" means the physical location of the responsible officer.

(7) "Immediate family" means the parent(s) or legal guardian(s) of an international student exchange visitor.

(8) "Nonimmigrant visa" means a visa category used by nonresident aliens whose primary purpose for visiting the United States is to study full-time at an approved institution.

(9) "Host family" means the family residing in the state of Washington that the international student exchange visitor resides with during his or her period of academic study.

(10) "USIA" shall mean United States Information Agency.

(11) "USIA regulations" means regulations promulgated by the United States Information Agency (USIA) governing exchange visitor programs designated by them.

(12) "USIA designation letter" means the letter from USIA showing acceptance into its' program.

(13) "CSIET" means the Council on Standards for International Educational Travel.

(14) "CSIET standards" means standards published by CSIET and used by the CSIET to evaluate the operations of international student exchange visitor placement organizations.

(15) "CSIET's approval for listing letter" means the letter from CSIET showing that the placement organization meets the standards set by the CSIET and has been accepted for the current listing.

(16) "High school" means any secondary public institution of learning in the state of Washington.

PART B
INTERNATIONAL STUDENT EXCHANGE
AGENCY REGISTRATION STANDARDS

NEW SECTION

WAC 434-166-090 SELECTION OF STUDENT. The organization shall be fully responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection shall be limited to students who have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to derive maximum benefit from the program experience.

NEW SECTION

WAC 434-166-100 ORIENTATION OF STUDENTS AND HOST FAMILIES. (1) The organization shall provide:

(a) Each student and immediate family of each student with suitable orientation prior to departure from their home and upon arrival in the state of Washington to acquaint them in advance with the customs of the state of Washington and the United States. In addition, they shall be provided with detailed knowledge of the school and academic program in which he or she will be participating and information relating to their host family.

(b) Each host family with suitable orientation in advance of the student's arrival, including information on family, school, and cultures of the student's native country, as well as information relating to the academic program in which the student will be enrolled in.

(2) Each organization shall maintain in their records a copy of the letters used to notify the student, immediate family, and host family of the above information.

NEW SECTION

WAC 434-166-110 HEALTH AND ACCIDENT INSURANCE. (1) Each organization shall ensure that every student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns to his or her home country. Minimum acceptable insurance is:

(a) Medical and accident coverage of fifty thousand dollars per illness or accident;

(b) Preparation and transportation of remains to the student's home country (minimum of five thousand dollars) in the event of death. Coverage may be provided in one of the following ways:

(i) By the student;

(ii) By the organization.

(2) The organization is responsible for providing each student, each student's immediate family and the host family detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim (including forms wherever possible).

(3) The organization shall maintain in its files proof of health and accident insurance.

NEW SECTION

WAC 434-166-120 ACCEPTANCE OF STUDENTS. No student shall be brought into the state of Washington by the organization unless he or she has been accepted in writing as a student by the legally authorized designee of the admitting high school. The organization shall maintain in its files copies of such documents authorizing enrollment.

NEW SECTION

WAC 434-166-130 SELECTION OF HOST FAMILY. (1) The organization is responsible for making all arrangements for the placement of each student with a host family whose home is located in a place convenient to the educational institution in which the student is to be enrolled.

(2) The organization shall make every effort to assure the maximum degree of compatibility between the family and the student, including, wherever possible, the presence in the family of a teenage student.

(3) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family.

(4) The organization shall ensure that its representative selects only those homes which reflect the high quality expected of the International Student Exchange Agency Program.

(5) A written record shall be made of this visit and interview by the representative, a copy of which shall be maintained by the organization.

(6) Selection of host families and assignment of students shall be made as far in advance of the student's arrival as possible, but in no event less than three weeks prior to departure from the student's home.

(7) No organization shall bring a student into the United States without written acceptance from the host family.

(8) The host family shall be advised in writing of the name, age, educational status, other background information, and anticipated arrival time of the assigned student.

(9) The student's immediate family shall be advised in writing of the name, address, family composition, and other background information concerning the host family at the earliest possible time, to permit the exchange of correspondence between the respective families in advance of the student's arrival.

(10) Copies of these notifications shall be maintained in its files by the organization.

NEW SECTION

WAC 434-166-140 HOST FAMILY HOUSING REQUIREMENTS FOR STUDENTS. (1) Each organization shall be responsible for placing the student with a host family which can provide housing which:

(a) Furnishes separate private sleeping quarters for each sex;

(b) A bed of his or her own; and

(c) No more than four persons to a bedroom.

(2) The host family's home, and household equipment shall be maintained in a clean and sanitary condition,

free of hazards, and in good repair. The home shall be accessible to other resources in the event of an emergency (e.g., telephone, emergency services, etc.).

NEW SECTION

WAC 434-166-150 CHANGE IN HOST FAMILY ASSIGNMENT. If unforeseen events occur and it is in the best interest of the student, the organization may make a change in the host family assignment of a student. Reports of any such changes and the reasons therefore shall be retained by the organization. Notification of any change shall be sent within twenty-four hours to the immediate family, host families, and the school of placement.

NEW SECTION

WAC 434-166-160 EMPLOYMENT OF STUDENTS. (1) Each organization shall advise its students that they may not accept or undertake regular employment while enrolled in the program.

(2) Students may engage in occasional intermittent jobs, such as tutoring, grass-cutting, baby-sitting and the like.

(3) Students may not perform the duties of a household domestic for compensation or otherwise in the home of the host family.

(4) Students may be asked to assist in normal daily chores in the host family household which other members of the family perform.

NEW SECTION

WAC 434-166-170 SUPERVISION BY ORGANIZATION. The organization shall maintain continuous personal contact with each of its' students, the host family, and the high school in which each student is enrolled. The organization shall initiate action to attempt to resolve any problems which may arise with respect to the student's participation in his or her academic program or with respect to the student's relationship with his or her host family.

NEW SECTION

WAC 434-166-180 TRAVEL RESPONSIBILITY OF ORGANIZATION. (1) Each organization shall be responsible for maintaining records of prepaid travel arrangements of all students placed in the state of Washington by the organization.

(2) Transportation must be provided both to and from the student's home to their destination by air and/or surface modes of commercial transportation.

(3) Travel arrangements shall be carried out by the purchase of a roundtrip ticket or tickets to their final destinations for each student prior to the entry of each student into the state of Washington. These travel arrangements may be made either:

- (a) By the organization; or
- (b) By the student.

(4) A copy of the travel itinerary and a copy of the prepaid roundtrip ticket shall be maintained by the organization in their files.

(5) A copy of the prepaid roundtrip ticket shall be given to the host family.

NEW SECTION

WAC 434-166-190 INFORMATION TO BE PROVIDED. (1) An international student placement agency shall provide each student, each student's immediate family, and the host family with an informational document regarding the agency services, in English, which shall contain at a minimum: Disclosure of all monies paid to the agency which are to be paid to the host family, students, or for special or additional activities during the program period. The timing and method of payment are to be specified.

(2) In addition, each student and host family shall receive a statement which includes the amount of the fee to be charged to the student.

NEW SECTION

WAC 434-166-200 AGENCY RECORDS REQUIREMENTS. (1) Each organization shall keep records at the organizational office of services rendered to host families and students. The records and obligations shall include:

(a) The name, home address, and telephone number of the student (in that student's home country) to whom services are provided or promised.

(b) The name, address, and telephone number of the host family with whom the student is placed, which shall be on file at least seven days prior to the student's arrival in the state of Washington.

(c) Document that each student entered the state with a nonimmigrant visa and is enrolled in a public secondary educational institution.

(d) Document that authorizes enrollment in school of acceptance.

(e) Copy of written records of interview between the organization's representative and the host family.

(f) Copy of correspondence to the student's immediate family advising them of the name, address, family composition, and other background information concerning the host family.

(g) Copy of correspondence to host family(ies) advising them of the name, age, educational status, other background information, and anticipated arrival time of student.

(h) The amount of the organization's fee(s) charged to a student and an itemization of the services attributable to individual portions of the fee(s).

(i) A complete copy of any written agreements entered into between the organization, students, and the host families.

(j) Copy of health and accident insurance policy covering participating students and a statement of how coverage shall be provided.

(2) The records shall be maintained for a period of one year from the date on which the student departs from the state of Washington. For purposes of investigating a complaint or otherwise assuring compliance

with this chapter and rules adopted thereunder, the records shall be subject to inspection by the secretary, upon request.

PART C

CONDITIONS APPLICABLE TO REGISTRATION

NEW SECTION

WAC 434-166-210 APPOINTMENT OF A RESPONSIBLE OFFICER AND RESPONSIBLE OFFICER ADDRESS. (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW 19.166.050, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW 19.166.050 shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

NEW SECTION

WAC 434-166-220 CHANGE OF RESPONSIBLE OFFICER AND/OR RESPONSIBLE OFFICER ADDRESS. An organization may change its responsible officer or responsible officer address by delivering to the secretary, within thirty days of the change, a statement of change that sets forth:

(1) The name of the organization;

(2) If the current officer address is to be changed, the street address of the new officer address in accordance with WAC 434-166-210;

(3) If the current responsible officer is to be changed, the name of the new responsible officer and the new officer's written consent accepting the responsibility of the responsible officer.

NEW SECTION

WAC 434-166-230 RESIGNATION OF RESPONSIBLE OFFICER. (1) A responsible officer may resign by signing and delivering to the secretary of state for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(2) After filing the statement the secretary of state shall mail a copy of the filed statement to the organization at its organizational address.

(3) The organization shall appoint a new responsible officer and responsible officer address within thirty days of notification.

NEW SECTION

WAC 434-166-240 DUTIES OF THE RESPONSIBLE OFFICER. The officer who signs the application consenting to serve as responsible officer, shall:

(1) Accept all official communications and inquiries from the secretary on behalf of the organization.

(2) Maintain copies of all documentation, as required by WAC 434-166-200, on behalf of the organization for each individual student placed in the state of Washington.

(3) Furnish all documentation, information, reports, documents, books, files, and other records requested by the secretary on all matters relating to the students placed in Washington by the organization.

NEW SECTION

WAC 434-166-250 INDIVIDUAL LOCATED IN STATE OF WASHINGTON. (1) The organization shall maintain an in-state telephone number as required by RCW 19.166.070. This telephone number shall be registered to an individual residing in the state of Washington, which may be:

(a) An employee for the organization; or

(b) An officer for the organization; or

(c) A volunteer for the organization.

(2) The organization shall insure that this individual has:

(a) A listing of all placements of students by the organization and the location of each in the state of Washington;

(b) Knowledge of emergency procedures;

(c) Twenty-four-hour contact with the organization for emergencies;

(d) Knowledge and capability to assist and advise the students in their relationship with the organization.

(3) Each individual maintaining the in-state telephone number for the organization shall sign a written agreement with the organization. A copy of which shall be submitted to the secretary with the registration application.

NEW SECTION

WAC 434-166-260 REQUIREMENT TO REGISTER. Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period.

NEW SECTION

WAC 434-166-270 TRANSACTION OF BUSINESS OR CONDUCTING AFFAIRS. No organization that is a foreign corporation or limited partnership defined in RCW 23B.01.400(2), 24.03.005(2), 24.06.005(2) and 25.10.010(4) will be registered under this program unless and until the organization complies

with foreign corporation or limited partnership registration requirements.

NEW SECTION

WAC 434-166-280 APPLICATION FOR REGISTRATION. (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the USIA's Designation Letter showing current registration; or

(b) Submitting a copy of the CSJET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations are effective for a period of one year from the date of filing.

NEW SECTION

WAC 434-166-290 APPLICATION FOR RE-REGISTRATION. (1) Prior to the expiration of the registration period, organizations may seek reregistration for another one year period by completing the registration requirements as set forth in RCW 19.166.050 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the expiration date of the registration.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.050; no extensions will be granted by the secretary.

NEW SECTION

WAC 434-166-300 FEES. (1) Organizations required to register or reregister under RCW 19.166.030 and chapter 434-166 WAC shall pay a fee of fifty dollars per application.

(2) A notification of change of information required under RCW 19.166.050 shall be accepted without fee.

PART D TERMINATION AND REVOCATION OF INTERNATIONAL STUDENT EXCHANGE ORGANIZATION'S REGISTRATIONS

NEW SECTION

WAC 434-166-310 TERMINATION. Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for reregistration. Failure to apply for reregistration will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW 19.166.050.

NEW SECTION

WAC 434-166-320 RESPONSIBILITIES OF ORGANIZATION UPON TERMINATION. (1) The termination of the organization's registration shall not relieve the organization's obligation to all students who are in the state of Washington.

(2) The organization shall immediately cancel any student's exchange visit prior to entry to the state of Washington unless a transfer to another registered program can be obtained.

PART D MISCELLANEOUS PROVISIONS

NEW SECTION

WAC 434-166-330 ADHERENCE TO REGULATIONS. Organizations are required to adhere to regulations set forth in chapters 19.166 RCW and 434-166 WAC.

NEW SECTION

WAC 434-166-340 REQUESTS BY SECRETARY OF STATE. Organizations shall furnish all information, reports, documents, books, files, and other records requested by the secretary on all matters related to the organization's international student exchange visitor placement programs.

NEW SECTION

WAC 434-166-350 INQUIRIES AND INVESTIGATIONS. Organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the secretary.

WSR 92-10-024
PERMANENT RULES
DEPARTMENT OF
SERVICES FOR THE BLIND

[Filed April 29, 1992, 3:27 p.m.]

Date of Adoption: April 29, 1992.

Purpose: Housekeeping.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 67-35-080; and amending WAC 67-35-070, 67-35-030, and 67-35-060.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Pursuant to notice filed as WSR 92-07-011 on March 6, 1992.

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

April 29, 1992

Bonnie Jindra

Assistant Director

Administration

AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-030 **TERMS DEFINED.** The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) "Challenge test licensee" means a person who has prior work experience and/or training in food service and food service management and who takes the challenge test and is licensed by the department to operate a vending facility in the vending facility program.

(6) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

(7) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, Social Security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

(8) "Department" means the Washington department of services for the blind.

(9) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

(10) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the Department of Defense and the United States Postal Service, or any other instrumentality wholly owned by the United States.

(11) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

(12) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

(13) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

(14) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors).

(15) "Other property" means property which is not federal property.

(16) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.

(17) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building: PROVIDED, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.

(18) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

(19) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 34 CFR, section 395.8 (a), (b), and (c).

(20) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which

operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.

~~(b) ("Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.~~

~~(c) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.~~

~~(d)) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.~~

~~((e) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.~~

~~(f)) (i) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.~~

~~(ii) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.~~

~~(iii) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.~~

(c) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

(21) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

(22) "Primary location" means any location that is acquired through the bid process pursuant to the provisions of WAC 67-35-070.

(23) "Nonprimary location" means any location that is bid per WAC 67-35-070 and is awarded for a temporary period of time not to exceed one year from the date of award.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-060 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—NOTICE. When a vending facility becomes available a "notice of available facility" is prepared by the vending facility program staff and sent to all licensees and vendors. The "notice of available facility" will contain sufficient information to enable licensees and vendors to determine if they are interested in applying to become the vendor in the available facility. A closing time and date for accepting applications is specified in the "notice," but in no event shall the closing time be less than ten business days from the date of mailing, unless the department declares an emergency requiring less than ten business days notice. ((Applications may be accepted in writing or by telephone.)) Only written applications will be accepted. Lack of response from a licensee or vendor within the allotted time period will be considered to be a negative response. Applications are ~~((time and))~~ date stamped when they are received.

AMENDATORY SECTION (Amending Order 85-12, filed 8/30/85)

WAC 67-35-070 SELECTING A ~~((LICENSEE OR))~~ VENDOR OR LICENSEE TO OPERATE A PRIMARY LOCATION VENDING FACILITY((= PROCEDURE)). ~~((+))~~ To select a licensee or vendor to operate an available vending facility, a score is computed for each licensee or vendor. The two vendors and two licensees having the two highest scores in each respective category as defined in WAC 67-35-030 will be interviewed by a panel representative of the vendors committee, the BEP director, and the building manager. The vendor or licensee who will operate the available vending facility will be chosen in this interview.

(2) Vendor score determination:

(a) A basic evaluation score will reflect a vendor's level of competency, as measured by the financial activities of the vending facility compared with vending facilities whose operations are similar.

(b) A vendor will receive one additional point for each year of experience in the vending facility program up to five points.

(c) The basic evaluation score for a vendor is determined by using three items reported on the vendor's monthly report: Gross income, cost of goods purchased and other operating expenses, and net proceeds. The cost of goods purchased and other operating expenses, gross income and net proceeds is determined and converted into a percentage of gross income. The percentages in each category are converted to points, as shown in WAC 67-35-080, and the sum of the two separate scores become the basic evaluation score. The basic evaluation score for each of the most current four quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score.

(d) To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into three classifications: Cafeterias, vending machine facilities, and other facilities. Other facilities consist of dry stands, snack bars and lunch counters. Any vending facility which as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification. The vendors committee in conjunction with the director of the business enterprise program will group similar vending facilities.

(e) For each group of vending facilities, the national average percentage is used to calculate each item used in the evaluation. These average percentages will be taken from the previous year's Randolph-Sheppard Vending Facility Program Annual Report, which is provided by the United States Department of Education, Office of Rehabilitation Services Administration. The percentages used in the evaluation are the net proceeds to gross income and the cost of goods purchased and other operating expenses. Each federal fiscal year, the vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned.

(f) Any vendor who has not provided the department with current monthly financial statements will not be eligible to bid on available locations.

(3) Licensee score determination:

(a) Individuals completing department sponsored training. The licensee's score will be the total points correct on the preliminary tests, the final examination, and the Randolph-Sheppard test. The BEP director will assure that the potential number of points remain consistent from quarter to quarter.

(b) Challenge test licensee's basic evaluation score will be the score he/she receives on the challenge test.) When a primary location vending facility becomes available, the business enterprise staff will send a written "notice of availability" to all vendors and all licensees as indicated by WAC 67-35-060.

A licensee or vendor bidding on the available primary location must submit their interest in writing to the department by 5:00 p.m. on the closing date of the bid. Bids received after the closing time and date will not be considered and the bids will be returned to the bidder.

ELIGIBILITY REQUIREMENTS TO BID ON A PRIMARY LOCATION

To be eligible to bid on a primary location the following must apply:

(1) A vendor must have been assigned to and have actively operated their present location for a minimum of twelve months. If there are no eligible bidders on a primary location, bids will be accepted from vendors who are eligible and have less than twelve months at their present location.

(2) Vendors must have provided the department with current monthly financial statements and have shown a cumulative total net profit on their last twelve months financial statements. Vendors who have not operated a vending facility for twelve consecutive months must use their certification test score for bidding purposes.

(3) Former vendors, who operated a vending facility within the last twelve months, and have provided the department with their most current monthly financial statements, must show a cumulative total net profit on their last twelve months financial statement. If they have not been a business enterprise vendor within the last twenty-four months, they will be required to take the certification test and they will use this score for bidding purposes.

(4) Licensees must have completed the agency sponsored training program and have taken the certification test and received a passing score of seventy percent or better.

(5) Vendors, former vendors, and licensees must include a completed job application with their bid indication. Additional information is encouraged but is not a replacement for the application.

(6) Be current in the payment of all federal and state taxes, Social Security taxes, unemployment taxes, and worker's compensation.

(7) Not owe the department of services for the blind for any back rents, missing equipment, or back inventories.

INTERVIEW PANEL COMPOSITION

The interview panel will include one representative of the business enterprise program, one representative of the vendors committee, and one representative of the building management of the available location.

APPLICATION SCREENING PROCESS

The interview panel will receive and review all of the applications of the vendors who responded to the notice of availability plus applications of the licensees with the top two scores on the certification test.

Applicants will be selected based on their education and prior work experience in: Operating a similar food service facility to the one on the notice of availability, operating a different type of food service facility, participation in the business enterprise program all state meetings, and vendor committee meetings, or other program support and career enhancement training programs at colleges or universities.

Each panel member will select five applicants. Those applicants as well as the two licensees will be scheduled

for an interview. The total number of applicants to be interviewed will not exceed seventeen.

THE INTERVIEW PROCESS

During the interview the panel will complete an applicant rating form for each applicant. The panel will rate each applicant on the interview questions and will use those ratings as guidelines for final selection. The panel selects the applicant who will operate the location.

All interviewed applicants will be notified of the results of the interview.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 67-35-080 **VENDOR SCORING—EXPLANATION.**

**WSR 92-10-025
PREPROPOSAL COMMENTS
DEPARTMENT OF HEALTH**

[Filed April 29, 1992, 3:43 p.m.]

Subject of Possible Rule Making: Proposed revision to public water systems project review and approval fees, WAC 246-290-990.

Persons may comment on this subject by submitting written comments to the attention of John Aden, Department of Health, Division of Drinking Water, Industrial Center #3, P.O. Box 47822, Olympia, WA 98504-7822, before June 5, 1992.

Other Information or Comments by Agency at this Time, if any: Majority of fees currently charged have not been changed since 1983.

FEES

WAC 246-290-990 **WATER SYSTEM EVALUATION AND PROJECT REVIEW AND APPROVAL FEES.** (1) The ~~((review and approval))~~ fees for water system evaluations and review and approval of planning, engineering, and construction documents required under chapters ~~((248-54))~~ 246-290 and ~~((248-56))~~ 246-293 WAC shall be as follows:

(a) Water system plans in accordance with WAC 246-290-100 and 246-293-220, and 230.

Project Type	((Class-4)) Group B	((Class-1)) Group A				
		((Class-2 & -3)) ≤100 Services	100 To 500 Services	((100))501 To 999 Services	1000 ((or More))To 9,999 Services	10,000 or More Services
Water system plan (New and Updated)	((No Plan Required)) 225.00	((No Plan Required)) 625.00	1,225.00	((500.00)) 2,025.00	((1,000.00)) 3,025.00	4,225.00
Water system plan ((letter update or coordinated water system plan or water system planning questionnaire) amendment)	((No Fee)) 50.00	((No Fee)) 150.00	300.00	((No Fee)) 500.00	((No Fee)) 750.00	1,050.00

(b) Project ~~((engineering))~~ reports in accordance with WAC 246-290-110.

		((Class-1)) Group A				
Project Type	<u>((Class-4)) Group B</u>	<u>((Class-2 &-3)) < 100 Services</u>	<u>100 To 500 Services</u>	<u>((100) 501 To 999 Services</u>	<u>1,000 ((or More)) To 9,999 Services</u>	<u>10,000 or More Services</u>
All types of filtration or other complex treatment processes	((250.00)) <u>415.00</u>	((500.00)) <u>665.00</u>	<u>965.00</u>	((1,000.00)) <u>1,315.00</u>	((1,500.00)) <u>1,715.00</u>	<u>2,165.00</u>
Chemical addition ((for corrosion control, or Fe and Mn control)) involving ion exchange, hypochlorination or fluoride saturator	((No Report Required)) <u>115.00</u>	((No Report Required)) <u>215.00</u>	<u>315.00</u>	((300.00)) <u>415.00</u>	((500.00)) <u>515.00</u>	<u>615.00</u>
((Disinfection or fluoridation when no other process is involved))	No Report Required	No Report Required		-100.00	200.00	
Complete water system except complex treatment ((which requires a detailed report to show how it will meet standards and regulations and operate properly))	((No Report Required)) <u>315.00</u>	((No Report Required)) <u>415.00</u>	<u>540.00</u>	((400.00)) <u>690.00</u>	((700.00)) <u>865.00</u>	<u>1,065.00</u>
Major system modifications ((such as source, storage, or transmission,)) which change the system enough to require a detailed report to show how it will meet the regulations	((100.00)) <u>215.00</u>	((200.00)) <u>290.00</u>	<u>390.00</u>	((300.00)) <u>515.00</u>	((500.00)) <u>665.00</u>	<u>840.00</u>

(c) ~~((Project Plans and specification))~~ Construction documents in accordance with WAC 246-290-120.

		((Class-1)) Group A				
Project Type	<u>((Class-4)) Group B</u>	<u>((Class-2 &-3)) < 100 Services</u>	<u>100 To 500 Services</u>	<u>((100) 501 To 999 Services</u>	<u>1000 ((or More)) To 9,999 Services</u>	<u>10,000 or More Services</u>
All types of filtration or other complex treatment processes	((250.00)) <u>415.00</u>	((500.00)) <u>665.00</u>	<u>965.00</u>	((1,000.00)) <u>1,315.00</u>	((1,500.00)) <u>1,715.00</u>	<u>2,165.00</u>
Chemical addition ((for corrosion control or Fe and Mn control or disinfection or fluoridation when no other treatment process is involved)) involving ion exchange, hypochlorination or fluoride saturator	((100.00)) <u>190.00</u>	((150.00)) <u>240.00</u>	<u>315.00</u>	((300.00)) <u>415.00</u>	((400.00)) <u>540.00</u>	<u>690.00</u>
((Complete water system which has not and will not be constructed prior to approval))	<u>200.00</u>	<u>400.00</u>		<u>600.00</u>	<u>800.00</u>	
New source ((of supply for an existing water system))	((150.00)) <u>240.00</u>	((200.00)) <u>315.00</u>	<u>415.00</u>	((300.00)) <u>540.00</u>	((400.00)) <u>690.00</u>	<u>865.00</u>
((Standard plans and specifications for)) Water line installation, ((or)) booster pump station, or storage reservoir ((or transmission/distribution water lines))	((100.00)) <u>240.00</u>	((150.00)) <u>315.00</u>	<u>415.00</u>	((200.00)) <u>540.00</u>	((300.00)) <u>690.00</u>	<u>865.00</u>

When construction documents for more than one project type are submitted to the department as a package, the fee will be determined by taking the sum of the projects and then subtracting twenty-five percent. Example: a Group B purveyor submits complete construction documents for installation of a well, a reservoir, a booster pump station and distribution system. The sum of these projects would equal \$960.00 (does not include

well-site inspection which can be done by the county health jurisdiction or the department and involves a separate fee). The fee that would be charged if all documents came in together would be \$720.00.

(d) Other evaluations and approvals.

Project Type	((Class-4)) Group B	((Class-1)) Group A				
		((Class-2 & 3)) < 100 Services	100 To 500 Services	((100)) 501 To 999 Services	1,000 ((or More)) To 9,999 Services	10,000 or More Services
Well-site inspection and approval (including the site inspection and hydrogeologic information review)	((100.00)) 360.00	360.00	360.00	((100.00)) 360.00	((100.00)) 360.00	360.00
Comprehensive system evaluation requested by purveyor for purpose of reducing routine coliform monitoring to less than 5/month	400.00	400.00	400.00	400.00	400.00	Not applicable
Coliform monitoring plan	No Plan Required	100.00	120.00	150.00	190.00	240.00
Satellite management agency application (owns and operates)	Not applicable	625.00	1,225.00	2,025.00	3,025.00	4,225.00
Satellite management agency application (operates only)	Not applicable	150.00	300.00	500.00	750.00	1,050.00
Unfiltered surface water evaluation	350.00	400.00	475.00	575.00	700.00	850.00
Water system compliance report	((75.00)) 85.00	((75.00)) 85.00	85.00	((75.00)) 85.00	((75.00)) 85.00	85.00

(e) Existing system approval in accordance with WAC 246-290-140.

Project Type	Group B	Group A				
		< 100 Services	100 To 500 Services	501 To 999 Services	1000 To 9,999 Services	10,000 or More Services
NONEXPANDING system built before November 10, 1989 -- As-built approval	1,275.00	1,675.00	2,200.00	2,850.00	3,625.00	4,525.00
EXPANDING system built before November 10, 1989 -- As-built approval	1,635.00	2,075.00	2,660.00	3,390.00	4,265.00	5,285.00
NONEXPANDING system built after November 9, 1989 -- As-built approval	1,635.00	2,075.00	2,660.00	3,390.00	4,265.00	5,285.00
EXPANDING system built after November 9, 1989 -- As-built approval	2,135.00	2,575.00	3,160.00	3,890.00	4,765.00	5,785.00

(2) To determine the appropriate fee for a noncommunity system, calculate the average daily population and divide by 25 to derive a service equivalent. Use the number of service equivalents to find out what size category to look under and submit the appropriate fee.

(3) Additional review and approval fees may be assessed as follows:
 ((a)) The basic fee covers services through the second review letter. If additional services or submittals are required for an approval to be made, an additional twenty-five percent of the original fee will be assessed for each subsequent service or review.

((b) Fees for approval of as-built plans and specifications for water system projects which were constructed without written approval, shall be twice the amount shown in subsection (1)(c) of this section.)

(4) All fees required under this section shall be submitted with the appropriate documents or evaluation requests to the department prior to the department's review and approval. Failure to submit the required fee will result in return of the submittal packet or evaluation request. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health.

(5) If unable to determine the appropriate fee payment to submit with your documents or evaluation requests contact the department prior to submittal.

(6) Waiver of fees. Fees shall not be charged for the following projects:

- (a) Installation of valves, fittings and meters;
- (b) Installation of hydrants in accordance with WAC 246-290-230(3);
- (c) Repair of a system component or replacement with a similar component;
- (d) Maintenance or painting of surfaces not contacting potable water;
- (e) Distribution mains if the approved water system plan documents standard construction specifications approved by the department; and
- (f) Interties to new or existing public water systems, as long as:
- (i) The system seeking approval for the intertie is capable of providing adequate service and is in substantial compliance with WAC 246-290, 246-292 and 246-293 where applicable as determined by the department; and

(ii) The proposed intertie will alleviate the need to drill a separate well for a new system or will improve the water quality and/or reliability of an existing public water system.

April 24, 1992
Kristine Gebbie
Secretary

WSR 92-10-026
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed April 29, 1992, 3:47 p.m.]

We are withdrawing the following sections from the housekeeping rule revisions, WSR 92-07-098, due to substantive changes which are being proposed.

The sections are WAC 246-879-020, 246-879-030, 246-879-040, 246-879-070, and 246-879-080.

Donald H. Williams
Executive Director

WSR 92-10-027
PERMANENT RULES
DEPARTMENT OF HEALTH
[Order 268B—Filed April 29, 1992, 3:52 p.m.]

Date of Adoption: March 11, 1992.

Purpose: To establish procedures to protect the public health and safety by regulating the occupancy and use of the property where the manufacture of illegal drugs, or the storage of hazardous chemicals associated with the manufacture of illegal drugs occurred.

Citation of Existing Rules Affected by this Order: Amending WAC 246-205-001 and 246-205-010.

Statutory Authority for Adoption: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW.

Pursuant to notice filed as WSR 92-04-071 on February 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: The term "decontaminated" was substituted for the term "fit for use" in WAC 246-205-580.

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

April 27, 1992
Sylvia Beck
Executive Director
Board of Health

Chapter 246-205 WAC
~~((CONTRACTOR CERTIFICATION FOR))~~ DE-
CONTAMINATION OF ILLEGAL DRUG MANU-
FACTURING OR STORAGE SITES

AMENDATORY SECTION (Amending Order 125SB, filed 1/24/91, effective 4/1/91)

WAC 246-205-001 PURPOSE AND AUTHORITY. ~~((1) The purpose of this chapter is to establish department standards and procedures for the certification of contractors and their employees authorized to perform decontamination of illegal drug manufacturing or~~

~~storage sites. This chapter is adopted jointly by the state board of health and the department of health to implement RCW 64.44.060.~~

~~(2) Chapter 246-205 WAC applies:~~

~~(a) When an illegal drug manufacturing or storage site is identified; and~~

~~(b) To persons involved with the decontamination of illegal drug manufacturing or storage sites including, but not limited to:~~

~~(i) The department;~~

~~(ii) Local health officers;~~

~~(iii) Authorized contractors and their employees;~~

~~(iv) Property owners;~~

~~(v) Law enforcement agencies;))~~ (1) This chapter is

adopted to protect the public's health, safety, and welfare by establishing standards, procedures, and responsibilities for:

(a) The certification of contractors and their employees authorized to perform decontamination of illegal drug manufacturing or storage sites; and

(b) Regulating the occupancy and use of property where hazardous chemicals or chemical residues commonly associated with the manufacture of illegal drugs are or may be present.

(2) The statutory authority for the adoption of this chapter is chapter 64.44 RCW.

(a) Contractor certification rules are jointly adopted by the state board of health and the department of health; and

(b) Rules in this chapter pertaining to local health officers' responsibilities are adopted by the state board of health.

(3) This chapter does not apply to industrial sites where a person's manufacturing process uses a hazardous chemical when licensed or regulated by state or federal agencies.

AMENDATORY SECTION (Amending Order 223SB, filed 12/23/91, effective 1/23/92)

WAC 246-205-010 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the following meanings unless the content clearly indicates otherwise.

(1) "Authorized contractor" means any person or persons:

(a) Registered under chapter 18.27 RCW; and

(b) Certified by the department to decontaminate, demolish, or dispose of contaminated property as required by chapter 64.44 RCW and this chapter.

(2) "Basic course" means a training course which has been sponsored or approved by the department for workers and supervisors who perform or supervise decontamination on illegal drug manufacturing or storage sites.

(3) "Certificate" means a department issued written approval under this chapter.

(4) "Certified" means a person who has department issued written approval under this chapter.

(5) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or

long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(6) "Decontamination" means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

(7) "Department" means the Washington state department of health.

(8) "Disposal of contaminated property" means the disposition of contaminated property under the provisions of chapter 70.105 RCW.

(9) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs:

(a) Hazardous substances as defined in RCW 70.105D.020; and

(b) Precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(10) "Illegal drug manufacturing or storage site" means any property where ~~((the))~~ a person illegally manufactures or ~~((storage of))~~ stores a controlled substance ~~((s occurred or there are reasonable grounds to believe it occurred in violation of chapter 69.43 or 69.50 RCW))~~ or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance.

(11) "Initial site assessment" means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

(12) "List of contaminated properties" means a list of properties contaminated by illegal drug manufacturing or the storage of hazardous chemicals.

(13) "Local department" means the jurisdictional local health department or district.

(14) "Local health officer" means a health officer or authorized representative as defined under chapters 70.05, 70.08, and 70.46 RCW.

(15) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

(16) "Posting" means attaching a written or printed announcement conspicuously on property which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

(17) "Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug ~~((s))~~ or storage of a hazardous chemical ~~((s))~~ including but not limited to:

- (a) Single-family residences;
- (b) Units or multiplexes;
- (c) Condominiums;
- (d) Apartment buildings;
- (e) Motels and hotels;
- (f) Boats;
- (g) Motor vehicles;
- (h) Trailers;
- (i) Manufactured housing;
- (j) Any ship, booth, or garden; or

(k) Any site, lot, parcel of land, structure, or part of a structure that may ~~((have been))~~ be contaminated by previous use.

~~((+7))~~ (18) "Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

(19) "Refresher course" means a department sponsored or approved biennial training course for decontamination workers and supervisors. An approved refresher course:

(a) Reviews the subjects taught in the initial training course; and

(b) Includes updated information on emerging decontamination technology.

~~((+8))~~ (20) "Storage site" means any property ~~((that has been))~~ used for the storage of illegally manufactured controlled substances or hazardous chemicals.

~~((+9))~~ (21) "Subcontractor" means a person hired by an authorized contractor for the purpose of providing on-site services.

~~((+0))~~ (22) "Supervisor" means a person employed by an authorized contractor who is on site during the decontamination of an illegal drug manufacturing or storage site and who is responsible for the activities performed.

~~((+1))~~ (23) "Worker" means a person employed by an authorized contractor who performs decontamination of an illegal drug manufacturing or storage site.

DECONTAMINATION CONTRACTOR CERTIFICATION

LOCAL HEALTH OFFICER RESPONSIBILITIES

NEW SECTION

WAC 246-205-520 POSTING OF PROPERTY.

(1) Within one working day of notification by a law enforcement agency or property owner that a property may be contaminated by hazardous chemicals, the local health officer shall notify the public of the potential contamination by causing a posting of a notice on the premises.

(2) The local health officer's initial notice shall:

(a) Warn the public that entry to the property may be unsafe; and

(b) Not declare the property unfit for use unless in the local health officer's opinion an immediate public health threat exists.

(3) If, in the local health officer's opinion, an immediate public health threat exists, the local health officer shall cause a posting of an order prohibiting use of all or portions of the property as required under WAC 246-205-560.

(4) The local health officer shall cause the posting, but, based on applicable local regulations or agreements, actual physical attachment of the written notice to the property may be effected by the:

- (a) Health officer;
- (b) Law enforcement personnel;
- (c) Fire department personnel; or

(d) Other local health officer designee.

NEW SECTION

WAC 246-205-530 ENVIRONMENTAL ASSESSMENT. (1) Within fourteen days after a law enforcement agency or property owner notifies the local health officer of potential property contamination, the local health officer shall cause an inspection of the property to commence. To enable the local health officer to determine contamination, the property inspection shall include an acquisition of data such as evidence of hazardous chemical use or storage on site, the presence of chemical stains, or the presence of glassware or other paraphernalia associated with the manufacture of illegal drugs.

(2) As part of the property's inspection, the local health officer shall request copies of any law enforcement reports, forensic chemist reports, and any department of ecology hazardous material transportation manifests needed to evaluate:

(a) The length of time a person used the property as an illegal drug manufacturing or storage site;

(b) The size of the site actually used for the manufacture or storage of illegal drugs;

(c) What chemical process was involved in the manufacture of illegal drugs;

(d) What chemicals were removed from the scene; and

(e) The location of the illegal drug manufacturing or storage site in relation to the habitable areas of the property.

(3) The local health officer may coordinate the property's inspection with other appropriate agencies. At the request of the local health officer, the Washington state department of ecology may conduct an environmental assessment and may sample the property's ground water, surface water, septic tank water, soil, and other media as necessary to enable the local health officer to evaluate the long-term public health threats.

(4) If the local health officer determines law enforcement and ecology documents do not provide enough data to determine whether the property is contaminated, the local health officer may conduct a site visit or use other methods of obtaining information, to include a review of the analytical results obtained through sampling of the property by an authorized contractor or by the local health officer.

NEW SECTION

WAC 246-205-540 EVALUATION. (1) In making a determination of contamination, the local health officer shall follow guidelines developed by the Washington state department of health or other more stringent guidelines as deemed appropriate. If the local health officer determines that a contaminant is present for which no guidelines exist, and further finds that the contaminant presents a potential immediate or long term health hazard, then the local health officer shall find that the property is unfit for use.

(2) If designated unfit for use, the local health officer shall cause a posting of an order prohibiting use of all or

portions of the property as required under WAC 246-205-560.

(3) If the local health officer determines the property is not contaminated and is fit for use, the local health officer shall document the findings for future use. The local health officer's documentation shall include:

(a) Findings;

(b) Conclusions;

(c) Name of the property owner;

(d) Mailing and street address of the property owner;

(e) Parcel identification number and legal description of the property; and

(f) Clear directions for locating the property.

NEW SECTION

WAC 246-205-550 REPORTING. (1) When property is determined unfit for use, the local health officer shall report the contaminated property to the state department of health within one working day by:

(a) Telephone; and

(b) In writing within ten working days.

(2) The local health officer's written unfit for use report to the state department of health shall include:

(a) Description of the findings;

(b) Conclusions;

(c) Name of the property owner;

(d) Mailing and street address of the property owner;

(e) Parcel identification number and legal description of the property to including township and section;

(f) Tax account number;

(g) Date property designated unfit for use; and

(h) Clear directions for locating the property.

NEW SECTION

WAC 246-205-560 NOTIFICATION. (1) Within one working day after the local health officer's determination that a property is contaminated, the local health officer or the local health officer's designee shall post in a conspicuous place on the property an order prohibiting use of all or portions of the property.

(2) Within ten working days after the local health officer's determination that a property is contaminated, the local health officer shall cause to be served, either personally or by certified mail, return receipt requested, an order prohibiting use to all known:

(a) Occupants; and

(b) Persons having an interest in the property as shown upon the records of the auditor's office of the county in which the property is located.

(3) If the whereabouts of persons described under subsection (2) of this section is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made by:

(a) Personal service; or

(b) Mailing a copy of the order by certified mail, postage prepaid, return receipt requested:

(i) To each person at the address appearing on the last equalized tax assessment roll of the county where the property is located; or

(ii) At the address known to the county assessor.
 (4) The local health officer shall also mail a copy of the order addressed to each person or party having a recorded right, title, estate, lien, or interest in the property.

(5) The local health officer's order shall:

(a) Describe the local health officer's intended course of action;

(b) Describe a property owner's penalties for noncompliance with this order;

(c) Prohibit a property owner's use of all or portions of the property;

(d) Describe what measures a property owner must take to have the property decontaminated; and

(e) Indicate the potential health risks involved.

(6) The local health officer shall:

(a) File a copy of the order prohibiting use of the property with the county auditor; and

(b) Provide a copy of such order to the local building permit department.

(7) The local health officer's order shall advise that:

(a) A hearing before the local health officer or local health board shall be held upon the request of a person notified of the order as required under this chapter; and

(b) The person's request for a hearing shall be made within ten days of the local health officer's serving of the order; and

(c) The hearing shall then be held within not less than twenty days or more than thirty days after the serving of the order; and

(d) In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use.

NEW SECTION

WAC 246-205-570 CONTAMINATION REDUCTION. (1) An owner of contaminated property who desires to reduce the contamination shall use the services of an authorized contractor.

(2) The local health officer shall provide the property owner with a list of authorized contractors upon request.

(3) Before commencing contamination reduction, the property owner shall have a written work plan to reduce contamination of the property prepared by the contractor and approved by the local health officer. The work plan shall outline the contamination reduction and waste disposal procedures the contractor intends to use.

(4) The property owner and the contractor shall follow the state department of health contamination reduction guidelines or other more stringent procedures as deemed appropriate by the local health officer.

(5) The property owner shall be:

(a) Financially responsible for any property testing which may be required to demonstrate the presence or absence of hazardous chemicals;

(b) Financially responsible for the property's contamination reduction and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter;

(c) Responsible for keeping records documenting contamination reduction procedures and submitting notarized copies of all records to the local health officer; and

(d) Responsible for petitioning the local health officer to review the contamination reduction records and to declare the property fit for use.

NEW SECTION

WAC 246-205-580 RECORDING OF DECONTAMINATION. (1) Within ten working days of a request for review of contamination reduction records, the local health officer:

(a) Shall review the documentation to verify reduction of contamination to acceptable levels for reoccupancy as stated in state department of health guidelines or other more stringent requirements as deemed appropriate by the local health officer;

(b) May visit the property site to assess the thoroughness of the contractor's clean-up;

(c) May require the property owner to provide more extensive testing and assessment of the property site by an independent laboratory or firm qualified to perform such testing and assessment.

(2) If, after review of the information in subsection (1) of this section, the local health officer determines the property has been decontaminated, the local health officer shall within ten working days:

(a) Record a notice in the real property records of the county auditor where the property is located indicating that to the best of his or her knowledge, the basis upon which the property was originally declared unfit for use has been addressed by decontamination in accordance with board of health and department of health rules and guidelines.

(b) Send a copy of the notice to the property owner.

(c) Send a copy of the notice to the state department of health.

(d) Send a copy of the notice to the local building permit department.

WSR 92-10-028
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 30, 1992, 9:22 a.m.]

Original Notice.

Title of Rule: WAC 388-49-310 Citizenship and alien status.

Purpose: This amendment allows food stamp program participation for any alien who is not aged, blind, or disabled admitted under Section 245A of the Immigration and Nationality Act when permanent status has been gained; and a five-year period has expired.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The provision allows food stamp program participation of an alien admitted under Section 245A of the Immigration and Nationality Act (INA) only if the alien is subsequently granted permanent resident status.

Reasons Supporting Proposal: This amendment brings Section 310 into compliance with CFR 273.4 (a)(9) and

avoids federal financial sanctions for cases found out of compliance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Arnaud, Division of Income Assistance, 438-8322.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, CFR 273.4 (a)(9).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on June 9, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by June 9, 1992.

Date of Intended Adoption: June 23, 1992.

April 30, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3177, filed 5/7/91, effective 6/1/91)

WAC 388-49-310 CITIZENSHIP AND ALIEN STATUS. (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants failing to meet the requirements of subsection (1) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

- (a) A United States citizen; or
- (b) An alien lawfully admitted for permanent residence; or
- (c) An alien who:

(i) Entered the United States before January 1, 1972, or some later date as required by law; and

(ii) Has continuously maintained residency in the United States since then; and

(iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act.

(d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or

(e) An alien qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or

(f) An alien granted asylum through an exercise of discretion by the attorney general under section 208 of the Immigration and Nationality Act; or

(g) An alien lawfully present in the United States as a result of:

(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212 (d)(5) of the Immigration and Nationality Act; or

(ii) A grant of parole by the attorney general.

(h) An alien living within the United States for whom the attorney general withheld deportation, under section 243 of the Immigration and Nationality Act, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or

(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or

(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or

(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:

- (i) (~~Temporary or~~) Permanent status has been gained; and
- (ii) A five-year period has expired.

(4) The household shall provide verification when:

(a) Citizenship is questionable; or

(b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

(A) Withdrawing the application; or

(B) Participating without the alien member.

(5) An applicant shall be ineligible until:

(a) Questionable citizenship is verified; or

(b) Lawful alien status is verified.

(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

(a) The applicant cannot produce acceptable citizenship verification; and

(b) The household can reasonably explain why the verification is not available.

(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(8) Lawfully admitted aliens who are ineligible include:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats; and

(d) Students with temporary status.

WSR 92-10-029

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3377—Filed April 30, 1992, 9:24 a.m., effective May 1, 1992]

Date of Adoption: April 30, 1992.

Purpose: This amendment allows food stamp program participation for any alien who is not aged, blind, or disabled admitted under Section 245A of the Immigration and Nationality Act when permanent status has been gained; and a five-year period has expired.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-310 Citizenship and alien status.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment brings Section 310 into compliance with CFR 273.4 (a)(9) and avoids federal financial sanctions for cases found out of compliance.

Effective Date of Rule: May 1, 1992.

April 30, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 3177, filed 5/7/91, effective 6/1/91)

WAC 388-49-310 CITIZENSHIP AND ALIEN STATUS. (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants failing to meet the requirements of subsection (1) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

- (a) A United States citizen; or
- (b) An alien lawfully admitted for permanent residence; or
- (c) An alien who:
 - (i) Entered the United States before January 1, 1972, or some later date as required by law; and
 - (ii) Has continuously maintained residency in the United States since then; and
 - (iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act.

(d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or

(e) An alien qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or

(f) An alien granted asylum through an exercise of discretion by the attorney general under section 208 of the Immigration and Nationality Act; or

(g) An alien lawfully present in the United States as a result of:

(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212 (d)(5) of the Immigration and Nationality Act; or

(ii) A grant of parole by the attorney general.

(h) An alien living within the United States for whom the attorney general withheld deportation, under section 243 of the Immigration and Nationality Act, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or

(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or

(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or

(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:

(i) (~~Temporary or~~) Permanent status has been gained; and

(ii) A five-year period has expired.

(4) The household shall provide verification when:

(a) Citizenship is questionable; or

(b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

(A) Withdrawing the application; or

(B) Participating without the alien member.

(5) An applicant shall be ineligible until:

(a) Questionable citizenship is verified; or

(b) Lawful alien status is verified.

(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

(a) The applicant cannot produce acceptable citizenship verification; and

(b) The household can reasonably explain why the verification is not available.

(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(8) Lawfully admitted aliens who are ineligible include:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats; and

(d) Students with temporary status.

WSR 92-10-030

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 30, 1992, 2:47 p.m.]

Date of Adoption: April 24, 1992.

Purpose: To adopt any examination prepared by the Council of Landscape Architectural Registration Boards (CLARB); to clarify the procedure for reviewing failed examinations; and to repeal two sections that are no longer relevant to the examination process.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-13-041 and 308-13-042; and amending WAC 308-13-032 and 308-13-040.

Statutory Authority for Adoption: RCW 18.96.060.

Pursuant to notice filed as WSR 92-05-013 on February 7, 1992.

Changes Other than Editing from Proposed to Adopted Version: To implement the contract agreement with the Council of Landscape Architectural Registration Boards and clarify the registration examination and appeal process.

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

April 24, 1992
Keith Hellstrom
Board Chairman

AMENDATORY SECTION (Amending Order PM 726, filed 5/24/88)

WAC 308-13-032 LICENSING EXAMINATION. The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090, the board adopts the ~~((Uniform National Examination, "UNE,"))~~ landscape architectural registration examination and grading procedure prepared by the Council of Landscape Architectural Registration Boards (CLARB) as its examination((;)) to test the applicant's qualifications and minimum competency for registration.

The board shall periodically, and in no event not less than once every year, review the passing grade score established by CLARB to ensure that such score conforms with the provisions of RCW 18.96.090. The board may convert raw scores received from CLARB to conform to the passing grade percentage established in RCW 18.96.090.

(1) Procedure for admittance to the ~~(("UNE"))~~ examination:

(a) Upon completion of the qualifications for admittance to the ~~(("UNE"))~~ examination under WAC 308-13-020, submit the completed application provided by the board, including fees. The complete application, including fees, must be postmarked by March 15th or earlier to be considered for the next scheduled examination.

(b) No application fee will be refunded because of withdrawal from the examination.

(c) Examination fees are refundable when notice of withdrawal is given prior to ~~((the examination application deadline, March))~~ May 15th.

(d) A completed application includes:

(i) ~~((Green))~~ Notarized application form LA 656-3 ~~((with notarization));~~

(ii) Three landscape architect references;

(iii) ~~((Two references from related design professionals;~~

~~((iv)))~~ Transcript of academic experience showing courses taken and degree awarded with registrar's seal;

~~((iv)))~~ (iv) Verification of work experience;

~~((vi)))~~ (v) Application and examination fees.

(e) Notice of acceptance, along with preexamination information, will be mailed to accepted applicants approximately six weeks in advance of the examination, accompanied by specific details regarding the time and place of the examination. The written examination~~((, the "UNE,"))~~ is administered ~~((over a two-day period in June each year. The examinees are tested on their ability to exercise value judgments in actual landscape architecture situations))~~ according to the published national schedule.

(2) Examination scoring:

(a) The written parts of the examination are machine scored. The graphic parts of the examination are manually graded ~~((in a manner prescribed by the landscape~~

~~architect board members))~~ at the national grading session.

(b) To pass the examination, an applicant must achieve a passing score of seventy-five percent on each of the ~~((six))~~ sections of the examination.

(c) Applicants are notified of their grades by mail. No grades are given by telephone.

(d) Reexamination information ~~((is given on the examination grade sheet. NO OTHER NOTICE MAY BE GIVEN. See WAC 308-13-025 for reexamination information))~~ shall be provided to candidates.

AMENDATORY SECTION (Amending Order PM 607, filed 7/25/86)

WAC 308-13-040 REVIEW OF EXAMINATIONS. ~~((+))~~ Candidates who fail to pass design problems of the ~~((Uniform National))~~ landscape architect registration examination may review the failed portions of the examination ~~((subject to the conditions set forth in subsection (2) of this rule)).~~ Sections of the examination which have been passed and objective portions of the examination may not be reviewed by the candidate. ~~((2) All examination reviews must be scheduled within thirty days from the date of the examination scores. All examinations must be reviewed at the offices of the board of registration for landscape architects, between the hours of 8:00 a.m. and 5:00 p.m. during normal working days. All candidates reviewing the Uniform National Examination shall be given a maximum of four hours to review said examination.))~~ (No examinations may be taken from the offices of the board.) ~~((Only the candidate may review the failed portion of his or her examination, and only one review per candidate shall be scheduled.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-13-041 APPEAL OF EXAMINATION SCORE.

WAC 308-13-042 BOARD PROCEDURE ON EXAMINATION GRADING APPEALS.

WSR 92-10-031

PROPOSED RULES

DAIRY PRODUCTS COMMISSION

[Filed April 30, 1992, 3:24 p.m.]

Original Notice.

Title of Rule: WAC 142-12-026 Assessment rate increase on Class I and Class II milk.

Purpose: Increase assessment from three-fourths of one cent per hundredweight to one cent per hundredweight.

Statutory Authority for Adoption: RCW 15.44.085.

Statute Being Implemented: Chapter 15.44 RCW.

Summary: The purpose of these rules is to increase the assessment paid by dealers and producers who also

act as dealers to fund educational programs in institutions of learning.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephen Matzen, 1107 N.E. 45th Street, Room 205, Seattle, WA, (206) 545-6763.

Name of Proponent: Dairy Products Commission and Washington State Dairy Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Adoption subject to approval by dealers and producers who act as dealers by referendum as provided for in RCW 15.44.085.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Increase funds for institutions of educational learning activities as provided for in RCW 15.44.085.

Proposal Changes the Following Existing Rules: Increases assessments.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Hyatt Regency Bellevue, 900 Bellevue Place N.E., Bellevue, WA 98004, on June 19, 1992, at 10:00 a.m.

Submit Written Comments to: Washington Dairy Products Commission, 1107 N.E. 45th Street, Room 205, Seattle, WA 98105, by June 17, 1992.

Date of Intended Adoption: July 15, 1992.

April 29, 1992
Stephen Matzen
Secretary-Treasurer
General Manager

AMENDATORY SECTION (Amending Order 78-1, filed 10/16/78, effective 1/1/79)

WAC 142-12-026 ASSESSMENT RATE ON CLASS I AND CLASS II MILK. The assessment as set forth in RCW 15.44.085 which is levied on every hundredweight of Class I or Class II milk sold by a dealer, including any milk sold by a producer who acts as a dealer, is hereby increased from ~~((five-eighths))~~ three-fourths of one cent per hundredweight to ~~((three-fourths of))~~ one cent per hundredweight.

WSR 92-10-032

PROPOSED RULES

DAIRY PRODUCTS COMMISSION

[Filed April 30, 1992, 3:26 p.m.]

Original Notice.

Title of Rule: Chapter 142-40 WAC, Promotional hosting.

Purpose: Regulating promotional hosting by the Dairy Products Commission.

Statutory Authority for Adoption: RCW 15.04.200.

Statute Being Implemented: RCW 15.04.200.

Summary: The purpose of these rules is to set forth the parameters governing promotional hosting expenditures for the Washington Dairy Products Commission.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephen Matzen,

1107 N.E. 45th Street, Room 205, Seattle, WA, (206) 545-6763.

Name of Proponent: Dairy Products Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Promotional hosting as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of milk and other dairy products.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Hyatt Regency Bellevue, 900 Bellevue Place N.E., Bellevue, WA 98004, on June 19, 1992, at 10:00 a.m.

Submit Written Comments to: Washington Dairy Products Commission, 1107 N.E. 45th Street, Room 205, Seattle, WA 98105, by June 17, 1992.

Date of Intended Adoption: June 19, 1992.

April 29, 1992
Stephen Matzen
Secretary-Treasurer
General Manager

Chapter 142-40 WAC PROMOTIONAL HOSTING

NEW SECTION

WAC 142-40-010 PURPOSE. Section 1, chapter 26, Laws of 1985 (RCW 15.04.200) enacted under the authority of Article VIII of the Washington state Constitution as amended, authorized the expenditure of agricultural commodity commission assessments for agricultural development or trade promotion and promotional hosting and provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners.

The purpose of these rules is to set forth the parameters governing promotional hosting expenditures for the Washington dairy products commission.

NEW SECTION

WAC 142-40-020 DEFINITIONS. "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of milk and other dairy products.

"Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment and normal incidental expenses at meetings or gatherings.

NEW SECTION

WAC 142-40-030 IMPLEMENTATION. The implementation of the rules governing promotional hosting expenditures for the Washington dairy products commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at regular meetings held to review such matters.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

- (a) Commissioners;
- (b) Administrators;
- (c) Executive management staff.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) Location of the hosting;

(e) To whom payment was or will be made;

(f) Signature of person seeking payment or reimbursement.

(4) The chairperson of the commission and/or the manager are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of milk and other dairy products, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business;

(b) Foreign government officials;

(c) Federal and state officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate trade relations and promote sales of milk and other dairy products.

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse will serve to cultivate trade relations or promote the sale of milk or other dairy products.

WSR 92-10-033

EMERGENCY RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Order 135, Resolution No. 92-04-16—Filed April 30, 1992, 3:53 p.m., effective July 1, 1992]

Date of Adoption: April 23, 1992.

Purpose: To adjust tuition and fee charges for certain kinds of fee waiver programs pursuant to 1992 legislation.

Citation of Existing Rules Affected by this Order: Amending WAC 131-28-025 and 131-28-026.

Statutory Authority for Adoption: RCW 28B.15.502 and chapters 231, 232 and 238, Laws of 1992.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Although new tuition waiver provisions established by the 1992 legislature won't take effect until July 1, 1992, colleges need to know now the new tuition rates to publish in the catalogs and other information materials they provide to new and enrolled

students. Students need to have maximum time to plan for the increased costs of tuition.

Effective Date of Rule: July 1, 1992.

April 30, 1992
Robert G. Wark
Rules Coordinator

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional fee for each credit in excess of eighteen at the rate of one-tenth of the tuition charged to full-time students consistent with chapter 28B.15 RCW(~~(, except that no such)~~). The additional ((charges shall be)) fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program ((as defined in WAC 131-28-024)) shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such community service courses.

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending Order 133, Resolution No. 91-49, filed 10/4/91, effective 11/4/91)

WAC 131-28-026 **TUITION CHARGES FOR CERTAIN UNGRADED COURSES.** (1) ~~((When in the judgment of a district board of trustees certain courses should be designated as))~~ The state board shall designate ungraded courses ((and)) offered ((by)) at tuition rates that differ from the standard rates set by WAC 131-28-025((, the board of trustees may propose such designations and tuition levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition charges when essentially similar services are provided)).

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:

COURSE	TUITION		
	BUILDING FEE	OPERATING FEE	(SERVICES AND ACTIVITIES FEE)
(a) Courses offered for the purpose of satisfying related or supplemental	(\$1.40 per credit) <u>Thirty percent; provided the director shall</u>	\$3.60 per credit)	No charge

COURSE	TUITION		
	BUILDING FEE	OPERATING FEE	(SERVICES AND ACTIVITIES FEE)
educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	convert the credit hour change to a rounded amount per clock hour and districts shall charge accordingly		
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	(Standard rate)	Standard rate	No charge) <u>One hundred percent</u>
(c) Parent education involving cooperative preschool program	(The combined standard district charge per credit hour for tuition and operating fees less the preschool cooperative fee, with any remainder divided equally between tuition and operating fee))		No charge <u>Fifteen percent</u>
(d) Farm management and small business management	(\$1.85 per credit)	\$9.15 per credit)	No charge <u>Forty percent</u>
(e) Adult basic education, English as a second language(and GED preparation)) courses ((supported by federal funds))	No charge		((No charge) No charge))
(f) Emergency medical technician and paramedic continuing education	(\$1.40 per credit)	\$3.60 per credit)	No charge <u>Thirty percent</u>
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	((20% of the standard building fee rounded to the nearest dollar)	20% of the standard operating fee rounded to the nearest dollar))	No charge <u>Thirty percent</u>
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with local joint apprenticeship and training committees	(Standard rate)	Standard rate	No charge) <u>One hundred percent</u>
(i) GED preparation			<u>Fifteen percent</u>

(5) Students taking from eleven to eighteen credits shall not be charged for those credits.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

~~((6) Tuition and services and activities fees)~~ (7) Ungraded course tuition received pursuant to this section shall be accounted for and deposited in ((conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively)) the community college operating fee account established in RCW 28B.15.— (section 36, chapter 231, Laws of 1992).

~~((7))~~ (8) The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.

(9) Tuition may be paid by the sponsoring entity rather than an individual student.

NEW SECTION

WAC 131-28-028 TUITION CHARGES FOR CERTAIN WAIVER CATEGORIES. (1) Community college districts should charge tuition to students in the following waiver categories in accordance with this schedule. Tuition charges shall be rounded to the nearest dollar.

Waiver Category	Percent of standard tuition to be charged
(a) High school completion as authorized by RCW 28B.15.520	Fifteen percent
(b) Vocational credits in excess of eighteen as authorized by RCW 28B.15.100	Fifteen percent

Revenues generated under this subsection shall be divided proportionately between the building fee and the operating fee and deposited in accordance with the provisions of chapter 28B.15 RCW.

(2) Community college districts should charge students in the following waiver categories a twenty-five percent surcharge of the resident operating fee rate. Tuition charges shall be rounded to the nearest dollar:

(a) Active duty military personnel, their spouses and children as authorized by RCW 28B.15.014.

(b) Refugees, their spouses, and children as authorized by RCW 28B.15.014.

(c) Students enrolled under reciprocity programs with British Columbia, Idaho, and Oregon under RCW 28B.15.100, 28B.15.730, 28B.15.750, or 28B.15.756.

Revenues generated under this subsection are operating fees.

**WSR 92-10-034
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed April 30, 1992, 4:50 p.m.]

Original Notice.

Title of Rule: WAC 388-24-074 Aid to families with dependent children—employable—Deprivation due to unemployment of a parent.

Purpose: Clarifies that the qualifying parent in AFDC-E assistance unit shall participate, as required, in the JOBS program; or, if exempt due to remoteness and not participating in JOBS, shall be registered with a public employment agency in the state. This is in compliance with federal regulations at 45 CFR 233.100 (a)(5)(i) and 45 CFR 224.20 (b)(6).

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Adds a requirement that if the qualifying parent in an AFDC-E assistance unit is exempt from participation in JOBS due to remoteness, the qualifying parent shall be registered with a public employment agency in the state.

Reasons Supporting Proposal: Amends the Washington Administrative Code in order to comply with federal regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Culhane, Division of Income Assistance, 438-8310.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 45 CFR 233.100 (a)(5)(i) and 45 CFR 224.20 (b)(6).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on June 9, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by June 9, 1992.

Date of Intended Adoption: June 23, 1992.

April 30, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending WSR 92-08-041, filed 3/24/92, effective 4/24/92)

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN—EMPLOYABLE—DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. (1) The department shall consider a child deprived of parental care and support due to the unemployment of a parent when the child lives with two parents, one of which meets all the requirements in this section.

(2) The department shall designate the qualifying parent as that parent earning the greater amount of income in the twenty-four-calendar-month period immediately preceding the month the application for assistance is filed. The department shall:

(a) Designate the qualifying parent using the best evidence available;

(b) Consider the earnings of both parents regardless of when the relationship began;

(c) Continue the designation for each consecutive month the family remains on assistance based on the current application; and

(d) Designate the qualifying parent if both parents earned an identical amount of income.

(3) The department shall consider the qualifying parent unemployed when the qualifying parent:

(a) Is employed less than one hundred hours a month;

(b) Exceeds this standard for a particular month if the excess is of a temporary nature evidenced by being under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month; or

(c) Participates in institutional and work experience training under the JOBS program and is not otherwise employed over one hundred hours.

(4) The qualifying parent shall be unemployed as defined in subsection (3) of this section for thirty days or more before the date AFDC-E is authorized except when:

(a) AFDC-E is terminated due to employment of the qualifying parent;

(b) The full-time employment ends within thirty days of termination; and

(c) The qualifying parent reapplies and is found otherwise eligible for AFDC-E.

(5) During the same thirty-day period, or ((subsequently)) subsequent period, the qualifying parent shall not have:

(a) Refused a bona fide offer of employment;

(b) Refused training for employment;

(c) Voluntarily left a job without good cause; or

(d) If eligible, refused to apply for or accept unemployment compensation.

(6) The qualifying parent shall participate, as required in the JOBS program, or, if exempt due to remoteness, and not participating in JOBS, shall be registered with a public employment agency in the state.

(7) The qualifying parent shall have one of the following:

(a) Six or more quarters of work within any thirteen calendar quarter period ending within one year before the application for assistance.

(i) A "quarter of work" means a calendar quarter in which the parent earned or received earned income of fifty dollars or more, or participated in the OPPORTUNITIES program; FIP-related education, training ((or)), employment services; or JOBS program.

(ii) A "calendar quarter" means three consecutive months ending March 31st, June 30th, September 30th, or December 31st.

(b) Within one year before the application, received, or had such a work history to be eligible to receive, unemployment compensation.

WSR 92-10-035

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 5

[April 28, 1992]

CITIES AND TOWNS—COUNTIES—LANDLORD AND TENANT—PREEMPTION—AUTHORITY OF LOCAL GOVERNMENTS TO IMPOSE RENT CONTROL

RCW 35.21.830 and 36.01.130 preempt local governments from imposing rent controls on residential structures or sites. An ordinance that prohibits landlords from terminating residential tenancies by increasing rent is a type of rent control and is preempted by these statutes.

Requested by:

The Honorable Gary A. Nelson
State Senator, District 21
106-A Institutions Building
Olympia, Washington 98504-0421

WSR 92-10-036

EXECUTIVE ORDER

OFFICE OF THE GOVERNOR

[92-01]

ESTABLISHING GOVERNOR'S POLICY ON A DRUG-FREE WORK PLACE

WHEREAS, it is the responsibility of the State of Washington as a major employer of the state, to provide a safe and healthy work environment; and

WHEREAS, a motivated and healthy work force is the state's greatest asset; and

WHEREAS, it is essential that all employees who report to work be both mentally and physically able to perform their duties in a satisfactory manner; and

WHEREAS, the experience of Washington business and industry over the past century and a half have amply demonstrated the negative effects of alcohol and other drugs on the individual employee, his or her co-workers, and productivity itself; and

WHEREAS, the costs to employers associated with the abuse of alcohol and other drugs includes four times the likelihood of accidents; three times the average health care costs; and increased absenteeism and turnover costs;

NOW, THEREFORE, I, Booth Gardner, by virtue of the authority vested in me as the Governor of the State of Washington, do hereby declare that the following policy shall be the State policy for the establishment and maintenance of a drug-free work place.

The provisions of this policy are:

1. All state employees, regardless of employment status, shall comply with the policy regarding a Drug-Free Work Place.
2. All state employees who report to work must be in a condition fit to perform their duties, unimpaired due to the use of alcohol or other drugs.
3. The unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs in state vehicles, on agency premises, or on official business is prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.
4. The possession of alcohol by an employee is prohibited in state vehicles and on agency premises, except when:
 - a) the premises are used and considered exclusively as personal residences:

- b) the premises are used by the Liquor Control Board for purchase, distribution and sale pursuant to state law.
- 5. Employees representing the State at official functions should exercise prudence in consuming alcohol.
- 6. Employees taking physician-prescribed or over-the-counter medications, if there is a substantial likelihood that such medication will affect job safety, must notify their supervisor or other designated official of the fact that they are taking a medication and the side effects of the medication.
- 7. Any state employee found in violation of this policy will be subject to formal action, up to and including dismissal. Except in cases of drug delivery or sale, an employee may be offered the services of the Employee Advisory Services (EAS).
- 8. State agencies are to comply with the Federal Drug-Free Work Place Act of 1988. State agency heads are responsible for developing and implementing procedures for a Drug-Free Work Place. Attached is a suggested Model Drug-Free Work Place program for state agencies. Please consider and, where appropriate, utilize the suggested model program.
- 9. All statutory, regulatory and collective bargaining requirements will be observed by an agency in complying with this policy. Agencies which have bargained specific provisions on this subject shall continue to honor the existing provisions. However, should such negotiated provisions conflict or fail to meet the standards set forth in this policy, the agency shall work towards negotiating necessary changes in order to comply with this policy. All agencies are encouraged to work with their employees and their certified representative to best effect the implementation of the procedures for a Drug-Free Work Place.

Copies of this policy should be distributed to all employees in a manner consistent with existing agency practice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 23RD day of APRIL, A.D., nineteen hundred and ninety-two.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

SUGGESTED MODEL DRUG-FREE WORK PLACE PROGRAM FOR STATE AGENCIES

I. PURPOSE

The term "drug-free work place" has become commonplace due to the importance of the work place in the War on Drugs. The 1988 "Omnibus Drug Act" codified the term and at 41 U.S.C. 33701-707 and set specific mandates for many employers.

The purpose of this guide is to list those mandates, outline strategies for implementing them, and ensure that state agencies serve as a model for the state.

The experience of business and industry over the past century and a half amply demonstrate as to the negative effects of alcohol and other drugs on the employee, their co-workers, and on productivity itself. The costs to employers associated with the abuse of alcohol and other drugs include an increase in accidents, absenteeism and turnover, disciplinary and corrective actions, and increased health care costs. The costs to the employee include family disintegration, deteriorating health, loss of employment and economic security, and loss of self-esteem.

A. GOAL

The goal of a drug-free work place is to create and maintain a working environment free from the use and effects of alcohol and other drugs. To do so is to encourage a work place that is both safe and productive, one in which concern for employee health and welfare results in tangible benefits for employers and employees alike, and one in which both labor and management have a common stake in achieving those goals.

This guide proposes a drug-free work place program. It is intended primarily as a suggested model for state agencies and their employees.

In adopting these general principles and practices to specific work circumstances, agencies are reminded that the goal is universal work place acceptance of the drug-free value. Those organizational practices that earn the greatest trust and confidence on the part of employees are those with the most involvement from all segments of the employee population.

One proven strategy for optimal input and credibility is the formation of a drug-free work place advisory committee. Bringing together representatives of labor, management, employees and other interest groups, (wellness coordinators, safety officers, personnel), this committee can implement policy and shape procedures of the program from the beginning.

B. ELEMENTS OF A COMPREHENSIVE APPROACH

Certain common elements have been adopted by work place organizations that have instituted effective practices to address alcohol and other drug

problems among employees. The essential elements include:

1. A strong policy statement, supported by both labor and management, emphasizing that alcohol or other drug involvement in the work place is not tolerated;
2. Opportunity for rehabilitation of employees whose use of chemicals has resulted in the illness of chemical dependency;
3. Clear, consistent, and serious sanctions for violations;
4. Education and training for employees concerning the state's policy, the health aspects and dangers of alcohol and other drugs, the agency's Employee Advisory Service (EAS), and healthy living strategies to help prevent abuse and dependency.

II. THE STATE POLICY IS:

1. A healthy and motivated work force is this state's greatest asset

All employees must report to work in a condition fit to perform their duties unimpaired due to the use of alcohol or other drugs;

3. This agency's mission (to _____) is enhanced by safe and healthy employees;
4. Use of mind-altering drugs affects work place performance by:
 - a. interfering with the satisfactory performance of individual jobs and the worker's well-being.
 - b. creating dangerous working conditions; and
 - c. undermining client and community confidence in state government.

Definitions:

"Chemical Dependency" — an illness produced by repeated use of alcohol or other drugs resulting in an inability to perform assigned work satisfactorily or in unacceptable behavior on the job.

"Drugs" — mind-altering chemicals, whether illegal according to statute, or legal in some circumstances (e.g., alcohol and certain medications).

"Impaired" — observable and documented deterioration in work-related performance due to the use of drugs or alcohol.

Provisions of this policy are:

1. All state employees, regardless of employment status, shall comply with the

policy regarding a Drug-Free Work Place.

2. All state employees who report to work must be in a condition fit to perform their duties, unimpaired due to the use of alcohol or other drugs.
3. The unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs in state vehicles, on agency premises, or on official business is prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.
4. The possession of alcohol by an employee is prohibited in state vehicles and on agency premises, except when:
 - a) the premises are used and considered exclusively as personal residences;
 - b) the premises are used by the Liquor Control Board for purchases, distribution and sale pursuant to state law.
5. Employees representing the state at official functions should exercise prudence in consuming alcohol.
6. Employees taking physician-prescribed or over-the-counter medications, if there is a substantial likelihood that such medication will affect job safety, must notify their supervisor or other designated official of the fact that they are taking a medication and the side effects of that medication.
7. Any state employee found in violation of this policy will be subject to formal action, up to and including dismissal. Except in cases of drug delivery or sale, an employee may be offered the services of the Employee Advisory Service (EAS).
8. State agencies are to comply with the Federal Drug-Free Work Place Act of 1988. State agency heads are responsible for developing and implementing procedures for a Drug-Free Work Place. Attached is a suggested Model Drug-Free Work Place program for state agencies. Please consider and, where appropriate, utilize the suggested model program.
9. All statutory, regulatory and collective bargaining requirements will be observed by an agency in complying with

this policy. Agencies which have bargained specific provisions on this subject shall continue to honor the existing provisions. However, should such negotiated provisions conflict or fail to meet the standards set forth in this policy, the agency shall work towards negotiating necessary changes in order to comply with this policy. All agencies are encouraged to work with their employees and their certified representative to best effect the implementation of the procedures for a Drug-Free Work Place.

Federal Requirements

The Federal Drug-Free Work Place Act requires five essential components for any agency (or other employer) receiving a contract or federal grant valued at \$25,000 or more through a contract or federal grant of any size.

1. The drug-free work place policy statement must be published.
2. An employee awareness program must be established.
3. A copy of the agency policy must be furnished to each employee. Each agency must ensure that every employee receives an individual copy of the policy. Explanation of the policy is also a required topic of the employee awareness program.
4. Following an employee's conviction on a criminal drug statute violation for an offense occurring in the work place, two notifications are required by the Act:
 - a. The employee must notify his or her agency of the conviction no later than 5 days after such conviction.
 - b. Within 10 days after receiving notice of such conviction, the agency must notify the contracting federal agency.
5. Procedures for rehabilitation, treatment or disciplinary actions for policy violations must be established. Within 30 days following conviction, per #4 above, the agency must either:
 - a. Have required successful participation in an approved drug assistance or rehabilitation program, or
 - b. Imposed the appropriate disciplinary penalty.

III. POLICY IMPLEMENTATION STRATEGIES: DRUG-FREE WORK PLACE PROGRAM

The strategies discussed below have been found effective in the deterring of work place drug use and directing employees already affected by chemical dependency to personal and job recovery. Together with the agency's policy, they constitute a comprehensive drug-free work place program. The most effective way found to build an agency program is by starting an agency drug-free work place advisory committee. This committee, composed of representatives of management, bargaining units and other interest groups (wellness coordinators, safety officers, etc.), will determine the agency needs, resources and recommend appropriate strategies. Once the program has been implemented, the advisory committee continues to function in an oversight capacity.

A. EMPLOYEE AWARENESS PROGRAM

Federal Drug-Free Work place Act requires coverage of the following topics:

1. The dangers of drug abuse in the work place;
2. The agency's drug-free work place policy and its penalties for violations by employees;
3. Any available drug counseling, rehabilitation, and employee assistance programs.

Federal regulations require that the employee awareness program be ongoing, and further suggest a variety of media: newsletters, articles, presentations, brochures, etc. Each agency can structure an employee awareness program utilizing available community resources and by appointing an internal coordinator.

A most important component of the awareness program, not technically required by the Act but central to the implementation of the policy, is management and supervisory training. Since supervisors bear primary responsibility for policy implementation, adequate training is required for managers and supervisors at every level to ensure that they:

- * Understand the seriousness of the agency policy, and its intent both to prevent drug involvement and offer rehabilitation;
- * Recognize drugs and drug paraphernalia in their various forms;
- * Recognize behavioral and other signs of possible chemical dependency;
- * Recognize deteriorating work performance as one possible sign of chemical dependency;
- * Understand the necessity and mechanics of timely intervention;
- * Understand the role of the union and

appropriate involvement of union officials;

- * Know how to involve EAS staff for effective referrals.

In all these areas, it must be emphasized that supervisors are not expected to act as counselors, nor use their observation of behavioral changes or performance deficiencies to diagnose problems of alcohol or drug abuse. In considering possible referral to EAS (where the problem will be evaluated), the supervisor need do no more than document deficiencies which have not responded to normal supervisory corrective action. The EAS is available at all times to assist the supervisor in structuring the referral.

Above all, supervisors and managers require training to understand that the fair and constructive use of supervisory intervention can provide the best motivation for the resistant employee to confront the denial involved in chemical dependence, and to take responsibility for seeking treatment.

B. EMPLOYEE ADVISORY SERVICE

The major strategy for identifying the chemically dependent or abusing employee, and motivating that employee toward productive recovery, has been the Employee Advisory Service (EAS).

Self-referrals to EAS are encouraged before job problems become evident, and supervisors, co-workers and union representatives may recommend the EAS to an employee whose performance is slipping.

Because the denial inherent in chemical dependency keeps the chemically dependent employee from self-referring, the EAS has proven its greatest effectiveness with the alcoholic or otherwise chemically dependent employee. The perceived threat of job loss can confront the denial of this illness more effectively than any other method.

The identification is made by the supervisor based on clearly identified and documented job performance criteria: productivity, attendance, behavior, work relationships, violations of agency policy, etc. It is a tool for managing the employee whose performance is becoming problematic due to an unresolved personal problem, including chemical dependency.

The bottom line for an EAS lies in the clear choice presented to an employee: either go to the EAS for assessment and recommended assistance, or accept the discipline warranted by the job deterioration, up to and including dismissal. Even the most resistant, denying employee will usually accept the

EAS as an alternative to job loss.

The official employee advisory service for state agencies is in the Employee Advisory Service (EAS) of the Department of Personnel. The EAS provides these major functions —management and supervisory training; problem assessment and referral for assistance or treatment; and related case follow-up within the bounds of confidentiality. However, its capacity to provide the full range of these services is limited.

Agency heads, therefore, who wish to utilize the EAS as a principal strategy in their drug-free work place program should consider the following steps:

1. Arranging sufficient support for providing the full range of EAS services to agency employees.
2. Arranging with EAS for supervisory training, and mandating EAS training for all supervisors and managers, including executives, as well as encouraging union participation.
3. Requiring supervisors to use EAS procedures when normal corrective action does not produce a return to acceptable performance levels.
4. Emphasizing the confidentiality and rehabilitative nature of EAS procedures.
5. Encouraging self-referrals to the EAS for personal and family problem resolution through employee awareness program presentations and the distribution of EAS materials.

C. DRUG TESTING

Testing urine or blood samples for the presence of specified drugs can take place in a number of circumstances, the major ones being:

1. pre-employment (for applicants)
2. "for cause" or "incident" (following well-defined observable reasonable suspicion)
3. post-accident
4. random
5. periodic (such as part of scheduled physical exam).

The decision whether and when to implement any form of drug testing is extremely complex, involving considerations of need, cost, law, regulation, bargaining agreements,

constitutional issues, and overriding public safety and security concerns.

Some state employees are currently subject to the random drug testing regulations of the U.S. Dept. of Transportation, as required by the federal Omnibus Drug Act of 1988.

State agencies desiring to implement drug testing for their classified employees must follow the guidelines and limitations of WAC 356-46-125.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Office of the Governor and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 92-10-037
NOTICE OF PUBLIC MEETINGS
CLOVER PARK
TECHNICAL COLLEGE
 [Memorandum—April 27, 1992]

The following dates have been adopted by the board of trustees of Clover Park Technical College for their meeting dates for July 1992 through December 1993:

<u>Date</u>	<u>Time</u>
Tuesday, July 21, 1992	3:00 p.m.
Tuesday, August 18, 1992	3:00 p.m.
Tuesday, September 15, 1992	3:00 p.m.
Tuesday, October 20, 1992	3:00 p.m.
Tuesday, November 17, 1992	3:00 p.m.
Tuesday, December 15, 1992	3:00 p.m.
Tuesday, January 19, 1993	3:00 p.m.
Tuesday, February 16, 1993	3:00 p.m.
Tuesday, March 16, 1993	3:00 p.m.
Tuesday, April 20, 1993	3:00 p.m.
Tuesday, May 18, 1993	3:00 p.m.
Tuesday, June 15, 1993	3:00 p.m.
Tuesday, July 20, 1993	3:00 p.m.
Tuesday, August 17, 1993	3:00 p.m.
Tuesday, September 21, 1993	3:00 p.m.
Tuesday, October 19, 1993	3:00 p.m.
Tuesday, November 16, 1993	3:00 p.m.
Tuesday, December 21, 1993	3:00 p.m.

WSR 92-10-038
PERMANENT RULES
SECRETARY OF STATE
 [Filed May 4, 1992, 10:19 a.m.]

Date of Adoption: May 4, 1992.

Purpose: Implement the provisions of chapter 59, Laws of 1990, providing for the reorganization and clarification of election laws.

Statutory Authority for Adoption: RCW 29.04.080 and 29.04.210.

Pursuant to notice filed as WSR 91-23-097 on November 20, 1991.

Effective Date of Rule: Thirty-one days after filing.
 May 4, 1992
 Donald F. Whiting
 Assistant Secretary of State

Chapter 434-30 WAC
BALLOTS

NEW SECTION

WAC 434-30-010 SAMPLE BALLOTS. Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29.30.020. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

NEW SECTION

WAC 434-30-020 PLACEMENT OF STATE BALLOT MEASURES. State ballot measures shall appear first on all sample ballots and on all general election ballots. In the event state ballot measures are to appear on the primary ballot, they shall also appear first. Measures shall appear in sequential number in the following order:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and alternate proposals, if any;

(5) Proposed Constitutional amendments (senate joint resolutions, then house joint resolutions).

Ballot measures submitted by local governmental units shall be placed as described in WAC 434-30-030.

NEW SECTION

WAC 434-30-030 PLACEMENT OF BALLOT MEASURES FOR LOCAL UNITS OF GOVERNMENT. All county-wide ballot measures shall be listed immediately following state measures or issues. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

NEW SECTION

WAC 434-30-040 CANDIDATE'S POLITICAL PARTY DESIGNATION—PRIMARY TO GENERAL. No person who has offered himself or herself as a candidate for the nomination of one party at the primary, shall have his or her name printed on the ballot of the succeeding general election as the candidate of another political party.

NEW SECTION

WAC 434-30-050 CANDIDATE NOMINATED BY TWO OR MORE POLITICAL PARTIES OR FOR TWO OR MORE OFFICES. In the event a candidate, as a result of write-in votes, is the nominee of two or more political parties for the same office, such candidate shall designate in writing, under which political party designation he or she desires to be listed on the ballot. Such written notice shall be submitted to the county auditor within three days of the certification of the primary.

In the event a candidate, as a result of write-in votes in the primary, is a nominee for two or more offices, the candidate shall notify the county auditor within three days of the primary certification, in writing, of the single office for which he or she desires to appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

NEW SECTION

WAC 434-30-060 PRIMARY VOTES REQUIRED FOR APPEARANCE ON GENERAL

ELECTION BALLOT. Following any nonpartisan primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

Following any partisan primary, no political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office and additionally at least one percent of the total votes cast for the office. An Independent candidate must receive one percent of the total votes cast for the office in the primary in order for his or her name to appear on the general election ballot. The filing officer shall notify, in writing, all candidates who satisfy other requirements but who fail to meet the one percent requirement of the fact that their name will not appear on the general election ballot.

In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidates has chosen that method for ballot qualification.

NEW SECTION

WAC 434-30-070 METHOD FOR BILLING EXPENSE FOR PRINTING AND DISTRIBUTING BALLOT MATERIALS. As provided by RCW 29.30.130, the cost of printing ballots, ballot cards, and instructions and the delivery of materials to the precinct election officers shall be an election cost that shall be borne as determined under RCW 29.13.045 and 29.13.047. These costs shall include all expenses associated with, but not limited to, the printing of election related materials including costs associated with the ordering, administration, design, typesetting, layout, and printing of ballots, ballot cards, instructions, election signs, sample ballots, official tally sheets, and other related materials. Costs associated with the delivery of supplies include, but are not limited to, the transportation and delivery of election materials and voting devices; plus costs associated with coordinating the delivery and return of these items. Each jurisdiction or entity shall be responsible for its proportionate share of these election printing costs. Counties may choose to compute election costs utilizing the state auditor's allocation formula.

NEW SECTION

WAC 434-30-080 JUDICIAL BALLOTS—FORM. Judicial positions and candidates shall appear separately on the nonpartisan portion of the ballot in the following order: Judges of the supreme court, judges of the court of appeals, judges of the superior court, and district court judge. Each such office shall be designated with position numbers and vote for one, two, etc., (as the case may be). Any position for an unexpired term or short/full term shall be listed on the ballot after positions scheduled for full term elections, stating the length of the term, followed by the words "unexpired" or "short/full term," as the case may be.

NEW SECTION

WAC 434-30-090 DETERMINING NOMINEES FOR MULTIPLE POSITIONS. If there are two or more places to be filled for a nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office.

NEW SECTION

WAC 434-30-100 MECHANICAL VOTING DEVICE BALLOT LABEL UNIFORMITY. All ballot labels for an election in counties using voting machines shall be uniform in color and size.

NEW SECTION

WAC 434-30-110 MECHANICAL VOTING DEVICE INSTRUCTIONS. Prominently displayed in the polling place and on mechanical voting device diagrams prepared for each precinct, shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: Move the handle of the device to right as far as it will go and leave it there. To vote on measures, pull the lever down over the "Yes" or "No" and leave it there. To vote for a candidate, pull the lever down over the name of each candidate you wish to vote for and leave it there (a graphical representation of the lever being moved to a voting position may be displayed). To vote for a person not listed on the ballot, lift the slot cover at the top of the device, above the correct office, and write in the name of the person for which you wish to vote. If the office is partisan, political party must also be listed. Move the handle of the device to the left as far as it will go, and your voting has been completed.

NEW SECTION

WAC 434-30-120 MECHANICAL VOTING DEVICES—OFFICE TITLE LABEL. On the office title label, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for, with the words, "one," "two," or a spelled number). Office term shall be included on the ballot label if such term is other than a full, regular term (e.g., short/full term, two year unexpired term, etc.).

NEW SECTION

WAC 434-30-130 MECHANICAL VOTING DEVICES—BALLOT FORM. Listed below each office title shall be the names of all candidates for that position, each followed by the name or abbreviation of the political party, if any, with which the candidate desires to affiliate, or the word "nonpartisan," or "NP" if such office is nonpartisan. Each office listed on the ballot shall be separated by a bold line. Candidate names shall be printed in a type style and point size which can be easily read. If a candidate's name exceeds the space provided,

the election official shall take whatever steps are necessary to place the name on the ballot label in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a lever above the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote. If the election is in a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each political party shall be grouped together. Each group shall be enclosed in brackets with a single lever above, with which the voter may indicate their choice.

NEW SECTION

WAC 434-30-140 MECHANICAL VOTING DEVICE DIAGRAMS. Mechanical voting device diagrams prepared for each device shall be identical to the ballot labels for that device, containing all offices and issues to be decided. The voting device diagram shall indicate the type of election, the election date, the county name and instructions as prescribed in WAC 434-30-110 (see Mechanical voting device instructions). Two diagrams shall be prepared and provided for each device. These diagrams are to be displayed at the polling place and shall also be used by the election precinct officials to proof each device ballot prior to the opening of the polls.

NEW SECTION

WAC 434-30-150 ELECTRONIC VOTING DEVICE BALLOT UNIFORMITY. All ballot cards for an election in counties using electronic voting devices shall be uniform in size. Counties may use varying colors of ballot cards if such color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color may also be used to designate absentee ballots, official ballots or vote by mail ballots, and in the case of a presidential preference primary, political party ballots.

NEW SECTION

WAC 434-30-160 ELECTRONIC VOTING DEVICE INSTRUCTIONS. The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a measure, punch or mark the voting position to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (if applicable), the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope and punch or mark such write-in position (if applicable).

Absentee ballots shall be designated with "absent voter" or "absentee ballot" printed at the top of the ballot card.

NEW SECTION

WAC 434-30-170 ELECTRONIC VOTING DEVICES—BALLOT FORM. On the ballot each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for, with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full, regular term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be listed on the ballot in the manner prescribed by law and these rules. Immediately following shall be the names of all candidates for that position, each followed by the name or abbreviation of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan," or "NP" with an arrow, box, or other notation at the right edge of the ballot indicating where the voter is to punch or mark the ballot for the candidate. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be separated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

NEW SECTION

WAC 434-30-180 BALLOT CARDS—NUMBERING. All ballot cards shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot card. The sequential number shall be used in a manner to inventory ballots issued at a precinct on election day, and may be used in a manner to facilitate the auditing process for certification of an election. At no time may there be a tracking system to trace a specific ballot back to an individual voter. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards.

NEW SECTION

WAC 434-30-190 PAPER BALLOT UNIFORMITY. All paper ballots used in an election shall be

uniform in size. Counties may use varying colors of paper ballots if such color is used consistently throughout a region, area, or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying colors may also be used to designate absentee ballots, official ballots, or vote by mail ballots, and in the case of a presidential preference primary, political party ballots.

NEW SECTION

WAC 434-30-200 PAPER BALLOT INSTRUCTIONS. All paper ballots shall identify the type of primary or election, the county, and the date of the primary or election. The ballot shall contain instructions on the proper method of recording a vote, including write-in votes. The instructions shall read substantially as follows: If you desire to vote for or against any measure, place an X in the appropriate square following such measure. To vote for a person, mark an X in the square to the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation, if for a partisan office, in the space provided. (If desired a graphical representation of a box can be used in lieu of the word "square" in the instructions.)

Absentee ballots shall be designated with "absent voter" or "absentee ballot" printed at the top of the ballot.

NEW SECTION

WAC 434-30-210 PAPER BALLOTS—BALLOT FORM. Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for, with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full, regular term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29.30.020. Immediately following shall be the names of all candidates for that position, followed by the name or abbreviation of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to the right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at the right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for

writing in the name of a candidate, followed by a box to the right of the blank space.

NEW SECTION

WAC 434-30-220 PAPER BALLOTS—NUMBERING. All paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot. The sequential number shall be used in a manner to inventory ballots issued at a precinct on election day, and shall be used in a manner to facilitate the auditing process for certification of an election. At no time may there be a tracking system to trace a specific ballot back to an individual voter. There shall be no marks on the paper ballot which would distinguish an individual voter's paper ballot from other paper ballots.

Chapter 434-61 WAC COUNTING CENTER PROCEDURES

NEW SECTION

WAC 434-61-010 COUNTING CENTER LOCATION—DIRECTION OF PROCEEDINGS. In counties using voting devices and vote tallying systems where the ballots are to be processed and/or tabulated at a location other than the precinct, the county auditor shall designate a location to serve as the counting center. If that location is other than the courthouse or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto. A copy of any local administrative rules under this section shall be filed with the secretary of state.

NEW SECTION

WAC 434-61-020 COUNTING CENTER—POLITICAL PARTY OBSERVERS. Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as

supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29.33.340.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained as provided in subsection (2) of this section.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

NEW SECTION

WAC 434-61-030 TRANSFER OF BALLOTS TO COUNTING CENTER OR COLLECTION STATION. After all the business at the polling place is completed, two of the election officials, one representing each major political party, shall transfer the sealed ballot containers to the counting center, or to a designated collection station. At the discretion of the county auditor, a ballot pickup team composed of a representative of each major political party may be directed to stop at the polling place and pick up the sealed containers of voted ballots for return to the counting center as an alternative. Until the voted ballots are received at the counting center or intermediate collection station, they must always be accompanied by a representative of each of the two major political parties. These representatives may be either precinct election officers or the ballot pickup team.

If an intermediate collection station is used, the station will be staffed by a representative or representatives of the county auditor who shall be responsible for receiving the voted ballot transfer containers from the precinct election officers or ballot pickup team. The collection station staff shall maintain a ballot transfer container receipt log on which shall be recorded the precinct name or number, the date and time of receipt, the seal number of each container, and any other information the auditor deems appropriate. When the last transfer container has been received and logged, or when so directed by the county auditor, the containers shall be transferred to the counting center in an enclosed vehicle accompanied by representatives of each major political party, appointed for that purpose by the auditor, or as provided in this rule. The transfer container log sheets shall accompany the containers.

The appointed officials accompanying the ballot transfer containers from the collection station to the counting center shall not be of the same political party. Officials used for this purpose, if not political party representatives or affiliated with a political party, may meet the requirements of this rule by declaring in writing nonpolitical party affiliation. These declarations shall be retained by the auditor along with the transfer container log sheets for sixty days after the election.

NEW SECTION

WAC 434-61-040 RECEIPT OF BALLOTS AT THE COUNTING CENTER. Immediately upon the receipt of voted ballots in transfer containers from the polling places or collection stations, the seal or lock on each ballot container shall be examined to ensure that it is intact. The precinct name or number, time of receipt, and seal number of each container shall be recorded on a transfer case receipt log, and the log shall be initialled by the persons receiving them.

Upon the breaking of the seal and the opening of the container, a comparison with the transmittal sheet accompanying the container shall be made. If no lock or seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. If the container has no seal or the seal has already been broken, it shall be considered a discrepancy and handled in the same manner. If the auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be set aside and referred to the canvassing board for their consideration as provided by this rule.

If no discrepancy exists, a notation shall be made on the ballot receipt log and the ballots shall be forwarded to the next station in the counting center process.

Where a discrepancy does exist and the matter cannot be resolved, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be processed as provided for by law or administrative rule (see chapter 434-62 WAC).

NEW SECTION

WAC 434-61-050 HANDLING OF TRANSFER CONTAINER DISCREPANCIES. The auditor shall maintain a separate log on which shall be recorded all transfer container discrepancies. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. In the event the ballots are to be referred to the canvassing board, they shall be set aside and the nature of the discrepancy and the seal number noted on the discrepancy log.

NEW SECTION

WAC 434-61-060 VOTE TALLYING SYSTEM—A MANUAL COUNT OF RANDOM PRECINCTS. The political party observer supervisors may, upon mutual agreement, select up to three precincts at random after receipt of the ballots at the counting center and prior to the ballots being tabulated. They may then request that a manual count be made of the number of ballots and the votes cast for any one office or issue on the ballots.

The party observer supervisors may select the precinct or precincts to be manually tabulated at the receiving station or may identify the precincts in advance and request that the auditor segregate them at the time of receipt.

The auditor or designee shall conduct the manual count of the ballots using the method for counting paper ballots described by law or rules, or may count them utilizing any other method acceptable to the party observer supervisors. On completion, the manual tally results shall be written on a sheet signed by the auditor or designee and the party observer supervisors.

When the manual tally results sheet is signed by all parties, the ballots for that precinct will be reinserted into the counting center process. The results for that precinct or precincts shall be printed at the time the ballots are tabulated, and the returns then compared to the manual tally. If a discrepancy exists, it shall be noted on the result sheet and given to the auditor for resolution.

WSR 92-10-039**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 92-26—Filed May 4, 1992, 3:14 p.m.]

Date of Adoption: May 1, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-245 and 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation conforms to the regulations of the international Halibut Commission and are necessary for the conservation of halibut and to conform to preseason harvest plans.

Effective Date of Rule: Immediately.

May 1, 1992

Nancy L. Nelson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-24500K HALIBUT—BAG AND POSSESSION LIMITS. Notwithstanding the provisions of WAC 220-56-245, effective immediately until further notice it is unlawful to take, fish for or possess more than:

(1) 1 halibut taken from those waters of Catch Areas 1 and 2.

(2) 2 halibut taken from Catch Areas 3 and that portion of area 4 west of the Bonilla Tatoosh Line. 1 fish with no size limit plus 1 fish with 40 inch minimum.

(3) 2 halibut taken from Catch Area 4 east of the Bonilla Tatoosh line and Catch Areas 5 through 13.

(4) The possession limit shall not exceed one daily bag limit of fresh halibut.

NEW SECTION

WAC 220-56-25500L HALIBUT—SEASONS.
Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice it is unlawful to take, fish for or possess halibut taken for personal use except as follows:

(1) Those waters of Catch Areas 1, 2, 3, and 4 west of the Bonilla Tatoosh Line are open May 1, 1992 seven days a week.

(2) Those waters of Catch Area 4 east of the Bonilla Tatoosh Line and Catch Areas 5 through 13 are open May 9, 1992 seven days a week.

WSR 92-10-040**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 4, 1992, 3:32 p.m.]

Original Notice.

Title of Rule: Nursery dealer license fees, WAC 16-401-040.

Purpose: To implement the statutory provisions of ESB 6027 providing for the collection of a surcharge on nursery license fees to support research of benefit to the industry.

Statutory Authority for Adoption: Chapter 15.13 RCW.

Statute Being Implemented: Chapter 15.13 RCW.

Summary: The proposal establishes a surcharge of 20% of the base rate in addition to the established fees. The proposal also establishes a permit fee for those types of sales and organizations exempted from licensing requirements.

Reasons Supporting Proposal: The surcharge will be used solely to support research projects recommended by the Nursery Advisory Committee and of general benefit to the nursery industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, 586-5306.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The provision was adopted by the legislature and signed by the governor (ESB 6027) to allow up to a 20% surcharge on the nursery license fee to support research of general benefit to the nursery industry. Projects will be selected with the advice of the Nursery Advisory Committee. We anticipate generating between 50 and 70 thousand dollars per year. The bill was introduced and passed at industry request. The rule is necessary to implement the statute.

Proposal Changes the Following Existing Rules: Adds a surcharge of 20% of the base rate in addition to established nursery dealer license fees; and establishes a

%5.00 [\$5.00] permit fee for sales and organizations exempted from the licensing requirements by RCW 15.13.270.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ag Statistics Conference Room, 6128 Capitol Boulevard, Tumwater, WA 98502, on June 9, 1992, at 10:00 a.m.

Submit Written Comments to: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, by June 9, 1992.

Date of Intended Adoption: June 10, 1992.

May 4, 1992

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending Order 1953, filed 9/17/87)

WAC 16-401-040 NURSERY DEALER LICENSE FEES. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

(1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be twenty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be fifty dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be fifty dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(3) As provided in RCW 15.13,280 there is hereby established 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 to be used solely to support research projects recommended by the nursery advisory committee and of general benefit to the nursery industry.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit . . . \$5.00

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 92-10-041**PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed May 4, 1992, 4:24 p.m.]

Original Notice.

Title of Rule: Chapter 468-51 WAC, Highway access management access permits—Administrative process.

Purpose: To implement an access management program for state highways as directed by the legislature.

Statutory Authority for Adoption: RCW 47.01.101.

Statute Being Implemented: Chapter 47.50 RCW.

Summary: This rule chapter will provide for the regulation of vehicular access to state highways in unincorporated areas under the jurisdiction of the Washington State Department of Transportation.

Reasons Supporting Proposal: Rule chapter is proposed in conformance with chapter 47.50 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: E. R. Burch, Transportation Building, (206) 753-6141.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Proposal establishes rules and standards for issuance and modification of access permits, closing of unpermitted connections, revocation of permits, and waiver provisions for connections to state highways in unincorporated areas under the jurisdiction of the Washington State Department of Transportation.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on June 11, 1992, at 10:00 a.m.

Submit Written Comments to: E. R. Burch, Transportation Building, FAX (206) 664-8615, Olympia, Washington 98504, by June 8, 1992.

Date of Intended Adoption: June 24, 1992.

May 1, 1992

Ed W. Ferguson
Deputy Secretary
of Transportation

Chapter 468-51 WAC

HIGHWAY ACCESS MANAGEMENT ACCESS PERMITS— ADMINISTRATIVE PROCESS

NEW SECTION

WAC 468-51-010 PURPOSE. This chapter is adopted to implement chapter 47.50 RCW for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within unincorporated areas under the jurisdiction of the Washington state department of transportation. This chapter describes the connection permit application process and procedures, including a preapplication conceptual review process, and requirements for closure of unpermitted and nonconforming connections to the state highway system.

NEW SECTION

WAC 468-51-020 DEFINITIONS. For the purposes of this chapter, the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) "Application" means an application form supplied by the department and completed by the applicant, a certified check or money order for the required application fee, and related property site, driveway, roadway, and traffic information.

(2) "Average daily traffic (ADT)" means the volume of traffic passing a point or segment of a highway, in both directions, during a period of time, divided by the number of days in the period and factored to represent an estimate of traffic volume for an average day of the year.

(3) "Conforming connection" means a connection that meets current department location, spacing, and design criteria.

(4) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(5) "Connection category" means a permit category of all state highway connections, in accordance with the type of property served and the estimated traffic generation based on rates accepted by the department.

(6) "Connection permit" means a written authorization given by the department for a specifically designed connection to the state highway system at a specific location for a specific type and intensity of property use and specific volume of traffic for the proposed connection, based

on the final stage of proposed development of the applicant's property. The actual form used for this authorization will be determined by the department.

(7) "Controlled access facility" means a transportation facility (excluding limited access facilities as defined in chapter 47.52 RCW) to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to and from such facility at such points only and in such manner as may be determined by the governmental entity.

(8) "Department" means the Washington state department of transportation.

(9) "Development approval" means an official action by a governmental land use planning authority authorizing the developer or land owner to begin construction of any permanent improvements on the property.

(10) "Governmental entity" means, for the purpose of this chapter, a unit of local government or officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(11) "Joint use connection" means a single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

(12) "Limited access facility" means a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons have no right or easement, or only a limited right or easement of access, light, view or air by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.

(13) "Median" means the portion of a divided highway or divided connection separating vehicular traffic traveling in opposite directions; not including speed change lanes, storage lanes for left turning or U-turning vehicles, or two way left turn lanes.

(14) "Median opening" means either a full opening in a continuous median for the specific purpose of allowing vehicles to make a left turn maneuver into or out of a property abutting the highway, to facilitate U-turns, or to allow for a vehicle to totally cross the road, or a directional opening allowing for left turn maneuvers into the property and U-turn maneuvers, but not allowing for left turns or cross movements out of the property.

(15) "Nonconforming connection" means a connection not meeting current department location, spacing, or design criteria.

(16) "Permit" means written approval issued by the department, subject to conditions stated therein, authorizing construction, reconstruction, maintenance, or reclassification of a state highway connection and associated traffic control devices on or to the department's right of way.

(17) "Permitting authority" means the department or any county, municipality, or transportation authority authorized to regulate access to their respective transportation systems.

(18) "Right of way (R/W)" means a general term denoting land or interest therein, acquired for or designated for transportation purposes. More specifically, land in which the department, a county, or a municipality owns the fee simple title, has an easement devoted to or required for use as a public road and appurtenant facilities, or has established ownership by prescriptive right pursuant to RCW 47.04.040, or lands that have been dedicated for public transportation purposes.

(19) "Shoulder" means the portion of the highway contiguous with the traveled lanes for the accommodation of stopped vehicles for emergency use, and for lateral support of base and surface courses and for other uses as allowed by law.

(20) "State highway system" means all roads, streets, and highways designated as state routes pursuant to chapter 47.17 RCW.

(21) "Temporary connection" means a permitted connection for a specific property use, conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right of way to be restored by the permittee to its original condition upon connection closure.

NEW SECTION

WAC 468-51-030 GENERAL PROVISIONS. (1) When connection permits required. Every owner of property which abuts a state highway where limited access rights have not been acquired has a right to reasonable access, but may not have the right to a particular means of access, to the state highway system. The right of access to the state

highway may be restricted if, pursuant to local regulation, reasonable access to the state highway can be provided by way of another public road which abuts the property. All new connections including alterations and improvements to existing connections to state highways shall require a connection permit. Such permits, if issued, shall be issued only after issuance of development approval where such approval is required, unless other interagency coordination procedures are in effect. The alteration or closure of any existing access connection caused by changes to the character, intensity of development, or use of the property served by the connection or the construction of any new access connection shall not be initiated prior to obtaining a connection permit from the department. Use of a new connection at the location specified in the permit is not authorized until the permittee constructs or modifies the connection in accordance with the permit requirements. If a property owner or permittee holding a valid connection permit wishes to change the character, use, or intensity of the property or development served by the connection, the department must be contacted to determine whether a new connection permit would be required.

(2) Responsibility for other approvals. Connection permits authorize construction improvements to be built by the permittee on department right of way. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the applicant to acquire any property rights necessary to provide continuity from the applicant's property to the state highway right of way if the applicant's property does not abut the right of way.

(3) Early consultation. In order to expedite the overall permit review process, the applicant is strongly encouraged to consult with the department prior to and during the local government subdivision, rezoning, site plan, or any other applicable predevelopment review process for which a connection permit will be required. The purpose of the consultation shall be to determine the permit category and to obtain a conceptual review of the development site plan and proposed access connections to the state highway system with respect to department connection location, quantity, spacing, and design standards. Such consultation will assist the developer in minimizing problems and delays during the permit application process and could eliminate the need for costly changes to site plans when unpermissible connection proposals are identified early in the planning phase. The conceptual review process is further detailed in WAC 468-51-050.

(4) Cost of construction.

(a) Permittee. The cost of construction or modification of a connection shall be the responsibility of the permittee, including the cost of modification of any connection required as a result of changes in property site use in accordance with WAC 468-51-110.

(b) Department. Existing permitted connections impacted by the department's work program and which, in the consideration of the department, necessitate modification, relocation, or replacement in order to meet current department connection location, quantity, spacing, and design standards, shall be modified, relocated, or replaced in kind by the department at no cost to the permittee. The cost of further enhancements or modification to the altered, relocated, or replaced connections desired by the permittee shall be the responsibility of the permittee.

(5) Department responsibility. The department has the responsibility to issue permits and authority to approve, disapprove, and revoke such permits, and to close connections, with cause.

NEW SECTION

WAC 468-51-040 CONNECTION CATEGORIES. All connections, public or private shall be determined by the department to be in one of the following categories:

(1) "Category I - minimum connection" provides connection to the state highway system for up to ten single family residences, a duplex, or a small multi-family complex of up to ten dwelling units, which use a common connection. The category shall also apply to permanent connections to agricultural and forest lands, including field entrances; connections for the operation, maintenance, and repair of utilities; and connections serving other low volume traffic generators expected to have an average daily traffic (ADT) of one hundred or less.

(2) "Category II - minor connection" provides connection to the state highway system for medium volume traffic generators expected to have an average daily traffic (ADT) of one thousand five hundred or less, but not included in Category I.

(3) "Category III - major connection" provides connection to the state highway system for high volume traffic generators expected to have an ADT exceeding one thousand five hundred.

(4) "Category IV - temporary connection" provides a temporary, time limited, connection to the state highway system for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to, logging, forest land clearing, temporary agricultural uses, temporary construction, and temporary emergency access. The department reserves the right to remove any temporary connection at its sole discretion and at the expense of the property owner after the expiration of the permit. Further, a temporary connection permit does not bind the department, in any way, to the future issuance of a permanent connection permit at the temporary connection location.

(5) "Nonconforming connection" designation may be issued for Category I through IV permits after an analysis and determination by the department that a conforming connection cannot be made and a finding that the denial of a connection would leave the property without a reasonable means of access to the public road system. In such instances, the permit shall be noted as nonconforming and contain specific restrictions and provisions, including limits on the maximum vehicular use of the connection, the future availability of alternate means of access for which a conforming connection permit could be obtained, the removal of the nonconforming connection at the time the conforming access is available, and other conditions as necessary to carry out the provisions of chapter 47.50 RCW.

(6) "Median opening" includes openings requested for both new connections and for existing connections. New median openings proposed as part of a new driveway connection shall be reviewed as part of the permit application review process. Request for the construction of new median openings to serve existing permitted connections shall require a reevaluation of the location, quantity, design of existing connection, and traffic at the existing connections. The property owner must file a new connection permit application, for the proper connection category, showing the new proposed median opening location and design and its relationship to the existing or modified driveway connections. Nothing contained herein shall be construed to prohibit the department from closing an existing median opening where operational or safety reasons require the action.

NEW SECTION

WAC 468-51-050 CONCEPTUAL REVIEW. Prior to filing a connection permit application and prior to receipt of development approval, all permit applicants, but in particular those applying for Category II and Category III connections, are strongly encouraged to request, in writing, a conceptual review of the site plan and proposed connection locations with the department and other local governmental agencies as appropriate. The purpose of the conceptual review is to expedite the overall review process by establishing the permit category, number, type, and general location of connections to the property early in the planning stages of a proposed development or a proposed significant change in property site use, or to determine that the connection as requested cannot be permitted. The conceptual review does not constitute final department approval of the location and design of the connection. If deemed appropriate, especially on the more complex proposals, the department shall establish the date for a conceptual review meeting within thirty days of the receipt of the written request. If a meeting is scheduled, representatives of the local governmental land use planning authority will be invited to attend. Within thirty days following the conceptual review meeting, or receipt of the request if no meeting is scheduled, the department will provide the applicant written notice of the department's conceptual review findings. These findings are nonbinding on the department and the developer. Additional detailed information received during the application process, changes in the proposed development, or changes in the existing or planned operational characteristics of the state highway system may necessitate modifications of the connections agreed to in the conceptual approval. The conceptual review findings can be used by the developer in the site plan review/approval process with the local government having jurisdiction over the development as indicating coordination of connection location, quantity, and design with the department and of preliminary department findings on the proposed connections.

NEW SECTION

WAC 468-51-060 APPLICATION REQUIREMENTS AND PROCEDURES. This rule shall be used where the department is the

permitting authority. Where the local governmental entity is the permitting authority, the applicable procedures of the local governmental entity must be followed.

(1) Connection permit application and information. The appropriate application form and the application information are available from the designated local department offices. An application shall consist of the above form; application fee, as specified in WAC 468-51-070; plans; traffic data; and connection information specified in this section.

All connection and roadway design documents for Category II and III permits shall bear the seal and signature of a professional engineer, registered in accordance with chapter 18.43 RCW.

(2) Information required – all permits. The following information is required of all applicants for all permit categories, unless the department determines that specific information will not be required on individual applications. Additional information required of Category II, III, and IV permit applications is specified in this chapter. In all cases it would be prudent, prior to submittal of the application, for the applicant to inquire of the department whether the application needs additional information. The department reserves the right to request clarification or additional information during the application review process. Failure to provide the requested information within the time limits specified in the request shall result in withdrawal of the permit application.

(a) Identification and signature of property owner and applicant. The current complete names, mailing addresses, and telephone numbers of the property owner(s), the developer(s), the applicant, the transportation and legal consultants representing the applicant (if any), and the local government representative(s) responsible for processing the development's approval shall be provided as part of the application. If the property owner desires to have a representative sign the application, a notarized letter of authorization from the applicant is to be provided with the application. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished. The names of all individuals signing the application and their titles shall be typed or printed directly below the signature.

(b) Property uses and traffic information. The ultimate planned property uses shall be indicated in sufficient detail to determine the appropriate permit classification. Estimated average daily traffic volume to be generated by the development, based on the planned property use, consistent with the latest trip generation information published by the Institute of Transportation Engineers, Washington, D.C., shall be included as appropriate. If local or special trip generation rates are used, the latest and best information shall be used and all documentation for the rate development shall be submitted with the application. For residential developments with ten or fewer units, ten trips per day per unit may be assumed. The requirement for an average daily traffic volume estimate may be waived for agricultural uses where no retail marketing is proposed.

(c) Site plan. The application shall include a plan to scale, or a schematic drawing showing critical dimensions (allowable on Category I permits only), the location of the property, and existing conditions and the character and extent of work proposed. The location of existing and proposed on-site development with respect to the existing and proposed driveway location(s) and the highway shall be shown. Minimum information on the plan shall include:

- (i) Road information.
 - State route number.
 - County or local road name.
 - Highway pavement type.
 - Cross section.
 - Posted speed limit.
 - The existence and location of any existing and/or future proposed public or private road abutting or entering the property; the horizontal and vertical curvature of the road(s) noting the location of existing and proposed connections and any other pertinent information.

(ii) Property information.

- Location of all existing and proposed buildings, and other structures, such as gasoline pumps, lights, trees, etc., with respect to the existing and proposed property and right of way lines.

● Any adjacent properties that are owned or controlled by the applicant, or in which the applicant has a financial interest, and indicate whether these properties will be accessed by means of the proposed connection(s).

● The application shall include a boundary survey. The requirement for a boundary survey may be waived for Category I connections, at the discretion of the department.

● Any existing or proposed parcels segregated from the applicant's property for separate development also shall be clearly designated on the plan.

(iii) Connection location information.

● The proposed connection milepost and highway engineer's station, if available.

● Location of the highway centerline with respect to existing and proposed property lines.

● Distance of proposed public or private access connection to intersecting roads, streets, railroads.

● Existing or proposed median openings (crossovers) and connections on all sides of the state highway and other roads within six hundred sixty feet of the proposed connection location in urban areas and one thousand three hundred twenty feet in nonurban (rural) areas.

● Location of existing or proposed public or private retaining walls, fences, poles, sidewalks, bike paths, drainage structures and easements, traffic control devices, fire hydrants, utilities, or other physical features, such as trees, landscaping, green belts, and wetlands, that could affect driveway location.

● It shall be the responsibility of the applicant to physically identify the location of the proposed connection at the proposed site.

(iv) Connection design information.

● Proposed connection and approach improvements including its profile approaching the state highway, width, radii, angle to the highway, auxiliary pavement.

● Existing and proposed grading (or contouring that affects the natural drainage pattern or runoff impacting the state highway and the proposed connection).

● Drainage calculations and other pertinent data.

● Driveway, auxiliary lanes and crossover pavement design, including subgrade, base, surface materials, and thicknesses.

● Specific requirements for design information on individual Category I permit applications may be relaxed, or waived, at the discretion of the department.

(v) Joint driveway use.

● If the driveway is to serve more than one property, the plan shall detail information for all properties using the connection and the application shall include copies of legally enforceable agreements of concurrence for all property owners on joint driveway usage.

● Joint driveway use serving adjoining properties is encouraged on all highways and may be required on some highways, pursuant to rules adopted by the department.

(3) Additional information required, Category II and Category III permits. The following is a list of additional information that may be required for each phase of the development from the applicant. Prior to the submittal of the application, the applicant shall coordinate with the appropriate designated local office of the department on the level of detail and the analysis techniques to be used.

(a) Circulation plans. All parking, interior drives, and internal traffic circulation plans.

(b) Connection users. All internal and external adjacent parcels which will use the requested connection. All existing and proposed connecting roadways and potential means of alternate access through the final buildout stage of development shall be shown on the plans submitted with the application.

(c) Traffic control devices and illumination. Proposed traffic control devices and lighting locations.

(d) Sight distance. Analysis of horizontal and vertical sight distance on the state highway with respect to the proposed connection.

(e) Traffic data and analysis. Traffic data submitted by the applicant shall be signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW. The following traffic study information may be required:

(i) Turning movements. Vehicle turning movements for present and future traffic conditions.

(ii) Volume and type. Amount and type of traffic that will be generated by the proposed development including a breakdown of anticipated peak hour traffic and an analysis of the impact on the level of service on the state highway.

(iii) Parking and circulation. Analysis of off-street parking and traffic circulation, including distances to secondary access points on the connection roadway and their impact on the operation of the state highway.

(iv) Traffic signal data. If a traffic signal is requested, the following studies may be required: Traffic signal warrants; phasing and timing analysis; signal progression analysis; signalization, signing, and lighting

plans in conformance with department standards. A separate department traffic signal permit is required.

(v) Off-site improvements. A traffic analysis to determine the need for off-site related roadway and geometric improvements and mitigation requirements.

(vi) Traffic control plan. A traffic control plan conforming to current department standards set forth in the "Manual on Uniform Traffic Control Devices," documenting how the permittee will provide for safe and efficient movement on the state highway system during the construction of the connection.

(4) Additional information required, Category IV permits. Permit applications must contain the specific dates that the connection is to be open and must contain assurances acceptable to the department that the shoulder, curbing, sidewalks, bikeways, ditch, right of way, and any other amenities will be restored to their original condition at the permittee's expense upon closure of the temporary connection.

NEW SECTION

WAC 468-51-070 FEES AND SURETY BOND. (1) Fee structure. The following nonrefundable fee structure is established for department application processing, review, and inspection. Full payment of base fees by certified check or money order made payable to the state of Washington, department of transportation, must accompany the permit application. Due to the potential complexity of Category II and Category III connection proposals, and required mitigation measures that may involve construction on the state highway, the department may require a developer agreement in addition to the connection permit. The developer agreement may include, but is not limited to: Plans; specifications; maintenance requirements; bonding requirements; inspection requirements; division of costs by the parties, where applicable; and provisions for payment by the applicant of actual costs incurred by the department in the review and administration of the applicant's proposal that exceed the required base fees in the following schedule:

(a) Category I base fees for one connection.

- (i) Field (agricultural), forest lands, utility operation and maintenance \$ 50
- (ii) Residential dwelling units (up to 10) utilizing a single connection point \$ 50
per dwelling unit
- (iii) Other, with 100 ADT or less \$ 500
- (iv) Fee per additional connection point \$ 50

(b) Category II base fees for one connection.

- (i) Less than 1,000 ADT \$1,000
- (ii) 1,000 to 1,500 ADT \$1,500
- (iii) Fee per additional connection point \$ 250

(c) Category III base fees for one connection.

- (i) 1,500 to 2,500 ADT \$2,500
- (ii) Over 2,500 ADT \$4,000
- (iii) Fee per additional connection point \$1,000

(d) Category IV base fee per connection \$ 100

(2) Surety bond. Prior to the beginning of construction of any Category II or Category III connection, the department may require the permittee to provide a surety bond as specified in WAC 468-34-020(3).

NEW SECTION

WAC 468-51-080 APPLICATION SUBMITTAL, REVIEW, CONDITIONS. (1) Application submittal. The application shall be submitted to the designated local department office serving the area. The application shall be properly prepared, clearly completed, and signed. Information on the specific number of copies to be provided and other submittal information is available from the designated local department office.

(2) Application review, processing, and approval. Upon receipt of the application, the application shall be reviewed consistent with the provisions of this chapter. If the department identifies errors in the application or if additional information is required, the department will notify the applicant. Applicants must provide such information or correct errors within thirty days of the notification. If the applicant determines that the time to provide additional or corrected information is insufficient, the applicant shall contact the department in writing to

request additional time be approved. If the additional or corrected information has not been received by the department within thirty days or the approved time period agreed to, the application will be withdrawn.

(a) Review. Upon timely receipt of all required information, or upon expiration of the time period for receipt of additional or corrected information, the location and design of the connection shall be examined for consistency with current department location, quantity, spacing, classifications, and department design standards. The review shall also include an analysis of the impact of the site's existing and projected traffic on the operation and safety of the state highway.

(b) Concurrence or denial, notice. If the department concurs in the location and design of the proposed connection, written notification of that concurrence will be sent to the applicant and to the local governmental land use planning authority having jurisdiction over the development. If the applicant has gone through the voluntary conceptual review process, the written notice of concurrence will indicate whether or not there have been any changes in the number, location, or design of the connection required by the department. No construction may commence on the department's right of way until all necessary department and local governmental permits are issued in accordance with (c) of this subsection. If the department does not concur in the connection location, quantity, or design, both the applicant and the local governmental land use planning authority having jurisdiction over the development approval shall be notified, in writing, indicating the department's intent to deny the connection as proposed in the application. The written notification shall state the specific reasons for the intent to deny the connection, the process for submitting an amended application, and the appeal rights of the applicant. The applicant may submit a revised application within thirty days based on department comments and concerns as stated in the notification. The submittal of a revised application within thirty days shall not require the payment of any additional application fees. Submittal of a revised permit is not a prerequisite for a request for an adjudicative proceeding pursuant to WAC 468-51-150.

(c) Permit issuance. The department shall issue the connection permit after review and concurrence that the application and the location and design of the connection comply with the requirements of this chapter, and after either:

- (i) The applicant has received development approval from the appropriate local governmental land use planning authority; or
- (ii) Other interagency coordination procedures in effect are satisfied for development approval by the local governmental land use planning authority.

The applicant must be in compliance with the surety bond requirements specified in the permit prior to construction, in accordance with WAC 468-51-070.

(d) Request for adjudicative proceedings. In the event of a denial of a connection as proposed in the application, the applicant may apply for an adjudicative proceeding pursuant to WAC 468-51-150.

(3) Permit conditions. Any special requirements or provisions for the connection including off-site mitigation shall be clearly and specifically identified as part of the permit. Failure by the applicant or permittee to abide by the permit provisions shall be sufficient cause for the department to initiate action to alter the connection or to revoke the permit and close the connection at the expense of the permittee. The permit requirements shall be binding on the permittee, the permittee's successors, heirs and assigns, the permit application signators, and all future owners and occupants of the property. The applicant may challenge the permit conditions by applying for an adjudicative proceeding pursuant to WAC 468-51-150.

NEW SECTION

WAC 468-51-090 CONSTRUCTION REQUIREMENTS. (1) Preconstruction conference. The department may require a preconstruction conference prior to any work being performed on the department's right of way. When required by provisions in the permit, the department will schedule a preconstruction conference. The preconstruction conference should be attended by the necessary personnel to assure compliance with the terms and provisions of the permit.

(2) Time limit. Substantial construction of the connection shall begin within ninety days of the effective date of the permit, unless a longer time is approved by the department or a time extension is requested by the applicant and approved by the department. Construction shall be completed within one hundred twenty days of the date of issuance of the permit, unless a time extension is approved by the department. As a condition of the permit, the department may further

limit construction time, if the department determines that such limitation is warranted. Failure to comply with the time limits specified in the permit shall result in an automatic expiration of the permit following written notification to the permittee. For any permit which expires for failure to begin construction or to complete construction within the specified time limits, the department may require a new application, including the payment of the required application fee prior to the initiation of any construction.

(3) Posting of permit. The approved connection permit shall be displayed in a prominent location, protected from the weather, within the vicinity of the connection construction.

(4) Disruption of traffic. All construction and/or maintenance within department right of way shall conform to the provisions of the connection permit, the "Manual on Uniform Traffic Control Devices" (MUTCD); the department's current "Design Manual," and the current "Standard Specifications for Road, Bridge, and Municipal Construction." The department may require or restrict hours of construction to minimize disruption of traffic on the state highway system. If construction activity within the department's right of way causes undue disruption of traffic or creates safety hazards on a state highway, or if the construction activity is not in compliance with the traffic control specifications in the permit, the department shall advise the permittee or the permittee's contractor of the need for immediate corrective action, and may order immediate suspension of all or part of the work if deemed necessary. Failure to comply with this provision may result in permit modification or revocation.

(5) Traffic signals and other traffic control devices. Traffic signals and other traffic control devices installed by permittee shall conform to MUTCD and department design and construction standards. The permittee is responsible for securing any state and local permits needed for traffic signalization and regulatory signing and marking.

(6) Connection construction inspection. For Category II and Category III connections, the department may require the permittee, the developer, or landowner to provide inspection of construction and certification that connection construction is in accordance with permit provisions and appropriate department standards by a professional engineer, registered in accordance with chapter 18.43 RCW, or the department may do the inspection at the applicant's expense, as provided in the developer agreement.

NEW SECTION

WAC 468-51-100 NONCONFORMING CONNECTION PERMITS. The department may issue a permit for a connection not meeting department location and spacing criteria standards if it finds that a conforming connection is not attainable at the time of the permit application submittal and that denial would leave the property without a reasonable means of connection to the public road system. The department may issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the state for restoring or maintaining the operational efficiency and safety of the state highway. Nonconforming connection permits shall specify conditions or limits including:

(1) Traffic volume. The maximum vehicular usage of the connection shall be specified in the permit.

(2) Future alternate access. The permit shall specify that a conforming connection be constructed when future alternate means of access become available, and that the nonconforming connection be removed.

(3) Users. The permit shall specify the properties to be served by the connection; and any other conditions as necessary to carry out the provisions of chapter 47.50 RCW.

NEW SECTION

WAC 468-51-110 CHANGES IN PROPERTY SITE USE. The connection permit is issued to the permittee for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any significant changes made in the use, intensity of development, type of traffic, or traffic flow of the property requires the permittee, their assignee, or property owner to contact the department to determine if a new permit and modifications to the connection are required. If modification of the existing connection is required, based on a significant change as determined by the department, the permittee shall acquire a new permit prior to the initiation of any on-site construction to the connection or to the property.

(1) Significant change. A significant change is one that would cause a change in the category of the connection permit or one that causes

an operational, safety, or maintenance problem on the state highway system as documented by an engineering study signed and sealed by a professional engineer, registered in accordance with chapter 18.43 RCW.

(2) Notification. Failure to contact the department to determine the need for connection modifications or to apply for a new permit for such modifications prior to initiation of property improvements, land use changes or traffic flow alteration actions shall result in notification to the property owner of intent to revoke the existing permit and closure of the connection to the property.

(3) Costs. The permittee is responsible for all costs associated with connection removal, relocation, or modification caused by increased or altered traffic flows necessitated by changes to facilities, use, or to the nature of the business on the property.

NEW SECTION

WAC 468-51-120 PERMIT MODIFICATION, REVOCATION, CLOSURE OF PERMITTED CONNECTIONS. (1) Revocation criteria. All connection permits issued by the department prior to the effective date of this chapter remain valid until revoked. The department may initiate action to revoke any permit if significant changes have occurred in the use, design, or traffic flow of the property requiring the relocation, alteration, or closure of the connection; if the connection was not constructed at the location or to the design specified in the permit; or if the permit provisions were not met; or if the connection causes a safety or operational problem on the state highway system. The process to be followed by the department in the revocation of permits shall be consistent with the requirements of chapter 34.05 RCW and WAC 468-51-150. The notification process is as follows:

(a) Notification, correction of deficiencies. The department shall serve notice, in accordance with rules adopted pursuant to chapter 34.05 RCW, to the permittee, permittee's successors or assigns, or property owner with a copy to the occupant, for any connection found to be in noncompliance with the conditions of the permit or this chapter. The notice will identify and request that the deficiencies be corrected within thirty days of service of the notice. The notice shall further advise that the department's determination of noncompliance or deficiencies shall become final and conclusive thirty calendar days following service of the notice unless the violations are corrected or an adjudicative proceeding pursuant to chapter 34.05 RCW and WAC 468-51-150 is requested by the permittee, permittee's successor or assigns, or the property owner.

(2) Costs. The permittee, assignee, or property owner shall be responsible for the costs of closure due to revocation of a connection permit pursuant to WAC 468-51-120.

(3) Emergency action. This chapter shall not restrict the department's right to take immediate remedial action, including the closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare, pursuant to chapter 47.32 RCW. In such event, the department shall conform to the provisions for emergency adjudicative proceedings in RCW 34.05.479 and rules adopted thereunder.

NEW SECTION

WAC 468-51-130 CLOSURE OF UNPERMITTED CONNECTIONS. Closure criteria, permit requirements. Any unpermitted connections to the state highway system which were in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide connection to the state highway system, unless the property owner had received written notification initiating connection closure from the department prior to July 1, 1990, or unless the department determines that the unpermitted connection does not meet minimum acceptable standards of highway safety. The department may require that a permit be obtained if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the department may initiate action to close the unpermitted connection point pursuant to RCW 47.50.040. Any unpermitted connection opened subsequent to July 1, 1990, is subject to closure by the department. The process to be followed by the department in the closure of an unpermitted connection shall be consistent with chapter 34.05 RCW and rules adopted thereunder. The notification process is as follows:

(1) Notification. The department shall serve notice, in accordance with rules adopted pursuant to chapter 34.05 RCW, upon the property owner of a connection to a state highway which is found by the department to be unpermitted. This notice shall clearly describe the

highway connection violation and shall establish a thirty-day time limit for either applying for a connection permit or requesting an adjudicative proceeding pursuant to chapter 34.05 RCW. The sole issue to be determined at the adjudicative proceeding is whether a permit should be required. The notice will further advise the property owner that failure to act in either of the prescribed ways within the time period will result in department closure of the unpermitted connection.

(2) Permit application. If a permit application is filed within the thirty days, and the application is denied, the department shall notify the property owner of the denial. The property owner may then proceed with the permit application revision process set forth in WAC 468-51-080 or request an adjudicative proceeding pursuant to WAC 468-51-150 within thirty days. Failure to act in either of those prescribed ways within the time period set forth in the rules will result in department closure of the unpermitted connection. If the location and design of the connection in the permit application are acceptable to the department, the existing connection may continue to be used for a specified period of time or until the connection specified in the permit application is constructed.

(3) Approval conditions. Modifications, relocation, or closure of unpermitted connections may be required by the department as a requirement of permit approval, subject to the adjudicative proceedings provisions of WAC 468-51-150.

NEW SECTION

WAC 468-51-140 DEPARTMENT CONSTRUCTION PROJECTS. During construction of department projects, connections will be provided as replacements for existing approved permitted connections, that are consistent with all current department spacing, location, and design standards, based on the following conditions:

(1) Nonconforming connections. All nonconforming connections will be examined to determine if the construction project will require relocation, alteration, or closure of the connection to make it conforming.

(2) Application of current standards. The number and location of connections shall be modified to the maximum extent possible to meet current department spacing, location, and design standards. Where current department standards cannot be met, the connection shall be classified as nonconforming.

(3) New connections, modifications. The department shall allow new or require modification of existing connections if a connection permit application is made and approved.

(4) Replacement of existing connections. When connections are made as part of a department construction project replacing existing connection points without material differences, no additional permit shall be required.

(5) New connections—Cost. The construction of new connection points, if approved by the department, shall be done at the owner's expense by either the department's contractor as part of the roadway improvement or by the owner's contractor at the department's option.

(6) Modifications—Cost. If the modification of the connection point is more extensive than the routine replacement of an existing connection, the owner shall also participate in the differential cost.

(7) Work by permittee's contractor. The department shall require that work done by the owner's contractor be accomplished at the completion of the department's contract or be scheduled so as not to interfere with the department's contractor. The department may require a surety bond prior to construction of the connection in accordance with WAC 468-51-070.

NEW SECTION

WAC 468-51-150 ADJUDICATIVE PROCEEDINGS. (1) Application. Any person who is the recipient or otherwise has standing to challenge the denial of a permit application pursuant to WAC 468-51-080; a permit with conditions pursuant to WAC 468-51-080; a notice of permit modification, revocation, or closure of permitted connection pursuant to WAC 468-51-120; or notice of closure of an unpermitted connection pursuant to WAC 468-51-130 may apply for an adjudicative proceeding on the matter pursuant to chapter 34.05 RCW and rules adopted thereunder within thirty days of the date the initial determination of the department is mailed to the recipient.

(2) Conduct. Thereafter, and within the times set forth by chapter 34.05 RCW, the department shall convene an adjudicative proceeding or a brief adjudicative proceeding as is deemed appropriate by the department. The proceeding shall be conducted pursuant to chapter 34.05 RCW and rules adopted thereunder.

(3) Brief adjudicative hearings. The department hereby adopts RCW 34.05.482 through 34.05.494 pertaining to brief adjudicative proceedings for purposes of hearing challenges under the provisions listed in subsection (1) of this section.

(4) Failure to apply. Failure to apply for an adjudicative proceeding within the times set forth in subsection (1) of this section shall result in the adoption of the department's initial determination as its final determination.

(5) Failure to participate. Failure to attend or otherwise participate in an adjudicative proceeding or brief adjudicative proceeding may result in a finding of default.

WSR 92-10-042 PROPOSED RULES STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Order 139—Filed May 5, 1992, 8:25 a.m.]

Original Notice.

Title of Rule: WAC 131-28-025 Method of assessing tuition and fee charges; 131-28-026 Tuition charges for certain ungraded courses; and 131-28-028 Tuition charges for certain waiver categories.

Purpose: Establish fee levels and methods of charging fees for various community college "ungraded" (reduced tuition) courses and fee waiver programs.

Statutory Authority for Adoption: RCW 28B.15.502.

Statute Being Implemented: Chapters 231, 232 and 238, Laws of 1992.

Summary: The amendments implement a legislatively mandated reduction in the amount of fee revenue to be waived by increasing fees for certain "ungraded" (reduced fee) courses and for certain fee waiver programs.

Reasons Supporting Proposal: The 1992 supplemental operating budgets and fee waiver statute mandate that community colleges reduce the amount of fee revenue previously waived.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Morgan, 319 7th Avenue, Olympia, WA, 753-0880; and Enforcement: Earl Hale, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules establish fees and methods for assessing them for community college "ungraded" (reduced fee) courses and various waiver programs. The proposed amendments will enable the community colleges to implement the intent of the 1992 legislature that the "loss" of revenue attributable to reduced fee and fee waiver programs be reduced by 6.6 percent (\$1.4 million).

Proposal Changes the Following Existing Rules: The proposed amendments have the affect of increasing fees for certain reduced fee courses (ungraded courses) and fee waiver programs.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, West 3410 Fort George Wright Drive, Spokane, WA 99204, on June 19, 1992, at 10:00 a.m.

Submit Written Comments to: Scott Morgan, 319 7th Avenue, Olympia, WA 98504, by June 5, 1992.

Date of Intended Adoption: June 19, 1992.

May 5, 1992
 Robert G. Wark
 Rules Coordinator

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional fee for each credit in excess of eighteen at the rate of one-tenth of the tuition charged to full-time students consistent with chapter 28B.15 RCW (~~except that no such~~). The additional ((charges shall be)) fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program ((as defined in WAC 131-28-021)) shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such community service courses.

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending Order 133, Resolution No. 91-49, filed 10/4/91, effective 11/4/91)

WAC 131-28-026 TUITION CHARGES FOR CERTAIN UNGRADED COURSES. (1) ~~((When in the judgment of a district board of trustees certain courses should be designated as))~~ The state board shall designate ungraded courses ((and)) offered ((by)) at tuition rates that differ from the standard rates set by WAC 131-28-025((the board of trustees may propose such designations and tuition levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition charges when essentially similar services are provided)).

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:

COURSE	TUITION		
	BUILDING FEE	OPERATING FEE	(SERVICES AND ACTIVITIES FEE)
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	(\$1.40 per credit)	\$3.60 per credit)	No charge
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements			(Standard rate Standard rate No charge) One hundred percent
(c) Parent education involving cooperative preschool program			(The combined standard district charge per credit hour for tuition and operating fees less the preschool cooperative fee, with any remainder divided equally between tuition and operating fee)) Fifteen percent
(d) Farm management and small business management	(\$1.85 per credit)	\$9.15 per credit)	No charge
(e) Adult basic education, English as a second language ((and GED preparation)) courses ((supported by federal funds))	No charge		((No charge No charge))

TUITION

COURSE	((SERVICES AND ACTIVITIES FEE))		
	BUILDING FEE	OPERATING FEE	
(f) Emergency medical technician and paramedic continuing education	(\$1.40 per credit) <u>Thirty percent</u>	\$3.60 per credit)	No charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	((20% of the standard building fee rounded to the nearest dollar)) <u>Thirty percent</u>	20% of the standard operating fee rounded to the nearest dollar))	No charge
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with local joint apprenticeship and training committees	((Standard rate)) <u>One hundred percent</u>	Standard rate	No charge
(i) GED preparation	<u>Fifteen percent</u>		

- (5) Students taking from eleven to eighteen credits shall not be charged for those credits.
- (6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.
- ~~((6) Tuition and services and activities fees))~~ (7) Ungraded course tuition received pursuant to this section shall be accounted for and deposited in ((conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively)) the community college operating fee account established in RCW 28B.15.— (section 36, chapter 231, Laws of 1992).
- ~~((7))~~ (8) The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.
- (9) Tuition may be paid by the sponsoring entity rather than an individual student.

NEW SECTION

WAC 131-28-028 TUITION CHARGES FOR CERTAIN WAIVER CATEGORIES. (1) Community college districts should charge tuition to students in the following waiver categories in accordance with this schedule. Tuition charges shall be rounded to the nearest dollar.

Waiver Category	Percent of standard tuition to be charged
(a) High school completion as authorized by RCW 28B.15.520	Fifteen percent
(b) Vocational credits in excess of eighteen as authorized by RCW 28B.15.100	Fifteen percent

Revenues generated under this subsection shall be divided proportionately between the building fee and the operating fee and deposited in accordance with the provisions of chapter 28B.15 RCW.

(2) Community college districts should charge students in the following waiver categories a twenty-five percent surcharge of the resident operating fee rate. Tuition charges shall be rounded to the nearest dollar:

- (a) Active duty military personnel, their spouses and children as authorized by RCW 28B.15.014.
- (b) Refugees, their spouses, and children as authorized by RCW 28B.15.014.
- (c) Students enrolled under reciprocity programs with British Columbia, Idaho, and Oregon under RCW 28B.15.100, 28B.15.730, 28B.15.750, or 28B.15.756.

Revenues generated under this subsection are operating fees.

WSR 92-10-043
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 92-09—Filed May 5, 1992, 8:54 a.m.]

Date of Adoption: May 5, 1992.
 Purpose: To repeal WAC 173-305-060 through 173-305-090.
 Citation of Existing Rules Affected by this Order: Amending chapter 173-305 WAC.
 Statutory Authority for Adoption: Chapter 70.95E RCW.
 Pursuant to notice filed as WSR 92-05-083 on February 18, 1992.
 Effective Date of Rule: Thirty-one days after filing.
 May 5, 1992
 Fred Olson
 Deputy Director

REPEALER

- The following sections of the Washington Administrative Code are repealed:
- WAC 173-305-060 FACILITY FEES.
 - WAC 173-305-070 SCHEDULE OF FACILITY FEES.
 - WAC 173-305-080 ASSESSMENTS FOR COMBINED SITES.
 - WAC 173-305-090 ADJUSTMENT OF FEES AND LIMITS.

WSR 92-10-044
DEPARTMENT OF ECOLOGY
 [Filed May 5, 1992, 8:57 a.m.]

APPROVAL OF APPLICATION TO FORM THE "CONSERVATION AND RENEWABLE ENERGY SYSTEM" AND ENTRY OF ORDER CREATING THE JOINT OPERATING AGENCY

On March 18, 1992, the Washington State Department of Ecology gave notice of its intention to consider the application of seven public utility districts for the formation of a joint operating agency, the "Conservation and Renewable Energy System."

Public hearings were held at the Richland Public Library on April 6, 1992, and the Attorney General's Conference Room in Lacey on April 8, 1992, when the public comment period ended. Having considered the application from the seven public utility districts and having reviewed public comment and testimony, I hereby approve the application and give notice of the entry of an Order creating the joint operating agency, pursuant to RCW 43.52.360.

May 1, 1992
 Chuck Clarke
 Director

WSR 92-10-045
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—May 4, 1992]

Thursday, June 11, 1992, the Washington State Library Commission will meet for a commission briefing at the Windows in Season Restaurant, Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA, beginning at 6:30 p.m.

Friday, June 12, 1992, the Washington State Library Commission will hold their quarterly business meeting at Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA, beginning at 10:00 a.m.

WSR 92-10-046
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 3356A—Filed May 5, 1992, 10:57 a.m.]

Date of Adoption: May 5, 1992.

Purpose: Amendment of Social Security Act, Section 1924 (e)(3)(a), effective July 1, 1991. Amendment of the community spouse maintenance needs allowance to ensure compliance with the above federal regulation that became effective July 1, 1991.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-360 Allocation of income—Institutionalized recipient.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-07-053 on March 12, 1992.

Changes Other than Editing from Proposed to Adopted Version: Dollar amount changes.

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

May 5, 1992

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3232, filed 8/20/91, effective 9/20/91)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the SSI-related client receives for work approved by the

department as part of a training or rehabilitative program designed to prepare the ~~((individual))~~ person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) ~~((No))~~ A deduction~~((s-are))~~ is not allowed for employment expenses ~~((of employment))~~; and

(ii) The excess wages shall apply to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred eighty-two dollars, unless specified in subsection (4) of this section. The monthly needs allowance shall be:

(i) ~~((Of an))~~ An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) ~~((Actual))~~ Excess shelter expenses ~~((that exceed two hundred seventy dollars and ninety cents. The department shall calculate actual shelter expenses for the community spouse's principal residence for:~~

~~(A) Rent;~~

~~(B) Mortgage;~~

~~(C) Taxes and insurance;~~

~~(D) Any maintenance charge for a condominium or cooperative; and~~

~~(E) A food stamp standard allowance for utilities provided the utilities are not included in the maintenance charges for a condominium or cooperative.~~

(iii) The total of the community spouse's monthly needs allowance shall not exceed one thousand six hundred sixty-two dollars, unless:

~~(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or~~

~~(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress)) as specified in subsection (3) of this section.~~

(e) An amount for the maintenance needs of ~~((a))~~ each dependent family member residing with the community spouse;

(i) An amount:

~~(A) Effective April 1, 1992, equal to one-third of the amount~~ ~~((nine hundred three))~~ one thousand nineteen dollars exceeds the family member's income ~~((for each)); and~~

~~(B) Effective July 1, 1992, equal to one-third of the amount~~ one thousand one hundred forty-nine dollars exceeds the family member's income.

(ii) A family member is a:

~~((+))~~ ~~(A)~~ Dependent or minor child;

~~((+))~~ ~~(B)~~ Dependent parent; or

~~((+))~~ ~~(C)~~ Dependent sibling of the institutionalized or community spouse((:));

(f) If an institutional recipient does not have a community spouse, an amount for the maintenance needs of family members residing in the recipient's home is equal to the medically needy income level for the number of

legal dependents in the home less the income of the dependents;

(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(h) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) A physician has certified that either of the ~~((individuals))~~ persons is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(3) For the purposes of this section, excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred five dollars and seventy cents, effective April 1, 1992; and

(c) Shall not exceed three hundred forty-four dollars and seventy cents, effective July 1, 1992.

(4) The amount allocated from the institutional spouse to the community spouse may be greater than the amount in subsection (2)(d)(i) of this section only when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearing officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(5) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

~~((4))~~ (6) The recipient shall use the income remaining after allocations specified in subsection (2) of this section, toward payment of the recipient's cost of care at the department rate.

~~((5))~~ (7)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611(b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider the SSI payment when computing the participation amount.

~~((6))~~ (8) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the participation amount.

WSR 92-10-047
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3378—Filed May 5, 1992, 11:00 a.m., effective July 1, 1992]

Date of Adoption: May 5, 1992.

Purpose: Clarifies that for the general assistance program, the payment standard is based on the number of people included in the assistance unit, but the grant can be paid to each individual within the assistance unit on a prorated basis.

Citation of Existing Rules Affected by this Order: Amending WAC 388-33-015 Payment of grant—Persons included.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-07-049 on March 12, 1992.

Effective Date of Rule: July 1, 1992.

May 5, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-33-015 PAYMENT OF GRANT—PERSONS INCLUDED. Except as specified under subsection (2) of this section, each grant shall encompass only one assistance unit, even though there may be two or more assistance units in the same family group or household. For proper allocation of requirements and income among assistance units, see WAC ((388-29-080 and)) 388-28-500 and 388-29-080.

(2) For the general assistance program, the grant shall encompass only one assistance unit but may be paid in separate, prorated amounts to each person in the assistance unit.

WSR 92-10-048
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3379—Filed May 5, 1992, 11:01 a.m., effective July 1, 1992]

Date of Adoption: May 5, 1992.

Purpose: Clarifies the phrase "assistance unit" by adding to the definition. Explains that when this phrase is used, it also refers to the person or group of persons who receive assistance under one program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-29-001 Definitions.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-07-050 on March 12, 1992.

Changes Other than Editing from Proposed to Adopted Version: Text of this rule has been changed to clarify the definition of an assistance unit.

Effective Date of Rule: July 1, 1992.

May 5, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2947, filed 3/1/90, effective 4/1/90)

WAC 388-29-001 DEFINITIONS. (1) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program. Once eligibility for an assistance program is established, the assistance unit is the person or group of persons included together under that one assistance program.

(2) "Board and room" means a living arrangement in which ((an individual)) a person purchases food, shelter, and household maintenance requirements from one vendor.

(3) "Boarding home" means any place where one or more persons purchase food, shelter, and household maintenance requirements from one vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water.

(6) "Life estate" means the right to use property for the duration of a specific person's lifetime.

(7) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.

(8) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.

(9) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.

(10) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.

(11) "Rateable reduction" means the percentage difference between the need standard and the payment standard.

(12) "Requirement" means an item or service recognized by the department as essential to the welfare of ((an individual)) a person.

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, transportation, household maintenance, personal maintenance, and necessary incidentals.

(13) "Residing in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.

(14) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

WSR 92-10-049
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3380—Filed May 5, 1992, 11:03 a.m., effective July 1, 1992]

Date of Adoption: May 5, 1992.

Purpose: This WAC changes the department's policy on the combination of assistance units for multiple-program households. This section identifies the assistance unit composition for the general assistance program. The purpose eliminates WAC 388-37-031 as it is unnecessary and confusing and is already contained in WAC 388-15-212 and 388-15-213.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-37-031 Continuing general assistance—Payment to employable spouse.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-07-048 on March 12, 1992.

Changes Other than Editing from Proposed to Adopted Version: Changed to clarify that the assistance unit is not to include all general assistance clients in the same household.

Effective Date of Rule: July 1, 1992.

May 5, 1992
Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-37-039 CONTINUING GENERAL ASSISTANCE—ASSISTANCE UNITS. The department shall include, in a single assistance unit, the following eligible persons living together:

(1) An incapacitated or pregnant single person; or

(2) A married couple if both persons are incapacitated; or

(3) Only the incapacitated spouse in the case of a married couple when the other spouse is employable. The income and resources of the employable spouse shall be considered as described in chapter 388-28 WAC; or

(4) Only the incapacitated person in the case of a married couple/family when:

(a) The spouse or child(ren) with whom the person lives is eligible for an aid to families with dependent children grant; and

(b) The incapacitated person is not eligible for an aid to families with dependent children grant; and

(c) The incapacitated person is not under sanction from the aid to families with dependent children program; or

(5) A married couple when the husband is incapacitated and the wife is eligible for general assistance under the pregnant woman provision; or

(6) Only the pregnant woman in the case of a married couple when the other spouse is employable. The income and resources of the employable spouse shall be considered as described in chapter 388-28 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-37-031 Continuing general assistance—
Payment to employable spouse.

WSR 92-10-050
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3381—Filed May 5, 1992, 11:04 a.m., effective July 1, 1992]

Date of Adoption: May 5, 1992.

Purpose: Clarifies the phrase "assistance unit" used throughout WAC by adding to the definition. Explains that when this phrase is used, it also refers to the person or group of persons who receive assistance under one program.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-22-030 Definitions.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-07-051 on March 12, 1992.

Changes Other than Editing from Proposed to Adopted Version: The text of the rule has been changed to clarify the definition of an assistance unit.

Effective Date of Rule: July 1, 1992.

May 5, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2801, filed 5/24/89)

WAC 388-22-030 DEFINITIONS. This section contains definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. This section provides a central location for definitions while eliminating the need to repeat the same in each WAC chapter. Related definitions are grouped under the key word.

For medical assistance—Title XIX and medical services (fully state-financed) program definitions, see chapter 388-80 WAC. For food stamp program definitions, see chapter 388-49 WAC.

(1) "Adequate consideration" means the reasonable value of the goods or services received in exchange for transferred property approximates the reasonable value of the property transferred.

(2) "Adult" means a person eighteen years of age or older.

(3) "Applicant" means any member of an assistance unit by or for whom a request for assistance has been made.

(4) "Application" means a written request for financial assistance or a written ((or oral)) request for medical or social service, provided by the department of social and health services, made by a person in the person's own behalf or in behalf of another person.

(5) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program. Once the department establishes eligibility for an assistance program, the assistance unit is the person or group of persons included together under that one assistance program.

(6) "Authorization" means an official approval of a departmental action.

(a) "Authorization date" means the date the prescribed form authorizing assistance is signed.

(b) "Authorization of grant" means attesting the applicant's eligibility for assistance and giving authority to make payment accordingly.

(7) "Automobile" means a motorized vehicle.

(8) "Board and room" means a living arrangement where a person purchases food, shelter, and household maintenance from one vendor.

(9) "Boarding home" means a place where a person purchases food, shelter, and household maintenance on a board and room basis.

(10) "CFR" means the code of federal regulations established by the federal government.

(11) "Cash savings" means money which is not classified as income.

(12) "Certification date" means the date the worker certifies changes in a client's case and authorizes a change in grant.

(13) "Child" or "minor child" means a person under 18 years of age.

(14) "Chore services" means household, yard, and/or personal care services which assist a person in the person's own home.

(15) "Client" means an applicant and/or recipient of financial, medical and/or social services.

(16) "Continuing assistance" means payments to persons who are eligible for and receive regular monthly grants on a prepayment basis.

(17) "Dependent child" means a child who is not self-supporting, married, or a member of the armed forces of the United States. Receiving public assistance does not constitute self-support.

(18) "Disability." (See WAC 388-93-025.)

(19) "Disaster assistance" means a financial grant or temporary housing for eligible victims of an emergency or major disaster as declared by the governor or president.

(20) "Effective date" means the date eligibility for a grant begins, changes, or ends.

(21) "Encumbrances" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, attached to and binding on property.

(22) "Entitlement" means any form of benefit, such as compensation, insurance, pension retirement, military, bonus, allotment, allowance payable in cash or in-kind in which a client may have a claim or interest.

(23) "Equity" means quick-sale value less encumbrances.

(24) "Estate" means all real and personal property that a deceased person has a right or interest as of the date of death.

(25) "Exception to policy" means a waiver by the secretary's designee to a department policy for a specific client experiencing an undue hardship because of the policy. The waiver may not be contrary to law.

(26) "Fair hearing" means an ((administrative)) adjudicative proceeding to hear and decide a client appeal of a department action or decision.

(27) "Federal aid" means the assistance grant programs funded in part by the United States government.

(28) "Food stamp program" means the program administered by the department in cooperation with the U.S. Department of Agriculture to certify eligible households to receive food coupons used to buy food.

(29) "Fraud."

(a) For financial aid programs, fraud means a deliberate, intentional and willful act with the specific purpose of deceiving the department with respect to any material fact, condition or circumstance affecting eligibility or need.

(b) "Food stamp fraud" is defined in chapter 388-49 WAC.

(30) "Funeral" means the care of the remains of a deceased person with, appropriate services including necessary costs of, needed facilities, a lot or cremation, and the customary memorial marking of a grave.

(31) "General assistance" means state-funded assistance to eligible pregnant or incapacitated persons who are not eligible for or not receiving federal aid assistance.

(32) "Grant" means an entitlement awarded to a client and paid by state warrants redeemable at par.

(a) "Grant adjustment" means postpayment of the difference between the amount a client was eligible for in a given period and the amount already paid.

(b) "Initial grant" means the payment due from date of eligibility to the date of the first regular grant.

(c) "Minimum grant" means ten dollars, unless a court decision requires payment of a smaller amount, or the grant would have exceeded ten dollars prior to applying a mandatory overpayment deduction.

(d) "One-time grant" means a payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance on a continuing basis.

(33) "Grantee" means the person or persons to or for whom assistance is paid.

(34) "House" means a separate structure of one or more rooms.

(35) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage, sewage disposal, and water.

(36) "Income" means any appreciable gain in real or personal property (cash or in-kind) received by a client during the month for which eligibility is determined, and that can be applied toward the needs of the assistance unit.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form.

(b) "Earned income" means income in cash or in-kind earned as wages, salary, commissions or profit from activities in which the individual is engaged as a self-employed person or as an employee.

(c) "Exempt income" means net income which is not deducted from the cost of requirements to determine need.

(d) "Income in-kind" means income in the form of a requirement which contributes appreciably toward meeting the need for the requirement. Income in-kind shall be evaluated in terms of its cash equivalent under WAC 388-28-600.

(e) "Net income" means gross income less cost of producing or maintaining the income.

(f) "Nonexempt income" means net income which is deducted from the cost of requirements to determine need.

(g) "Recurrent income" means income which can be predicted to occur at regular intervals.

(37) "Incapacity" (see WAC 388-24-065 for AFDC and WAC 388-37-030 and 388-37-032 for GA-U).

(38) "Inquiry" means a request for information about the department and/or the services offered by the department.

(39) "Institution" means a treatment facility within which an individual receives professional care specific to that facility.

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private" is operated by nongovernmental authority by private interests.

(c) "Institution-public" is supported by public funds and administered by a governmental agency.

(d) "Institutional services" are those items and services furnished to individuals in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

(40) "Joint account" means a numbered account within a financial institution which is registered to two or more parties and is accessible to each party for withdrawal of a cash resource (see WAC 388-28-430 (2)(a)).

(41) "Living in own home" means a living arrangement other than a boarding home, hospital, nursing home, or other institution.

(42) "Marketable securities" means stocks, bonds, mortgages, and all other forms of negotiable securities.

(43) "Minor" means a person under eighteen years of age.

(44) "Need" is the difference between the assistance unit's financial requirements, by departmental standards, and the value of all nonexempt net income and resources received by or available to the assistance unit.

(45) "Need under normal conditions of living" means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social

Security Act minus other income during a period of time when not receiving public assistance.

(46) "Overpayment" means any assistance paid to an assistance unit where:

- (a) Eligibility for the payment did not exist; or
- (b) Assistance paid was in excess of need.

(47) "Payee" means the person in whose name a warrant or check is issued.

(48) "Permanent and total disability" means the inability to do any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or is expected to last for at least twelve consecutive months.

(49) "Property" means all resources and/or income possessed by a client.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for a client.

(50) "Protective payment" means a grant payment to an individual on behalf of an eligible recipient.

(51) "Psychiatric facility" means an institution legally qualified to administer psychiatric inpatient treatment.

(52) "Public assistance" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, and work relief.

(53) "Recipient" means any person within an assistance unit receiving assistance.

(54) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

(55) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons; food, clothing, personal maintenance and necessary incidentals, shelter and household maintenance.

(56) "Resource" means an asset, tangible or intangible, owned by or available to a client which can be applied toward meeting financial need, either directly or by conversion into money or its equivalent. Any resource obtained on or after the first of the month in which eligibility is determined is called "income."

(a) "Exempt resource" is a resource which by policy is not considered in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt, and the value of which is used to determine financial need.

(57) "Restitution" means repayment to the state of assistance paid contrary to law.

(58) "Separate property" means real or personal property which was acquired by either spouse before marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

(59) "Statements in support of application" means any form or document required under department regulations.

(60) "Suspension" means a temporary discontinuance of a grant payment.

(61) "Terminate" means discontinuance of payment or suspension status.

(62) "Transfer" means reassignment of a case record from one CSO to another in accordance with a client's change of residence.

(63) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

(64) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

(c) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

(65) "Vendor payment" means an authorized payment to an individual, corporation or agency for goods furnished or services rendered to an individual eligible for public assistance.

(66) "Vocational training" means an organized curriculum in a school, training unit, or training program under recognized sponsorship with a specific vocational training objective.

(67) "Warrant" means the state treasurer's warrant issued in payment of a grant.

(68) "Warrant register" means the list of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment the number of matchable persons whose need is being met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting and one-time grants paid.

WSR 92-10-051
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed May 5, 1992, 1:05 p.m.]

Original Notice.

Title of Rule: Chapter 132Q-20 WAC, Faculty and student traffic rules and regulations, WAC 132Q-20-020, 132Q-20-040, 132Q-20-060, 132Q-20-090, 132Q-20-110, 132Q-20-130, 132Q-20-160, 132Q-20-170, 132Q-20-200, 132Q-20-210, 132Q-20-220, 132Q-20-240, 132Q-20-250, and 132Q-20-260.

Purpose: To establish rules governing on-campus traffic and parking.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These rules establish policies for permits, parking, traffic and enforcement.

Reasons Supporting Proposal: Proposal amends existing language to reflect current usage and administrative title changes.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules establish procedures regarding the use of permits, including their purpose, terms, revocation or refusal to grant; designation of parking space and duration thereof; regulatory signs and directions; special conditions, accident procedures; enforcement and fines and penalties.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-020 DEFINITIONS. As used in this chapter the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Washington State Community College District 17.

(2) "Campus" shall mean any or all real property owned, operated or maintained by Washington State Community College District 17.

(3) "~~((Dean of student personnel))~~ Vice-president of student services" shall mean the ~~((dean of student personnel))~~ vice-president of student services of Spokane Community College or Spokane Falls Community College.

(4) "College" shall mean any community college or separate instructional unit which may be created by the board of trustees of Washington State Community College District 17.

(5) "Faculty" shall mean any employee of Washington State Community College District 17 which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.

(6) "Campus patrol" shall mean an employee of the college, or a law enforcement student, who is responsible to the ~~((dean of student personnel))~~ vice-president of student services for campus security.

(7) "Student" shall mean any person who is enrolled in any community college operated by Washington State Community College District 17.

(8) "Vehicle" shall mean an automobile, truck, motor-driven cycle, scooter, or any vehicle empowered by a motor.

(9) "Visitors" shall mean any person or persons, excluding students as previously defined, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with the colleges' role as institutions of higher learning in the state of Washington.

(10) "Permanent permits" shall mean permits which are valid for a school term.

(11) "Temporary permits" shall mean permits which are valid for a specific period designated on the permit.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-040 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. Students, faculty, administration, college personnel, guests and visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132Q-20-050, except guests and visitors who will be given a reasonable time to secure a temporary permit from the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee. All students who plan to park on campus and are attending educational programs on campus that meet ten or more times per quarter are required to purchase a valid quarterly permit. Failure to obtain a permit shall be grounds for disciplinary action. The fee for the parking permit shall be established from time to time by the board of trustees of Washington State Community College District 17 and shall be published. Students attending education programs on campus that meet less than ten times are to obtain temporary guest permits.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-060 VALID PERMIT. A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed;

or
(2) A short-term parking permit authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and properly displayed; or

(3) A special parking permit authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and properly displayed; or

(4) A guest's permit authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and properly displayed; or

(5) A shop permit authorized by a vocational - technical instructor and properly displayed.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-090 PERMIT REVOCATION. Parking permits are the property of the college and may be recalled by the ~~((dean of student personnel))~~ vice-president of student services for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists; or

(2) When a permit is used for an unregistered vehicle or by an unauthorized individual; or

(3) Falsification on a parking permit application; or

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit.

AMENDATORY SECTION (Amending WSR 90-21-021, filed 10/8/90, effective 11/8/90)

WAC 132Q-20-110 RIGHT TO APPEAL PERMIT REVOCATION OR REFUSAL TO GRANT PERMIT. When a parking permit has been recalled pursuant to WAC 132Q-20-090, or has been refused in accordance with WAC 132Q-20-100, or when a fine or penalty has been levied against a violator of the rules and regulations

set forth in this chapter, such action by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, may be appealed pursuant to WAC 132Q-108-050; provided, however, that faculty, administrators, and college personnel of Washington State Community College District 17 shall appeal permit revocations, refusals to grant permits, and fines or penalties levied for violations by the ~~((dean of student personnel))~~ vice-president of student services to the respective college presidents whose decision on the matter shall be final. Refusal to pay a fine still existing after exhaustion of the appellate process shall be grounds for disciplinary action. In the case of students, failure to pay fines after the exhaustion of the appellate process shall be grounds for the college, in addition to disciplinary action, to deny admission for subsequent enrollment with Washington State Community College District 17. In the case of District 17 employees, failure to pay fines could result in the denial of issuing a permit, and/or impounding of vehicles.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-130 DESIGNATION OF PARKING SPACE. The parking space available on campus shall be designated and allocated by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, in such a manner which will best effectuate the objectives of the rules and regulations in this chapter.

(1) Faculty ~~((and college personnel))~~ staff, student, and visitor spaces will be so designated for their use; and

(2) ~~((Student spaces will be so designated for their use, provided, physically handicapped students and others designated by the dean of student personnel services, or the dean's designee, may be granted special permits to park in close proximity to the classrooms used by such students))~~ Parking spaces for the exclusive use by persons with disability will be designated. The office of student services may issue special permits to students and others to park in these designated spaces; and

(3) Parking spaces will be designated for use of visitors on campus.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-160 OVERNIGHT PARKING. Overnight parking is prohibited except when approval is granted by the ~~((dean of student personnel))~~ vice-president of student services or the ~~((dean's))~~ vice-president's designee.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-170 REGULATORY SIGNS AND DIRECTIONS. The ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the colleges. Such signs, barricades, structures, markings, and directions, shall be so made and placed as in the opinion of the ~~((dean of student personnel))~~ vice-president of student services, or ~~((dean's))~~ vice-president's designee, which will best effectuate the objectives stated in WAC 132Q-20-010 and will best effectuate the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrol in the control and regulation of traffic.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-200 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional and/or heavy traffic and during emergencies, the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132Q-20-010.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-210 TWO-WHEELED MOTOR BIKES OR BICYCLES. (1) All two-wheeled vehicles empowered by a motor shall park in a space designated for motorcycles only.

(2) No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-220 REPORT OF ACCIDENTS. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total of claimed damage to either or both vehicles exceeding \$300.00 shall immediately report such accident to the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-240 ENFORCEMENT. (1) Enforcement of the parking rules and regulations will begin the first day of classes of the fall quarter and will continue through subsequent quarters until the start of the following fall quarter.

(2) The ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, shall be responsible for the enforcement of the rules and regulations contained in this chapter. The ~~((dean of student personnel))~~ vice-president of student services is hereby authorized to delegate this responsibility to the campus patrol or other subordinates.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-250 ISSUANCE OF TRAFFIC TICKETS. Upon the violations of any of the rules and regulations contained in this chapter, the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee or subordinates, may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license information, infraction, officer, and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator or owner.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-260 FINES AND PENALTIES FOR STUDENTS. The ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2) of this section, fines will be levied for all violations of the regulations contained in this chapter. A current schedule of fines is available from the parking office.

(2) Community Colleges of Spokane and its recognized instructional units are authorized to:

(a) Place an "administrative hold" in the records;

(b) Deny registration for subsequent quarters; and

(c) Deny graduation from the college to any student that fails to promptly pay any financial obligation due the college including the payment for parking citations.

(3) Vehicles which are parked on any campus within Washington State Community College District 17 and which are in violation of any of the regulations contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the ~~((dean of student personnel))~~ vice-president of student services. If a vehicle is impounded, it may be taken to such place for storage as the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him or her prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(4) At the discretion of the (~~dean of student personnel~~) vice-president of student services, an accumulation of traffic violations by a student will be cause for disciplinary action, and the (~~dean of student personnel~~) vice-president of student services shall initiate disciplinary proceedings against such student pursuant to WAC 132Q-04-180.

(5) The duly elected associated student government officers of Spokane Falls Community College and Spokane Community College may, in a joint meeting with the District 17 executive committee, recommend a proposed schedule of fines prior to adoption of a new fine schedule.

WSR 92-10-052
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed May 5, 1992, 1:07 p.m.]

Original Notice.

Title of Rule: Chapter 132Q-05 WAC, Student summary suspension rules, WAC 132Q-05-050, 132Q-05-060, 132Q-05-070, 132Q-05-080, 132Q-05-090, 132Q-05-100, and 132Q-05-120.

Purpose: To set forth rules for the orderly administration of the colleges.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These rules set forth the occurrences in which the appropriate college official shall find that probable cause exists to implement these rules.

Reasons Supporting Proposal: Proposal amends existing language to reflect current usage and administrative title changes.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; **Implementation:** Richard B. Halvorson, 1-0103, (509) 533-7413; and **Enforcement:** Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules enhance the student conduct code by establishing the conditions under which designated college officials and instigate disciplinary or preventive action.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-050 NOTICE OF SUMMARY PROCEEDINGS. (1) If the president desires to exercise the authority conferred by WAC 132Q-05-040 against any student, he or she shall direct the (~~dean of student personnel~~) vice-president of student services to cause notice thereof to be served upon said student.

(2) The notice shall be entitled "notice of summary suspension proceeding" and shall state:

(a) The charges against the student, including reference to the law and/or rules of student conduct involved and

(b) That the student charged must appear before the (~~dean of student personnel~~) vice-president of student services, or the (~~dean's~~) vice-president's designee, at a time to be set by the (~~dean~~) vice-president, but not later than twenty-four hours from the date and time of receipt of the "notice of summary suspension proceeding."

AMENDATORY SECTION (Amending WSR 90-21-017, filed 10/8/90, effective 11/8/90)

WAC 132Q-05-060 PROCEDURES OF SUMMARY SUSPENSION PROCEEDING. (1) At the summary suspension proceeding, the college, through the office of the (~~dean of student personnel~~) vice-president of student services, or the (~~dean's~~) vice-president's designee, shall make a determination as to whether there is probable cause to believe that the violation stated in the notice of summary suspension proceedings to the student did occur.

(2) The student may offer oral testimony of himself or herself or of any person, submit any statement or affidavit on his or her own behalf, examine any affidavit and cross-examine any witness who may appear against him, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The (~~dean of student personnel~~) vice-president of student services shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of student conduct has occurred, pursuant to WAC 132Q-05-040 (1) or (2). In the course of making such a decision, said (~~dean~~) vice-president may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the rules of student conduct and oral testimony and affidavits submitted by the student charged.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-070 DECISION BY (~~DEAN OF STUDENT PERSONNEL~~) VICE-PRESIDENT OF STUDENT SERVICES. If the (~~dean of student personnel~~) vice-president of student services, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of the rules of student conduct are alleged has committed one or more such violations upon any college facility; and

(2) That summary suspension of said student is necessary to attain peace and order on the campus; and

(3) Such violation or violations of the law or of the rules of student conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132Q-04-260,

Then the (~~dean of student personnel~~) vice-president of student services may, with the written approval of the president, suspend such student from college for a maximum of ten days.

AMENDATORY SECTION (Amending WSR 90-21-017, filed 10/8/90, effective 11/8/90)

WAC 132Q-05-080 NOTICE OF SUSPENSION. (1) If a student is suspended pursuant to the above rules, said student will be provided with a written copy of the (~~dean of student personnel~~) vice-president of student services' findings of fact and conclusions, as expressly concurred in by the president, as to whether said (~~dean~~) vice-president had probable cause to believe that the conditions for summary suspension outlined in WAC 132Q-05-040 exists and whether immediate suspension of said student should be issued.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective for a ten day period

dating from the day the notice of suspension is mailed or personal service accomplished.

(3) During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the (~~dean of student personnel~~) vice-president of student services or to attend the summary suspension proceeding. However, the (~~dean of student personnel~~) vice-president of student services may grant the student special permission to enter for the express purpose of meeting with faculty, college personnel, or students in preparation for the proceeding.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-090 SUSPENSION FOR FAILURE TO APPEAR. If the student, against whom specific violations of the rules of student conduct or law have been alleged has been served pursuant to the notice required in WAC 132Q-05-050, fails to appear at the time designated for the summary suspension proceeding, the (~~dean of student personnel~~) vice-president of student services may, with the written concurrence of the president, suspend the student from college for a maximum amount of ten days.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-100 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the board of trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the findings of the (~~dean of student personnel~~) vice-president of student services and the president, is tendered at the office of the president within seventy-two hours following the date notice of summary suspension was served or mailed to the student.

(2) The board shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the (~~dean~~) vice-president and president, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Following such examination, the board of trustees may, at its discretion, suspend the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the rules of student conduct.

(3) The board shall notify, by registered or certified mail, the appealing student within forty-eight hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the rules of student conduct.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-120 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. (1) Records of all summary suspension proceedings shall be kept in the office of student (~~personnel~~) services. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in summary suspension proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of the exonerated, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student (~~personnel~~) services shall keep accurate records of all summary suspension proceedings taken by that office. All summary suspensions will be entered on the student's record and may be removed at the time of graduation or earlier at the discretion of the office of student (~~personnel~~) services.

(3) In any case in which a student, summarily suspended pursuant to these rules is subsequently exonerated in the course of disciplinary proceedings provided for in the rules of student conduct, all records related to the summary suspension of the student shall be removed from the student's record.

(4) Any failure by the college to remove records of the summary suspension proceeding when such is to be done pursuant to this section, may be secured by a student petitioning the office of student (~~personnel~~) services for removal of such a notation.

WSR 92-10-053
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed May 5, 1992, 1:10 p.m.]

Original Notice.

Title of Rule: Chapter 132Q-04 WAC, Student rules of conduct and procedures for enforcement, WAC 132Q-04-020, 132Q-04-095, 132Q-04-096, 132Q-04-120, 132Q-04-130, 132Q-04-140, 132Q-04-170, 132Q-04-180, 132Q-04-190, 132Q-04-200, 132Q-04-210, 132Q-04-250, 132Q-04-260, and 132Q-04-280.

Purpose: To set forth rules pertaining to the conduct of students attending the Community Colleges of Spokane.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These rules establish the conduct expected [of] all students attending the Community Colleges of Spokane and related disciplinary action.

Reasons Supporting Proposal: The amendatory sections edit language and titles to reflect current usage. New section WAC 132Q-04-096, establishes disciplinary action for misrepresentation of identity.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are part of the established student conduct code for the Community Colleges of Spokane. With the exception of WAC 132Q-04-096, all action is to amend existing rule to reflect current practice or newly designated titles. New section WAC 132Q-04-096 established disciplinary action for misrepresentation of identity.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Community Colleges of Spokane, District Office, Room 1-0109, North 2000 Greene Street, Spokane, WA 99027, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-020 DEFINITIONS. As used in this chapter, the following words and phrases shall mean:

(1) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view,

petition for a cause or disseminate information to any person, persons or group of persons.

(2) "Board" shall mean the board of trustees of Washington State Community College District 17.

(3) "College" shall mean any community college which may be created by the board of trustees of Washington State Community College District 17.

(4) "College facilities" shall mean and include any or all real property owned, rented, leased, or operated by the board of trustees of Washington State Community College District 17, and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis except those who are faculty as defined in subsection (8) of this section, by any community college administered by the board of trustees for Washington State Community College District 17.

(6) "Disciplinary action" shall mean and include the expulsion, suspension or admonition of any student by the appropriate college president or college ~~((dean of student personnel))~~ vice-president of student services for the violation of any designated rule of student conduct for which a student is subject to disciplinary action.

(7) "District" shall mean Washington State Community College District 17.

(8) "Faculty" shall mean any employee of Washington State Community College District 17 which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.

(9) "President" unless otherwise designated shall mean the duly appointed president or chief executive officer of any campus of Washington State Community College District 17.

(10) "Rules of student conduct" shall mean those rules regulating student conduct as herein adopted in this chapter.

(11) A student is defined as any person who is or has been officially registered at any college or instructional unit with Washington State Community College District 17 and with respect to whom the college maintains education records or personally-identifiable information.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-095 COMPUTER TRESPASS. Any student who, without authorization, intentionally gains access to a computer system or electronic data owned or used by the Washington State Community College District 17 shall be subject both to disciplinary action pursuant to this chapter and to criminal prosecution pursuant to ~~((chapter 273, Laws of 1984))~~ RCW 9A.52.110 through 9A.52.130, and any or all other statutory laws or regulations pertaining thereto.

NEW SECTION

WAC 132Q-04-096 MISREPRESENTATION OF IDENTITY. Any student who intentionally misrepresents his/her true identity to gain access to services or receive a benefit from the college shall be subject to disciplinary action. Any student who aids or abets such misrepresentation shall also be subject to disciplinary action.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-120 OUTSIDE SPEAKERS. (1) Any recognized campus student organization with the written certification of its advisor, may invite speakers on that campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of views or opinions of the speaker by the college, its students, its faculty, its college personnel, its administration or its board.

(3) The scheduling of facilities for hearing invited speakers shall be made through the student senate or the student activities council of the campus at which the speaker will appear.

(4) The appropriate student senate or student activities council will be notified at least seven days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the director of student ~~((activities))~~ funded programs/student center) must be completed with all particulars regarding speaker, time, place, etc.,

signed by the sponsoring organization's advisor, and filed with the director of student ~~((activities))~~ funded programs/student center. Exceptions to the seven-day ruling may be made by the director of student ~~((activities))~~ funded programs/student center with the approval of the ~~((dean of student personnel))~~ vice-president of student services.

(5) The appropriate student senate or student activities council may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting. The president of the college or a designated representative, may assign faculty to preside over any meeting where a speaker has been invited.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-130 TRESPASS. (1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the president acting through the ~~((dean of student personnel))~~ vice-president of student services or such other person designated by the president, shall have the power and authority to:

(a) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) To give notice against trespass by any manner provided for by law, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility; or

(c) To order any person, persons, or group of persons to leave or vacate all of any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the president, or the president's designee, pursuant to the requirements of subsection (1) of this section, shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-140 DISTRIBUTION OF MATERIALS. (1) Handbills, leaflets, newspapers, and similarly related matter distributed free of charge by any student or students or by members of recognized student organizations or by college personnel, may be distributed upon college facilities designated by the director of student ~~((activities))~~ funded programs/student center; provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) Newspapers, leaflets, and similarly related materials offered for sale by any student or nonstudent person or organization may be distributed and sold only through the college book store as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager.

(3) All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) All students and nonstudents shall be required to register with the director of student ~~((activities))~~ funded programs/student center prior to the distribution or sale of any handbill, leaflet, newspaper or related matter, including, but not limited to, posting materials on college bulletin boards and distributing materials in college parking lots.

(5) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or related materials, shall be subject to disciplinary action.

(6) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college or by the board of trustees of Washington State Community College District 17.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-170 INITIATION OF PROSECUTION. (1) Faculty, the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and the president shall have concurrent authority to invoke sanctions for violations of the

rules of student conduct and to require the commencement of the disciplinary proceedings provided for in WAC 132Q-04-180 through 132Q-04-270.

(2) Faculty shall have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the president of the college at any time before the end of the next succeeding quarter in which the student is enrolled.

(3) A request for the imposition of disciplinary action for a violation of the rules of student conduct shall be referred in writing to the ~~((dean of student personnel))~~ vice-president of student services within twenty days of the discovery of the facts giving rise to the request. Such a request may be made by any member of the administration, faculty, or college personnel or any student. All such requests must be in writing and signed by the individual making such request.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-180 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, who may also establish advisory panels to advise or act for the office of disciplinary proceedings.

(2) It is the responsibility of the appropriate administrator as designated by the ~~((dean of student personnel))~~ vice-president of student services to be involved in the gathering of information and documentation relative to disciplinary problems that occur in their areas of responsibilities and submit such in written form.

(3) Any student accused of violating any provisions of the rules of student conduct will be called for an initial conference with the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and will be informed of what provision or provisions of the rules of student conduct the student is charged with violating, and what appears to be maximum penalties which might result from consideration of the disciplinary proceeding.

(4) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, may take any of the following actions:

- (a) Terminate the proceeding, exonerating the student or students;
- (b) Dismiss the case after whatever counseling and advice may be appropriate;
- (c) Impose minor sanctions directly (warning, reprimand, disciplinary probation or fine) subject to the student's rights of appeal described below;
- (d) Refer the matter to the college disciplinary committee for appropriate action. The student shall be notified in writing when such a referral is made;
- (e) Issue an order of dismissal pursuant to the conditions of WAC 132Q-04-260(4).

(5) A student accused of violating any provision of the rules of student conduct shall be given written notification of any disciplinary action taken by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee. In case of an unmarried student under eighteen years of age, written notification of the disciplinary action taken by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, shall also be sent to the parents or guardian of the student.

(6) No disciplinary action recommended by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, is final unless the student fails to exercise his right of appeal as provided in WAC 132Q-04-190.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-190 APPEALS. Any disciplinary action taken by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, may be appealed to the college disciplinary committee; and disciplinary action taken by the college disciplinary committee may be appealed by the student to the president of the college. All appeals by a student must be made in writing to the disciplinary committee or the president and presented to the committee or president within seven days after the student has been notified of the action taken by the disciplinary committee or the president.

AMENDATORY SECTION (Amending WSR 90-21-016, filed 10/8/90, effective 11/8/90)

WAC 132Q-04-200 COMPOSITION OF COLLEGE DISCIPLINARY COMMITTEE. Each college created by the board of trustees of Washington State Community College District 17 shall have a college disciplinary committee composed of six members plus the presiding officer who shall be chosen no later than October 15 of each academic year. The membership shall be selected as follows:

(1) The recognized faculty organization shall appoint two members and an alternate who are teaching on the appropriate campus or college; such members shall serve a two-year term.

(2) The college president shall appoint two members from the college administration who shall serve at the pleasure of the president.

(3) Student membership shall be appointed by the respective student governments on each college campus. Student membership must include a male and female student and two alternates who shall serve for no more than one year.

(4) The presiding officer of the college disciplinary committee shall be the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee; provided, however, that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve as presiding officer, nor may said person cast a vote on the merits of the issue decided by the disciplinary committee pursuant to WAC 132Q-04-240.

AMENDATORY SECTION (Amending WSR 90-21-016, filed 10/8/90, effective 11/8/90)

WAC 132Q-04-210 BRIEF ADJUDICATIVE PROCEEDING.

(1) The college disciplinary committee for each college, will hear, de novo, all disciplinary cases referred to it by the ~~((dean of student personnel))~~ vice-president of student services, the ~~((dean's))~~ vice-president's designee, or cases where the student appeals the dean's decision.

(2) The student has a right to a fair and impartial brief adjudicative proceeding before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the committee.

(3) The student shall be given written notice by registered or certified mail of the time and place of the proceeding before the college disciplinary committee, and be afforded not less than twenty days notice thereof. Said notice shall contain:

- (a) A statement of the time, place and nature of the disciplinary proceeding;
- (b) A statement of the charges including reference to the particular sections of the rules of student conduct involved;
- (c) A list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the proceeding.

(4) The student shall be entitled to hear and examine the evidence brought forward and be informed of the identity of its source and shall be entitled to present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual matters. The student shall have all authority possessed by the college to obtain information provided requests for such information is specifically described, in writing, and tendered to the ~~((dean of student personnel))~~ vice-president of student services no later than three days prior to the proceedings, or to request the presence of witnesses or the production of other evidence relevant to the issues of the proceedings.

(5) The student may be represented by counsel of choice at the disciplinary proceeding. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days' notice excluding weekends and holidays thereof to the ~~((dean of student personnel))~~ vice-president of student services.

(6) In all disciplinary proceedings the college may be represented by a designee appointed by the ~~((dean of student personnel))~~ vice-president of student services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to be represented by a licensed attorney, the ~~((dean of student personnel))~~ vice-president of student services may elect to have the college represented by an assistant attorney general.

(7) An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceedings will be taken. A copy thereof shall be available at the office of the ((~~dean of student personnel~~)) vice-president of student services.

(8) The presiding officer of the college disciplinary committee shall preside at the disciplinary proceeding and make rulings on all evidentiary procedural matters heard in the course of the disciplinary proceeding.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-250 FINAL DECISION REGARDING APPEAL OF DISCIPLINARY COMMITTEE ACTION. (1) The president of the college or any representative designated, except the ((~~dean of student personnel~~)) vice-president of student services, shall after reviewing the record of the case, include in the report of the college disciplinary committee any statement filed by the student, approval of the recommendations of the college disciplinary committee or give directions as to what lesser disciplinary action shall be taken.

(2) If the president decides that discipline is to be imposed or altered after the review provided by subsection (1) of this section, the president or the president's designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary action shall also be sent to parents or guardian of the student.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-260 DISCIPLINARY ACTION. The following disciplinary actions are hereby established any of which shall be the sanctions imposed upon violators of the rules of student conduct:

(1) Disciplinary warning: Notice to a student, either verbally or in writing, that the student has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(2) Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of student ((~~personnel~~)) services. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(3) Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of rules of student conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(4) Dismissal: Termination of student status for violation of the rules of student conduct. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter must be refunded.

(5) Fines: The office of student ((~~personnel~~)) services may assess monetary fines against individual students for violation of the rules of student conduct. Failure to pay such fines promptly will result in the cancellation of the student's registration and will prevent the student from reregistering.

AMENDATORY SECTION (Amending Resolution No. 23, filed 9/14/84)

WAC 132Q-04-280 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. (1) Records of all disciplinary cases shall be kept by the office of student ((~~personnel~~)) services. Except in proceedings wherein the student is exonerated, all documentary

or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exonerated, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student ((~~personnel~~)) services shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office initiating the action, if special terms and conditions have been met or if other circumstances warrant the removal. The office which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition to that office for removal of such a notation at any time.

**WSR 92-10-054
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE**

[Filed May 5, 1992, 1:13 p.m.]

Original Notice.

Title of Rule: WAC 132Q-108-050 Brief adjudicative procedures.

Purpose: To set forth rules regarding brief adjudicative procedures.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140 and 34.05.482.

Summary: This rule adopts the provisions of RCW 34.05.482 through [34.05].494 and establishes the use of brief administrative procedures.

Reasons Supporting Proposal: This proposal amends RCW references for accuracy.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes brief adjudicative procedures for residency, certain disputes concerning educational records, student conduct proceedings, parking violations, outstanding debts and loss of athletic eligibility.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending WSR 91-17-076, filed 8/21/91, effective 9/21/91)

WAC 132Q-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW ((~~34.95.482-494~~ [34.05.482-494])) 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in chapter 132Q-04 WAC apply to these procedures;
- (4) Parking violations. The procedural rules in chapter 132Q-20 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to WAC 132Q-03-005.

WSR 92-10-055
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed May 5, 1992, 1:15 p.m.]

Original Notice.

Title of Rule: WAC 132Q-113-010 Legislative liaisons—Designation of legislative liaisons.

Purpose: To set forth legislative liaisons for the Community Colleges of Spokane.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140 and 42.17.190.

Summary: This rule designates the official legislative liaisons representing the Community Colleges of Spokane.

Reasons Supporting Proposal: Proposal amends language to reflect current title changes.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule designates those persons, by position, who are designated liaisons for the Community Colleges of Spokane and those colleges contained within the community college district.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Order 73-3, filed 2/23/73)

WAC 132Q-113-010 DESIGNATION OF LEGISLATIVE LIAISONS. ((In accordance with the implementation of Initiative 276, passed by the voters of the state of Washington on November 7, 1972, and effective January 1, 1973)) As required by RCW 42.17.190, those persons holding the following positions within Community College District No. 17 are designated legislative liaisons for Community College District No. 17 and those community colleges contained within such community college district:

- (1) Members of the board of trustees;
- (2) ((District president;)) Chief executive officer;
- (3) College presidents;
- (4) District ((administrative assistant;)) vice-president; and
- (5) All those persons designated in writing by the ((president)) chief executive officer of Community College District No. 17, which writing shall be made available among the records maintained by the office of the ((president)) chief executive officer of Community College District No. 17.

WSR 92-10-056
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed May 5, 1992, 1:18 p.m.]

Original Notice.

Title of Rule: WAC 132Q-12-010 Authority to hire and dismiss classified employees—Designation of appointing authority.

Purpose: To set forth rules governing the employment and dismissal of classified employees.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: This rule designates the appointing authority and the duties and responsibilities.

Reasons Supporting Proposal: Proposal amends language to reflect current title changes.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule designates the appointing authority and the attendant delegated authority.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Order 70-4, filed 1/25/71)

WAC 132Q-12-010 DESIGNATION OF APPOINTING AUTHORITY. Pursuant to WAC 251-04-020(2), the position of "appointing authority" at Community College District No. 17 is designated to be:

(1) The ((~~president~~)) chief executive officer of Washington State Community College District No. 17, who is hereby delegated the authority to terminate, suspend or demote any classified employee employed by any of the district colleges, without the prior approval of the district board of trustees.

(2) In addition, the appointing authority for the district colleges is authorized to make appointments of eligible persons to classified positions at the respective district colleges.

WSR 92-10-057
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed May 5, 1992, 1:21 p.m.]

Original Notice.

Title of Rule: Chapter 132Q-06 WAC, Student confidential student records, WAC 132Q-06-020, 132Q-06-025, 132Q-06-030, and 132Q-06-040.

Purpose: To establish students rights regarding educational records.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These rules set forth the rights of students to examine educational records, procedures for obtaining copies and rules regarding personally-identifiable records.

Reasons Supporting Proposal: The amendatory sections edit language and titles to reflect current usage.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules define the student's right to inspect educational records, procedures for requests and appeals, procedures regarding personally-identifiable records and the powers of the records committee.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending WSR 90-21-018, filed 10/8/90, effective 11/8/90)

WAC 132Q-06-020 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT. (1) A student has the right to inspect and review his/her education records. A list of the types of education records maintained by the college and the record locations may be obtained by the student at the college's ((~~dean of student personnel~~)) vice-president of student services' office.

(a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student, including records regarding the employment of a student when such employment is a result of, and directly related to, student status.

(b) The term "education records" does not include:

(i) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

(ii) Records of the campus security department which are kept apart from those records described in (a) of this subsection and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose.

(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in (b), (c) and (d) of this subsection.

(b) The student may specifically release his or her right to review where the information consists only of confidential recommendations respecting:

- (i) Admission to any educational institution; or
- (ii) An application for employment; or
- (iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right to access confidential statements shall apply only if:

- (i) The student is, upon request, notified of the names of all persons making confidential statements concerning him or her; and
- (ii) Such confidential statements are used solely for the purpose for which they were originally intended; and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under (a) of this subsection. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the boards of trustees' action for certain specified services, such as transcripts and grade sheets).

(5) The ~~((dean of student personnel))~~ vice-president of student services is the official custodian of academic records; and, therefore, is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section and WAC 132Q-06-025 be removed or destroyed prior to providing the student access.

AMENDATORY SECTION (Amending WSR 90-21-018, filed 10/8/90, effective 11/8/90)

WAC 132Q-06-025 REQUESTS AND APPEAL PROCEDURES. (1) A request by a student for review of information should be made in writing to the college individual(s) or office(s) having custody of the particular record. Any challenge to the contents of education records shall be disposed of by means of a brief adjudicative proceeding.

(2) An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than forty-five days after the request has been made. A college individual(s) or office(s) which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual(s) or office(s) should contact the appropriate ~~((dean))~~ vice-president, associate dean, assistant dean, or director responsible for the individual(s) or office(s) for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate ~~((dean))~~ vice-president, assistant dean, associate dean, or director, the student may then request a proceeding by the college records committee. Following the proceeding the college's records committee shall render its decision within a reasonable period of time. In all cases the decision of the college's records committee shall be final.

(c) In no case shall any request for review by a student be considered by the college's records committee which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college's records committee shall not review any matter regarding the appropriateness of official academic grades.

AMENDATORY SECTION (Amending WSR 90-21-018, filed 10/8/90, effective 11/8/90)

WAC 132Q-06-030 RELEASE OF PERSONALLY-IDENTIFIABLE RECORDS. (1) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) College personnel, faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally-supported or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or individual's requesting information in connection with a student's application for or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. The college president, the president's designee, or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in subsection (1) of this section is defined as student's name, address, telephone listing, date and place of birth, major field of studies, participation in officially-recognized activities, weight and height of members of athletic teams, dates of enrollment, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may request that the college not release directory information except through written notice to the ~~((dean of student personnel))~~ vice-president of student services.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-06-040 RECORDS COMMITTEE. The college's records committee shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules. The committee shall also be responsible for hearing appeals as defined in WAC 132Q-06-025. The committee shall consist of the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee; ((dean)) vice-president of instruction, or ((dean)) vice-president of instruction's designee, one faculty, one student, and one faculty or administrator at large. Members shall be appointed by the president of the college.

**WSR 92-10-058
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE**

[Filed May 5, 1992, 1:24 p.m.]

Original Notice.

Title of Rule: Chapter 132Q-16 WAC, Elections.

Purpose: To set forth rules administering employer-employee relations regarding election of representing organization.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: These rules set forth regulations regarding the election of a certified employee representing organization.

Reasons Supporting Proposal: This proposal repeals these rules as no longer applicable.

Name of Agency Personnel Responsible for Drafting: Geoffrey J. Eng, 1-0107, (509) 533-8667; Implementation: Richard B. Halvorson, 1-0103, (509) 533-7413; and Enforcement: Dr. Terrance R. Brown, 1-0111, (509) 533-7400.

Name of Proponent: Community Colleges of Spokane, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules set forth regulations regarding the election of a certified employee representing organization.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Falls Community College, President's Conference Room, #1-106, 3410 West Fort George Wright Drive, Spokane, WA, on June 16, 1992, at 1:30 p.m.

Submit Written Comments to: Richard B. Halvorson, Rules Coordinator, North 2000 Greene Street, Spokane, WA 99207, by June 15, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992

Terrance R. Brown
Chief Executive Officer

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 132Q-16 WAC Elections

WSR 92-10-059

NOTICE OF PUBLIC MEETINGS

BELLINGHAM TECHNICAL COLLEGE

[Memorandum—May 5, 1992]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 21, 1992, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 92-10-060

PREPROPOSAL COMMENTS

DEPARTMENT OF REVENUE

[Filed May 5, 1992, 2:57 p.m.]

Subject of Possible Rule Making: WAC 458-40-615 Timber excise tax—Stumpage values—Reporting of private stumpage and log purchase sales and applicable logging costs to the department.

Persons may comment on this subject in writing or by attending the public meetings. Public meetings scheduled at: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, on June 10, 1992, at 9:30 a.m.; or Northtown Office Building, North 4407 Division, Suite 300, 3rd Floor Conference Room, Spokane, WA, on June 12, 1992, at 1:00

p.m. Written comments will be accepted to June 12, 1992, and should be addressed to: Stephen Zagelow, Senior Counsel or Gary O'Neil, Assistant Director, Department of Revenue, P.O. Box 47458, Olympia, WA 98504-7458.

Other Information or Comments by Agency at this Time, if any: This rule requires the buyer of private stumpage to report the purchase to the Department of Revenue. Sellers of private stumpage are required to report to the Department of Revenue the name and address of the stumpage buyer. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

May 5, 1992

Stephen P. Zagelow
Senior Counsel

WSR 92-10-061

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed May 5, 1992, 3:53 p.m.]

Original Notice.

Title of Rule: WAC 458-40-650 Timber quality code table; 458-40-660 Stumpage value tables; 458-40-670 Stumpage value adjustments; and 458-40-684 Conversions.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule establishes the stumpage value of timber within the state of Washington. These values are to be used by harvesters to compute their timber tax liability for the period from July 1, through December 31, 1992, (second half 1992).

Name of Agency Personnel Responsible for Drafting: Gordon S. Gienty, 6004 Capitol Boulevard, Tumwater, (206) 586-2903; Implementation and Enforcement: Gary O'Neil, 6004 Capitol Boulevard, Tumwater, (206) 753-2871.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the stumpage value of timber, and adjustments, throughout the state of Washington. These values are to be used by harvesters to determine their taxable stumpage value when calculating their timber tax liability.

Proposal Changes the Following Existing Rules: This rule changes the stumpage values of timber throughout the state.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in WAC 458-40-650, 458-40-

660 and 458-40-670 in order to determine the economic impact on small businesses.

The new provisions incorporated in this rule do not change the timing or frequency of tax payments; require new forms; or alter long standing and generally accepted record-keeping requirements.

This rule will have no economic impact on industry.

The economic impact of actual tax liability is beyond the scope of the small business economic impact statement and is therefore not addressed.

The department does not have the legal authority to exempt small businesses from statutory requirements merely repeated in this rule.

Taxpayers report liability on the forest excise tax return. Records that a taxpayer must keep are those necessary to determine actual liability or those which show a harvester's right to a deduction, credit, or exemption. There is no other compliance requirement imposed by this rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98504, on June 10, 1992, at 9:30 a.m.; and at the Department of Revenue Conference Room, Third Floor, Suite 300, Northtown Office Building, North 4407 Division Street, Spokane, WA, on June 12, 1992, at 1:00 p.m.

Submit Written Comments to: Gary O'Neil, Department of Revenue, Forest Tax Division, P.O. Box 47472, Olympia, WA 98504-7472, by June 12, 1992.

Date of Intended Adoption: June 29, 1992.

May 5, 1992
 Gary O'Neil
 Assistant Director
 Forest Tax Division

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-650 **TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED.** The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number	Log grade specifications ¹
Douglas-fir	1	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number	Log grade specifications ¹
Western Redcedar and Alaska-Cedar	3	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	1	All log grades.
Hardwoods	1	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	5	5	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
Conifer Utility	5	5	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
 Stumpage Value Areas 6 and 7

Species	Quality Code	Number	Log grade specifications ¹
Ponderosa Pine	1	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	1	All log sizes.
Hardwoods	1	1	Sawlogs only.
Utility	5	5	All logs graded as utility.

TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number	Log grade specifications ¹
Douglas-fir	1	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number Log grade specifications ¹
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
Hardwoods	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	1	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
Conifer Utility	1	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

Species	Quality Code	Number Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

Species	Quality Code	Number Log grade specifications ¹
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Utility	1	All logs graded as utility.

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1992:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quality Code	Species Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$437	\$430	\$423	\$416	\$409
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	432	425	418	411	404
		2	412	405	398	391	384
		3	361	354	347	340	333
		4	217	210	203	196	189
Western Hemlock ³	WH	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Other Conifer	OC	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Red Alder	RA	1	89	82	75	68	61
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	30	23	16	9	2
Conifer Utility	CU	1	79	72	65	58	51
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$454	\$447	\$440	\$433	\$426
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	430	423	416	409	402
		4	205	198	191	184	177
Western Hemlock ³	WH	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Other Conifer	OC	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	47	40	33	26	19
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	48	41	34	27	20
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$469	\$462	\$455	\$448	\$441
		2	396	389	382	375	368
		3	381	374	367	360	353
		4	195	188	181	174	167
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	364	357	350	343	336
		4	268	261	254	247	240
Western Hemlock ⁴	WH	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195

**TABLE 3—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195
Red Alder	RA	1	101	94	87	80	73
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1992**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$451	\$444	\$437	\$430	\$423
		2	374	367	360	353	346
		3	347	340	333	326	319
		4	195	188	181	174	167
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	314	307	300	293	286
		4	205	198	191	184	177
Western Hemlock ⁴	WH	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Other Conifer	OC	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Red Alder	RA	1	95	88	81	74	67
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	32	25	18	11	4
Conifer Utility	CU	1	47	40	33	26	19

TABLE 4—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$545	\$538	\$531	\$524	\$517
		2	380	373	366	359	352
		3	317	310	303	296	289
		4	195	188	181	174	167
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	369	362	355	348	341
		4	240	233	226	219	212
Western Hemlock ⁴	WH	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Other Conifer	OC	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	77	70	63	56	49
Other Hardwood	OH	1	77	70	63	56	49
Hardwood-Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$231	\$224	\$217	\$210	\$203
Engelmann Spruce	ES	1	153	146	139	132	125
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	307	300	293	286	279
True Firs ⁴	WH	1	162	155	148	141	134
Western White Pine	WP	1	382	375	368	361	354
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	46	39	32	25	18
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$161	\$154	\$147	\$140	\$133
Engelmann Spruce	ES	1	121	114	107	100	93
Lodgepole Pine	LP	1	80	73	66	59	52
Ponderosa Pine	PP	1	322	315	308	301	294
		2	148	141	134	127	120
Western Redcedar ³	RC	1	259	252	245	238	231
True Firs ⁴	WH	1	111	104	97	90	83
Western White Pine	WP	1	322	315	308	301	294
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	21	14	7	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124

TABLE 7—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$437	\$430	\$423	\$416	\$409
		2	346	339	332	325	318
		3	319	312	305	298	291
		4	167	160	153	146	139
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	430	423	416	409	402
		2	416	409	402	395	388
		3	286	279	272	265	258
		4	177	170	163	156	149
Western Hemlock ⁴	WH	1	382	375	368	361	354
		2	278	271	264	257	250
		3	226	219	212	205	198
		4	209	202	195	188	181
Other Conifer	OC	1	382	375	368	361	354
		2	278	271	264	257	250
		3	226	219	212	205	198
		4	209	202	195	188	181
Red Alder	RA	1	81	74	67	60	53
Black Cottonwood	BC	1	74	67	60	53	46
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	18	11	4	1	1
Conifer Utility	CU	1	33	26	19	12	5
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.)

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$506	\$499	\$492	\$485	\$478
		2	428	421	414	407	400
		3	330	323	316	309	302
		4	170	163	156	149	142
Western Redcedar ²	RC	1	664	657	650	643	636
		2	561	554	547	540	533
		3	525	518	511	504	497
		4	450	443	436	429	422
Western Hemlock ³	WH	1	292	285	278	271	264
		2	290	283	276	269	262
		3	241	234	227	220	213
		4	140	133	126	119	112
Other Conifer	OC	1	292	285	278	271	264
		2	290	283	276	269	262
		3	241	234	227	220	213
		4	140	133	126	119	112
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$484	\$477	\$470	\$463	\$456
		2	406	399	392	385	378
		3	334	327	320	313	306
		4	135	128	121	114	107
Western Redcedar ²	RC	1	664	657	650	643	636
		2	597	590	583	576	569
		3	513	506	499	492	485
		4	393	386	379	372	365
Western Hemlock ³	WH	1	309	302	295	288	281
		2	291	284	277	270	263
		3	267	260	253	246	239
		4	146	139	132	125	118

TABLE 2—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	309	302	295	288	281
		2	291	284	277	270	263
		3	267	260	253	246	239
		4	146	139	132	125	118
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴Stumpage value per 8 lineal feet or portion thereof.

⁵Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$495	\$488	\$481	\$474	\$467
		2	426	419	412	405	398
		3	419	412	405	398	391
		4	177	170	163	156	149
Western Redcedar ³	RC	1	664	657	650	643	636
		2	597	590	583	576	569
		3	539	532	525	518	511
		4	498	491	484	477	470
Western Hemlock ⁴	WH	1	486	479	472	465	458
		2	284	277	270	263	256
		3	258	251	244	237	230
		4	121	114	107	100	93
Other Conifer	OC	1	486	479	472	465	458
		2	284	277	270	263	256
		3	258	251	244	237	230
		4	121	114	107	100	93
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 3—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$483	\$476	\$469	\$462	\$455
		2	405	398	391	384	377
		3	334	327	320	313	306
		4	162	155	148	141	134
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	664	657	650	643	636
		2	567	560	553	546	539
		3	539	532	525	518	511
		4	460	453	446	439	432
Western Hemlock ⁴	WH	1	298	291	284	277	270
		2	285	278	271	264	257
		3	270	263	256	249	242
		4	192	185	178	171	164
Other Conifer	OC	1	298	291	284	277	270
		2	285	278	271	264	257
		3	270	263	256	249	242
		4	192	185	178	171	164
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$538	\$531	\$524	\$517	\$510
		2	428	421	414	407	400
		3	355	348	341	334	327
		4	177	170	163	156	149
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	664	657	650	643	636
		2	613	606	599	592	585
		3	582	575	568	561	554
		4	426	419	412	405	398
Western Hemlock ⁴	WH	1	298	291	284	277	270
		2	285	278	271	264	257
		3	264	257	250	243	236
		4	150	143	136	129	122
Other Conifer	OC	1	298	291	284	277	270
		2	285	278	271	264	257
		3	264	257	250	243	236
		4	150	143	136	129	122
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$358	\$351	\$344	\$337	\$330
Engelmann Spruce	ES	1	197	190	183	176	169
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	434	427	420	413	406

TABLE 6—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
True Firs ⁴	WH	1	144	137	130	123	116
Western White Pine	WP	1	241	234	227	220	213
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	30	23	16	9	2
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$195	\$188	\$181	\$174	\$167
Engelmann Spruce	ES	1	140	133	126	119	112
Lodgepole Pine	LP	1	131	124	117	110	103
Ponderosa Pine	PP	1	334	327	320	313	306
		2	213	206	199	192	185
Western Redcedar ³	RC	1	434	427	420	413	406
True Firs ⁴	WH	1	144	137	130	123	116
Western White Pine	WP	1	241	234	227	220	213
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	23	16	9	2	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$462	\$455	\$448	\$441	\$434
		2	384	377	370	363	356
		3	313	306	299	292	285
		4	141	134	127	120	113
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	643	636	629	622	615
		2	546	539	532	525	518
		3	518	511	504	497	490
		4	439	432	425	418	411
Western Hemlock ⁴	WH	1	277	270	263	256	249
		2	264	257	250	243	236
		3	249	242	235	228	221
		4	171	164	157	150	143
Other Conifer	OC	1	277	270	263	256	249
		2	264	257	250	243	236
		3	249	242	235	228	221
		4	171	164	157	150	143
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as 'White Fir.'

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-670 **TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such

applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1992:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((January)) July 1 through ((June 30)) December 31, 1992

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	-\$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((January)) July 1 through ((June 30)) December 31, 1992

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$18.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	-\$25.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00

III. Remote island adjustment:
 For timber harvested from a remote island - \$50.00

Table 3—Domestic Market Adjustment

Public timber
 Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar.
 (Stat. Ref. - 36 CFR 223.10)

State, and other nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private timber
 Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington ((Administration) Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	((-\$12.00 per MBF) + \$8.00 per MBF)
Class 2:	SVA 7	((-\$6.00 per MBF) - \$18.00 per MBF)

Note: The adjustment will not be allowed on special forest products.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-684 **TIMBER EXCISE TAX—VOLUME HARVESTED—CONVERSIONS TO SCRIBNER DECIMAL C SCALE FOR WESTERN WASHINGTON.** The following definitions, tables, and conversion factors shall be used in determining taxable volume for timber harvested that was not originally scaled by the Scribner Decimal C Log Rule. Conversion methods, other than those listed are not to be used for tax reporting purposes without prior written approval of the department.

(1) **WEIGHT MEASUREMENT.** If the original unit of measure was by weight, and the harvester has not applied for approval of sample scaling (WAC 458-40-682); the following table shall be used for converting to Scribner Decimal C. Harvesters must keep records to substantiate the species and quality codes reported. For tax reporting purposes, a ton equals 2,000 pounds.

((Stumpage Value Areas 1, 2, 3, 4, & 5)

BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)

Quality Code	Species code					
	DF*	WH**	RC	RA	HU	CU
1	4.5	5.25	4.5	7.0	—	—
2	5.0	6.0	5.0	—	—	—
3	6.0	6.5	6.5	—	—	—
4	6.5	7.5	7.0	—	—	—
5	7.0	8.0	—	—	8.5	***
6	7.5	8.25	—	—	—	—

(Stumpage Value Areas 1, 2, 3, 4, 5, & 10)

BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)

Quality Code	Species code					
	DF*	WH**	RC	RA	HU	CU
1	5.0	6.0	4.5	7.0	8.5	***
2	6.0	6.5	5.0	—	—	—
3	6.5	7.5	6.5	—	—	—
4	7.5	8.25	7.0	—	—	—

*Includes Douglas-fir, and Sitka Spruce.
 **Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 ***Contact the department for converting the weight of utility logs to Scribner volume.

(2) **CORD MEASUREMENT.** A cord is a measure of wood with dimensions of 4 feet by 4 feet by 8 feet (128 cubic feet).

(a) Logs with an average scaling diameter of 8 inches and larger shall be converted to Scribner volume using 400 board feet per cord. Logs having an average scaling diameter of less than 8 inches shall be converted to Scribner volume using 330 board feet per cord.

(b) A cord of Western Redcedar shake or shingle blocks shall be converted to Scribner volume using 600 board feet per cord.

(3) **CANTS OR LUMBER FROM PORTABLE MILLS.** To convert from lumber tally to Scribner volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet (MBF).

(4) **EASTERN, WESTERN LOG SCALE CONVERSION.** Timber harvested in stumpage value areas 1, 2, 3, 4, and 5 and which has been scaled by methods and procedures published in the "National Forest Log Scaling Handbook" (FSH 2409.11) shall have the volumes reported reduced by eighteen percent to reflect the difference between eastern and western scaling practices.

(5) **TIMBER POLE VOLUME TABLE.** Harvesters of poles in stumpage value areas 1, 2, 3, 4, and 5 shall use the following table to determine the Scribner board foot volume for each pole length and class:

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²	
20'	1	50	
	2	50	
	3	40	
	4	40	
	5	30	
	6	30	
	7	20	
	9	20	
	10	20	
	25'	1	60
2		60	
3		50	
4		50	
5		40	
6		40	
7		30	
9		30	
10		30	
30'		1	110
	2	70	
	3	60	
	4	60	
	5	50	
	6	50	
	7	40	
	9	40	
	35'	H2	160
		H1	160
1		130	
2		100	
3		80	
4		80	
5		60	
6	60		
7	50		

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length ² by Pole Class ²	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length ² by Pole Class ²			
40'	H4	240(240)	70'	H6	650(650)			
	H3	200(200)		H5	560(560)			
	H2	180		H4	560(560)			
	H1	180		H3	480(480)			
	1	150		H2	400(240)			
	2	120		H1	400(240)			
	3	120		1	350(210)			
	4	90		2	270(170)			
	5	70		3	230			
	6	60		4	230			
	45'	H6		380(380)	75'	H6	700(700)	
		H5		340(340)		H5	600(600)	
H4		340(340)	H4	600(600)				
H3		280(270)	H3	520(520)				
H2		230(130)	H2	520(520)				
H1		230(130)	H1	520(330)				
1		190(110)	1	440(270)				
2		150	2	290(180)				
3		120	3	250				
4		120	80'	H6		820(820)		
5		90		H5		700(700)		
6		90		H4		700(700)		
50'	H6	430(430)		85'	H3	600(600)		
	H5	370(370)			H2	600(600)		
	H4	370(370)			H1	540(360)		
	H3	300(300)			1	440(290)		
	H2	260(260)			2	360(240)		
	H1	260(150)			3	290(200)		
	1	210(120)			90'	H6	910(910)	
	2	160				H5	800(800)	
	3	140				H4	800(800)	
	4	140	H3			660(660)		
	5	100	H2			660(660)		
	55'	H6	470(470)			95'	H1	660(520)
H5		410(410)	1	570(450)				
H4		410(410)	2	490(340)				
H3		330(330)	3	360(200)				
H2		280(160)	100'	H6			1080(1080)	
H1		280(160)		H5			930(930)	
1		230(130)		H4			930(930)	
2		180		H3	820(820)			
3		150		H2	820(820)			
4		150		H1	690(560)			
60'		H6		540(540)	95'		1	590(480)
		H5		470(470)			2	490(420)
	H4	470(470)		3		400(210)		
	H3	410(410)		100'		H6	1170(1170)	
	H2	340(210)				H5	1000(1000)	
	H1	340(210)				H4	1000(1000)	
	1	290(180)	H3			870(870)		
	2	220(150)	H2			870(870)		
	3	190	H1			750(600)		
	4	190	1			640(510)		
	65'	H6	610(610)			100'	2	540(440)
		H5	520(520)				H6	1190(1190)
H4		520(520)	H5		1030(1030)			
H3		420(420)	H4		1030(1030)			
H2		380(230)	H3		900(900)			
H1		380(230)	H2	900(900)				
1		320(190)	H1	760(610)				
2		260(160)	1	660(530)				
3		210	2	550(450)				
4		210						

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²	Piling Length	Piling Class ¹	Total Scribner Board Foot Volume by Piling Length by Piling Class ²
105'	H6	1310(1310)	30'	A	130
	H5	1160(1160)		B	110
	H4	1160(1160)	35'	A	130
	H3	1000(1000)		B	110
	H2	1000(1000)	40'	A	150
	H1	860(700)		B	120
110'	1	740(600)	45'	A	150
	2	610(510)		B	120
	H6	1370(1370)	50'	A	160
	H5	1220(1220)		B	140
	H4	1220(1220)	55'	A	180
	H3	1050(1050)		B	150
115'	H2	1050(1050)	60'	A	190
	H1	910(740)		B	160
	1	780(640)	65'	A	210
	2	650(540)		B	180
	H6	1440(1440)	70'	A	230
	H5	1280(1280)		B	190
120'	H4	1280(1280)	75'	A	230
	H3	1100(1100)		B	200
	H2	1100(1100)	80'	A	250
	H1	960(780)		B	210
	1	860(670)	85'	A	260(140)
	2	680(570)		B	210
125'	H6	1660(1660)	90'	A	260(150)
	H5	1460(1460)		B	220
	H4	1460(1460)	95'	A	290(150)
	H3	1300(1300)		B	240
	H2	1300(1300)	100'	A	310(160)
	H1	1140(960)		B	250
130'	1	970(820)	105'	A	330(170)
	2	820(700)		B	270
	H6	1840(1840)	110'	A	380(220)
	H5	1600(1600)		B	300(180)
	H4	1600(1600)	115'	A	400(230)
	H3	1410(1410)		B	310(190)
130'	H2	1410(1410)	120'	A	500(290)
	H1	1250(1100)		B	400(240)
	1	1080(940)			
	2	930(830)			
	H6	1920(1920)			
	H5	1680(1680)			
H4	1680(1680)				
H3	1490(1490)				
H2	1490(1490)				
H1	1310(1160)				
1	1120(990)				
2	970(870)				

¹Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

²The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 Sawmill and better log grade, where applicable.

(6) TIMBER PILING VOLUME TABLE. Harvesters of piling in stumpage value areas 1, 2, 3, 4, and 5 shall use the following table to determine the Scribner board foot volume for each piling length and class:

Piling Length	Piling Class ¹	Total Scribner Board Foot Volume by Piling Length by Piling Class ²
20'	A	80
	B	70
25'	A	100
	B	90

¹Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

²The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 Sawmill and better log grade, where applicable.

(7) Harvesters who wish to use a method of conversion other than those listed above must obtain written approval from the department before harvesting.

WSR 92-10-062
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 5, 1992, 3:58 p.m.]

Original Notice.

Title of Rule: Chapter 392-163 WAC, Chapter 1 Regular.

Purpose: WAC 392-163-105 . . . to ensure compliance by the state of Washington with the financial assistance to local school districts' provisions, including those which apply to private schools and local institutions for neglected or delinquent children, of Chapter 1 Regular of the Elementary and Secondary Education Act of 1965, as amended, and accompanying rules and regulations, particularly 34 CFR 200.

Statutory Authority for Adoption: RCW 28A.02.100.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Robert V. Reynolds, Office of Superintendent of Public Instruction, Old Capitol Building, (206) 753-3220; and Enforcement: John Pearson, Office of Superintendent of Public Instruction, Old Capitol Building, (206) 753-1545.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on June 12, 1992, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by June 9, 1992.

Date of Intended Adoption: June 24, 1992.

May 5, 1992
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-105 PURPOSE. The purpose of this chapter is to ensure compliance by the state of Washington with the financial assistance to local school districts' provisions, including those which apply to private schools and local institutions for neglected ~~((and))~~ or delinquent children, of Chapter 1 Regular of the ~~((Education Consolidation and Improvement Act of 1981))~~ Elementary and Secondary Education Act of 1965, as amended, and accompanying federal rules and regulations, particularly 34 CFR Part 200.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-110 ~~((ACCOUNTABILITY))~~ PUBLIC POLICY. ~~((Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable federal statutes, rules, and regulations.))~~ It is the intention of the superintendent of public instruction to encourage districts:

(1) To consider the wide range of options available under Chapter 1 law and regulations when designing programs for individual buildings and individual children in determining service models, selection criteria, student assessment and objectives, and instructional methods and techniques.

(2) To broaden services to children to support and enhance educational growth through such services as counseling, health, family and parent support, and social work.

(3) To develop programs which consider individual student needs; resulting in services which may vary from building to building or between grades at each building.

(4) To foster qualitative decision-making and instructional practices through collaboration between the regular education staff and the Chapter 1 program, as well as with parents of participating children.

(5) To acknowledge that parents are the first and foremost teachers of their children and to promote activities that strengthen and facilitate the home-school-child relationship.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-115 ~~((DEFINITION—CHAPTER 1 REGULAR))~~ ACCOUNTABILITY. ~~((As used in this chapter, the term "Chapter 1 Regular" shall mean that part of Public Law 97-35 which is commonly referred to as Chapter 1 of the Education Consolidation and Improvement Act of 1981 which provides financial assistance to school districts to meet special educational needs of disadvantaged children.))~~ Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable federal statutes, rules, and regulations including 34 C.F.R. Part 80 of the Education Department General Administrative Regulations (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-120 ~~((ACCOUNTING MANUAL))~~ ACADEMIC AREA OF FOCUS. As used in this chapter, the term ~~((("accounting manual" shall mean the most recently published accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor))~~ "academic area of focus" shall include the areas of reading, mathematics, and communication as well as readiness activities associated with such skills: Furthermore, it shall include support services as defined by WAC 392-163-320.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-125 ~~((OBJECT OF EXPENDITURE))~~ ACCOUNTING MANUAL. As used in this chapter, the term ~~((("object of expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "the article purchased or the service obtained"). For financial accounting purposes "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the accounting manual))~~ "accounting manual" shall mean the most recently published accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-130 ~~((ACTIVITY))~~ ACTIVITY. As used in this chapter, the term "activity(ies)" shall be as defined in the accounting manual glossary of terms (i.e., a "specific line of work carried on by a school district in order to perform its mission"). For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the accounting manual and for Chapter 1 Regular shall include ~~((and))~~ designated activities listed on Form SPI F-1000B ~~((and))~~.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-135 ~~((PROGRAM))~~ ADVANCED SKILLS. As used in this chapter, the term ~~((("program" shall be as defined in the accounting manual glossary of terms (i.e., "a plan of activities designed to accomplish a set of objectives"))~~ For financial accounting purposes "program" shall be defined further as the first field of uniform expenditure classification established in the accounting manual and for Chapter 1 Regular shall include all approved activities supported by Chapter 1 Regular (Program 51) monies)) "advanced skills" shall mean the skills including reasoning, analysis, interpretation, problem solving, and decision-making as they relate to the particular subjects in which instruction is provided under programs supported by Chapter 1 Regular in local districts.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-140 ~~DEFINITION—((DIRECT EXPENDITURE))~~ AGGREGATE PERFORMANCE. As used in this chapter, the term (~~"direct expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost which can be easily, obviously and conveniently identified with specific programs")~~) "aggregate performance" shall mean the educational achievement of children participating in Chapter 1 programs, aggregated for a school as a whole in accordance with the national evaluation standards. For purposes of program improvement, aggregate performance may include the use of mean or median scores.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-145 ~~DEFINITION—((REVENUE ACCOUNT))~~ SCHOOL ATTENDANCE AREA. As used in this chapter, the term (~~"revenue account" shall be as defined in the accounting manual glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial transactions. . ." and "revenue" being "additions to assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period")~~) "attendance area" shall mean the geographic area determined by the school district board of directors in which the children who are normally served by that school reside. However, if a child's school attendance area is not determined on a geographic basis, the child is considered to be in the school attendance area of the school to which the child is assigned or would be assigned if the child were not attending a private school or another school on a voluntary basis.

NEW SECTION

WAC 392-163-150 DEFINITION—CAPITAL EXPENSES. As used in this chapter, the term "capital expenses" means expenditures for noninstructional goods and services that are incurred as a result of implementing alternative delivery systems for private schools to comply with the prohibition against Chapter 1-paid personnel providing instructional services in religiously-affiliated, nonpublic schools (United States Supreme Court decision, July 1, 1985: Aguilar v. Felton).

NEW SECTION

WAC 392-163-155 DEFINITION—CARRYOVER. As used in this chapter, the term "carryover" shall mean a prudent and justifiable reserve of no more than fifteen percent of a school district's Chapter 1 Regular allocation for a given fiscal year (not including previous year's carryover), excluding districts that receive basic and concentration grants that are less than fifty thousand dollars in any given year.

NEW SECTION

WAC 392-163-160 DEFINITION—CHAPTER 1 REGULAR. As used in this chapter, the term "Chapter 1 Regular" shall mean that part of Public Law 100-297 which is commonly referred to as Chapter 1 of the Elementary and Secondary Education Act of 1965, as amended, which provides financial assistance to improve the educational opportunities of educationally deprived children by helping these children: Succeed in the regular program in the local district, attain grade-level proficiency, and improve achievement in basic and more advanced skills.

NEW SECTION

WAC 392-163-165 DEFINITION—CHILDREN. As used in this chapter, the term "children" shall mean persons up to age twenty-one who are entitled to a free public education through grade twelve and persons who are of preschool age.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-170 DEFINITION—((PROJECT)) COMPARABILITY. As used in this chapter, the term (~~"project" either shall mean all activities supported with Chapter 1 Regular moneys in a particular attendance area or shall mean all of the Chapter 1 Regular activities in a particular program focus in school district attendance areas served by Chapter 1 Regular. In a school district that serves only one attendance area "program" and "project" may be synonymous~~) "comparability" shall mean that the school district, using state and local moneys, shall provide services in Chapter 1 Regular schools that, taken as a whole, are at least equivalent to services being provided in

schools not receiving Chapter 1 Regular moneys: PROVIDED, That if all schools receive Chapter 1 Regular moneys, the school district, using state and local moneys, shall provide services that, taken as a whole, are equivalent among all schools.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-175 DEFINITION—((OBJECTIVE MEASUREMENT)) COMPLAINT. As used in this chapter, the term (~~"objective measurement" shall mean using a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children~~) "complaint" shall mean an allegation, by the complainant, that the state or local school district receiving federal funds has systematically violated Chapter 1 Regular statute or regulation or a state regulation that applies to the Chapter 1 Regular program.

AMENDATORY SECTION (Amending Order 48-49, filed 10/2/84)

WAC 392-163-180 DEFINITION—((CHILDREN)) CONSULTATION WITH PARENTS, TEACHERS, AND OTHER INTERESTED PARTIES. As used in this chapter, the term (~~"children" shall mean persons up to age twenty-one as defined in WAC 392-121-170 and persons who are of preschool age~~) "consultation with parents, teachers, and other interested parties" shall be defined as meaningful, systematic, organized, ongoing, informed, and timely contact during the design, implementation, and the evaluation of the Chapter 1 program with parents, teachers, and administrators of public and private school participants, early childhood professionals, pupil service personnel, and librarians. Such consultation shall also include an annual public meeting to which parents of all participating students shall be invited to hear an explanation of the programs and activities provided with Chapter 1 Regular moneys, and shall be documented to demonstrate compliance with this section.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-185 DEFINITION—((EDUCATIONALLY DEPRIVED CHILDREN)) CONTINUING NEED OF SPECIAL ASSISTANCE. As used in this chapter, the term (~~"educationally deprived children" shall mean children whose educational attainment, documented by school district established selection criteria, is below the level that is appropriate for children of their age~~) "continuing need of special assistance" refers to those educationally deprived children who were identified and served in the previous year as being in greatest need for special assistance and who continue to be educationally deprived but are no longer in greatest need of special assistance.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-190 DEFINITION—((LOW INCOME CHILDREN)) DESIRED OUTCOMES. As used in this chapter, the term (~~"low income children" shall mean those children eligible to receive benefits under the National School Lunch Act (P.L. 79-396), for either the free and reduced lunch program or free milk program. If a school district does not offer school lunches pursuant to the National School Lunch Act, it shall use the income standards currently effective for determining eligibility for benefits under the act as the standard for identifying low income children~~) "desired outcomes" shall mean the local district's objectives included in the LEA application to improve the educational opportunities of educationally deprived children to help those children succeed in the regular education program of the local district.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-195 DEFINITION—((GRADE SPAN GROUPING)) DIRECT EXPENDITURE. As used in this chapter, the term (~~"grade span grouping" shall mean grouping school attendance areas by corresponding grade levels (e.g., schools serving grades K-6 in one group, schools serving 7-9 in another group, or schools serving other grade configurations). If a school attendance area serves grades in more than one group, the school district shall include that school either in the group with which the school has the most grade levels in common or in the group that includes the lower grade levels, if the school has the same number of grade levels in common with two or more groups~~) "direct expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost which can be easily, obviously, and conveniently identified with specific programs").

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-200 DEFINITION—((FULL-TIME EQUIVALENT (FTE) STUDENT)) EDUCATIONALLY DEPRIVED CHILDREN. As used in this chapter, the term ("full-time equivalent student" shall be as defined in WAC 392-121-105(2)) "educationally deprived children" shall mean children whose educational attainment, documented by school district established selection criteria, is below the level that is appropriate for children of their age, not including students determined to be qualified for programs for students with handicapping conditions and/or for limited English proficient students.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-205 DEFINITION—((FULL-TIME EQUIVALENT (FTE) STAFF)) ELIGIBLE STUDENT. As used in this chapter, the term ("full-time equivalent staff" shall be as defined in WAC 392-121-115 (2) and (4)) "eligible student" shall mean an educationally deprived child who resides in an attendance area or a school determined to be eligible under the provisions of P.L. 100-297 and WAC 392-163-415: PROVIDED, That an educationally deprived child who begins participation in a program or project in an eligible attendance area and in the same year is transferred by the school district to an unserved attendance area or school building shall remain eligible and may receive Chapter 1 Regular services for the remainder of such year.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-210 DEFINITION—((INSTRUCTIONAL STAFF)) EQUIVALENCE. As used in this chapter, the term ("in-structional staff" shall mean certificated and classified persons whose services deal directly with or aid in the teaching of students or in improving teaching-learning activities, and who are identified in the accounting manual under Activity 22, Learning Resources; Activity 23, Principals; Activity 24, Guidance and Counseling; Activity 25, Psychological Services; and Activity 27, Teaching) "equivalence," for purposes of determining comparability of services among Chapter 1 Regular served schools or between each Chapter 1 Regular served school and nonserved schools, shall mean:

In each Chapter 1 Regular served school, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of nonserved schools used for comparison: PROVIDED, That if all schools within the district are served with Chapter 1 Regular moneys, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of schools having the lowest percentage or numbers of children from low-income families.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-215 DEFINITION—((EQUIVALENCE)) FULL-TIME EQUIVALENT (FTE) STAFF. As used in this chapter, the term ("equivalence," for purposes of determining comparability of services among Chapter 1 Regular served schools or between each Chapter 1 Regular served school and nonserved schools, shall mean:

(1) In each Chapter 1 Regular served school, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of nonserved schools used for comparison: PROVIDED, That if all schools within the district are served with Chapter 1 Regular moneys, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of schools having the lowest percentage or numbers of children from low income families; and

(2) In each Chapter 1 Regular served school, the average per pupil expenditure for curriculum materials and instructional supplies shall not be less than ninety percent of the per pupil expenditure for curriculum materials and instructional supplies in nonserved schools: PROVIDED, That if all schools within the district are served with Chapter 1 Regular moneys, the average per pupil expenditure for curriculum

materials and instructional supplies shall not be less than ninety percent of the per pupil expenditures for curriculum materials and instructional supplies in the group of schools having the lowest percentage or number of children from low income families: PROVIDED FURTHER, That in the case of new schools or unforeseen circumstances the district may in that unique instance exceed the ten percent variance allowed in determining equivalence in order to provide curriculum materials and instructional supplies to a level that will result in equivalence in succeeding years)) "full-time equivalent staff" shall be as defined in WAC 392-121-115 (2) and (4).

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-220 DEFINITION—((COMPARABILITY)) FULL-TIME EQUIVALENT (FTE) STUDENT. As used in this chapter, the term ("comparability" shall mean that the school district, using state and local moneys, shall provide services in Chapter 1 Regular schools that, taken as a whole, are at least equivalent to services being provided in schools not receiving Chapter 1 Regular moneys: PROVIDED, That if all schools receive Chapter 1 Regular moneys, the school district, using state and local moneys, shall provide services that, taken as a whole, are equivalent among all schools)) "full-time equivalent student" shall be as defined in WAC 392-121-105(2).

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-225 DEFINITION—((UNFORESEEN CONDITIONS)) GRADE SPAN GROUPING. As used in this chapter, the term ("unforeseen conditions" shall be as defined in WAC 392-129-010(1)) and also shall include other unforeseeable changes in student enrollment or personnel assignments that occur after December 1 of the school year) "grade span grouping" shall mean grouping school attendance areas by corresponding grade levels (e.g., schools serving grades K-6 in one group, schools serving 7-9 in another group, or schools serving other grade configurations). If a school attendance area serves grades in more than one group, the school district shall include that school either in the group with which the school has the most grade levels in common or in the group that includes the lower grade levels, if the school has the same number of grade levels in common with two or more groups.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-230 DEFINITION—((ATTENDANCE AREA)) GREATEST NEED OF SPECIAL ASSISTANCE. As used in this chapter, the term ("attendance area" shall mean, in relation to a particular school, the geographic area determined by the school district board of directors in which the children who are normally served by that school reside. However, if a child's school attendance area is not determined on a geographic basis, the child is considered to be in the school attendance area of the school to which the child is assigned or would be assigned if the child were not attending a private school or another school on a voluntary basis) "greatest need of special assistance" shall refer to those educationally deprived children, as defined in WAC 392-163-200, who have been identified on the basis of school district established educationally-related selection criteria, including objective measurement that uses appropriate, objective written or oral assessment instruments for each area of educational achievement, which provides sufficient specificity to determine which students have the greatest need of special assistance. Districts are encouraged to consider a combination of multiple criteria to select students for Chapter 1 Regular services (e.g., curriculum assessments, grades, formal and informal tests, teacher observation, etc.).

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-235 DEFINITION—((GREATEST NEED OF SPECIAL ASSISTANCE)) HOMELESS. As used in this chapter, the term ("greatest need of special assistance" shall refer to those educationally deprived children, as defined in WAC 392-163-185, who have been identified on the basis of school district established selection criteria, including objective measurement of educational achievement, as in the greatest need of special assistance:)) "homeless" shall mean individual(s) who (1) lacks a fixed, regular, and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The

term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-240 DEFINITION—(~~BASIC SKILLS~~) **INDIRECT EXPENDITURE**. As used in this chapter, the term ("~~basic skills~~") shall mean skills in reading, communication, and math as well as readiness activities associated with such skills) "indirect expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs"). For Chapter 1 Regular, each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-245 DEFINITION—(~~SUPPLEMENT~~) **INSTRUCTIONAL STAFF**. As used in this chapter, the term ("~~supplement~~") shall be defined as instructional or support services for educationally disadvantaged children funded with Chapter 1 Regular moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys. Such supplemental services shall be designed and implemented in accordance with service models described in Chapter 1 Regular annual application instructions and shall meet the supplement/supplant tests appropriate to each model) "instructional staff" shall mean certificated and classified persons whose services deal directly: (1) With or assist in the teaching of students, or (2) in improving teaching learning activities, and who are identified in the accounting manual under Activity 22, Learning Resources; Activity 24, Guidance and Counseling; Activity 25, Psychological Services; Activity 26, Health; and Activity 27, Teaching.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-250 DEFINITION—(~~SERVICE MODEL~~) **LOW-INCOME CHILDREN**. As used in this chapter, the term ("~~service model~~") shall mean the location, time and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Regular instructional and/or support services. Permissible models are those described in the annual application instructions) "low-income children" shall mean those children eligible to receive benefits under the National School Lunch Act (P.L. 79-396), for either the free and reduced lunch program or free milk program or are eligible under other appropriate measures which use the income standards currently effective for determining eligibility for benefits under the National School Lunch Act.

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-255 DEFINITION—(~~PROGRAM THAT IS OF SUFFICIENT SIZE, SCOPE, AND QUALITY TO GIVE REASONABLE PROMISE OF SUBSTANTIAL PROGRESS TOWARD MEETING THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN BEING SERVED~~) **OBJECTIVE MEASUREMENT**. As used in this chapter, the term ("~~program that is of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served~~") shall mean a program that the board of directors of a school district, on the basis of procedures outlined in WAC 392-163-305, 392-163-310, and 392-163-330, determines has substantial likelihood of meeting the special educational needs of children to be served) "objective measurement" shall mean using a written or oral testing instrument, that can be uniformly and consistently applied across each grade level to determine in a comparable manner the educational achievement level of children.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-260 DEFINITION—(~~CONSULTATION WITH PARENTS AND TEACHERS AND OTHER INTERESTED PARTIES~~) **OBJECT OF EXPENDITURE**. As used in this chapter, the term ("~~consultation with parents and teachers and other interested parties~~") shall mean planned, systematic contact with parents, teachers, and administrators of children being served by Chapter 1 Regular—including parents, teachers, and administrators of served private school children—and other interested parents, teachers, administrators, groups, and parties in the design and implementation of the

Chapter 1 Regular program, including discussion of program revenue and expenditures) "object of expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "the article purchased or the service obtained"). For financial accounting purposes "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the accounting manual.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-265 DEFINITION—(~~PRUDENT AND JUSTIFIABLE RESERVE~~) **PARENT**. (As used in this chapter, the term "prudent and justifiable reserve" shall mean no more than fifteen percent of a school district's available Chapter 1 Regular money for a given fiscal year, i.e., carryover from the previous year plus the current year's allocation:) (1) As used in this chapter, the term "parent" includes a legal guardian or other person standing in loco parentis.

(2) "In loco parentis" means a person acting in place of a parent or legal guardian, and may include a person such as a grandparent, step-parent, aunt, uncle, older sibling, or other person either:

- (a) With whom a child lives; or
- (b) Who has been designated by a parent or legal guardian to act in place of the parent or legal guardian regarding all aspects of the child's education.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-270 DEFINITION—(~~POPULATION SHIFTS~~) **PARTICIPATING CHILDREN**. As used in this chapter, the term ("~~population shifts~~") shall mean an increase of fifteen percent or more in the FFE enrollment of a school district reported to the superintendent of public instruction over a period of not more than the five immediately preceding years) "participating children" shall mean those educationally deprived children in greatest need of special assistance, as determined on the basis of school district established selection criteria, residing in eligible served attendance areas or attending served schools, who are selected to receive services in the Chapter 1 Regular program: PROVIDED, That the exception in WAC 392-163-205 for children transferred during the same school year shall apply to this section.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-275 DEFINITION—(~~CHANGING ECONOMIC CIRCUMSTANCES~~) **PRESCHOOL CHILDREN**. As used in this chapter, the term ("~~changing economic circumstances~~") shall mean an increase of fifteen percent or more in the number of children from low income families as defined in WAC 392-163-190, reported to the superintendent of public instruction over a period of not more than the five immediately preceding years) "preschool children" shall mean children who are (1) below the age or grade level at which the local school district provides a free public education; and (2) of the age or grade level at which they can benefit from an organized instructional program provided in a school or other educational setting.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-280 DEFINITION—(~~SERVICES OF THE SAME NATURE AND SCOPE~~) **PROGRAM**. As used in this chapter, the term ("~~services of the same nature and scope~~") shall mean the provision with nonfederal moneys of supplemental education services which are consistent with the requirements of section 131(c) of ESEA Title I, Public Law 95-561) "program" shall be as defined in the accounting manual glossary of terms (i.e., "a plan of activities designed to accomplish a set of objectives"). For financial accounting purposes "program" shall be defined further as the first field of uniform expenditure classification established in the accounting manual and for Chapter 1 Regular shall include all approved activities supported by Chapter 1 Regular (Program 51) moneys.

NEW SECTION

WAC 392-163-285 DEFINITION—**PROGRAM THAT IS OF SUFFICIENT SIZE, SCOPE, AND QUALITY TO GIVE REASONABLE PROMISE OF SUBSTANTIAL PROGRESS TOWARD MEETING THE SPECIAL ACADEMIC NEEDS OF CHILDREN BEING SERVED**. As used in this chapter, the term "program that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special academic needs of children being served" shall mean a program that the board of

directors of a school district, on the basis of procedures outlined in WAC 392-163-400, 392-163-425, and 392-163-495, determines has substantial likelihood of meeting the special academic needs of children to be served.

NEW SECTION

WAC 392-163-290 DEFINITION—PROJECT. As used in this chapter, the term "project" either shall mean all activities supported with Chapter 1 Regular moneys in a particular attendance area or shall mean all of the Chapter 1 Regular activities in a particular program focus in school district attendance areas served by Chapter 1 Regular. In a school district that serves only one attendance area "program" and "project" may be synonymous.

NEW SECTION

WAC 392-163-295 DEFINITION—REGULAR PROGRAM. As used in this chapter, the term "regular program" includes all programs funded by the Basic Education Act of the state of Washington, and any additional locally funded programs used to supplement allotments for the basic education program. The regular program shall further be defined by the educational goals and objectives to be attained by students at a certain grade level and in a given subject area provided by nonfederal funds according to the common school law of the state of Washington and as determined by policies established or required by the local board of directors. Furthermore, nonlocally funded programs for students for special populations such as handicapped, gifted, limited English proficient, and compensatory education may not be considered as the regular program.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-300 (~~((SELECTION OF ATTENDANCE AREAS—PROJECT REQUIREMENT))~~) DEFINITION—REVENUE ACCOUNT. (~~Each school district receiving Chapter 1 Regular moneys, except as otherwise exempted under WAC 392-163-299, shall select attendance areas to receive Chapter 1 Regular services on one or a combination of the following bases:~~

(1) ~~Highest concentration of low income children. The district may select those attendance areas district-wide or by grade span grouping having the highest number or percentage of low income children.~~

(2) ~~Uniformly high concentration of low income children. The district may select all attendance areas district-wide or within a designated grade span grouping if the variation between the attendance areas with the highest and lowest percentage of low income children is not more than ten percent, or one-third of the district-wide low income average.~~

(3) ~~Twenty-five percent rule. The district may select attendance areas in which the percent of low income students equals or exceeds twenty-five percent of the attendance area enrollment.~~

(4) ~~Transition. The district may select an attendance area which was eligible in the preceding school year in order to provide service for one additional year to phase out the program. If, however, the school attendance area is substantially different than it was in the preceding fiscal year because of attendance area boundary adjustments, the attendance area may not be served on this basis.~~

(5) ~~Substantially higher educational deprivation. A district may designate as eligible and serve school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low income families. PROVIDED, That Chapter 1 Regular services shall be extended to no more attendance areas than could otherwise be served. PROVIDED FURTHER, That the school district shall include in its application to the superintendent of public instruction information requested to demonstrate (a) the substantially higher number or percentage of educationally deprived children in school attendance areas so selected; and (b) that Chapter 1 services to educationally deprived children from low income families in project areas will not be substantially impaired.~~

(6) ~~Proportions of average daily attendance. A district may designate as eligible and serve a school which is not located in an eligible attendance area but has among its average daily attendance a proportion of children from low income families which is substantially equal to the proportion of such children in an eligible school attendance area of the district. The application submitted by the school district to the superintendent of public instruction shall demonstrate comparable proportions of children from low income families.~~

(7) ~~Nonfederally funded services. A district may elect to skip an eligible school attendance area if such area is receiving from nonfederal moneys, services of the same nature and scope as would be provided with Chapter 1 Regular moneys. PROVIDED, That children attending participating private schools who reside in such attendance areas shall be considered to be eligible students under WAC 392-163-186 and shall be identified and served, when appropriate, in accordance with WAC 392-163-180, 392-163-185, 392-163-235, 392-163-305 and 392-163-306.~~

(8) ~~School-wide project. A school district may designate a school serving an attendance area with at least seventy-five percent of the children from low income families as a school-wide project, in which instance the district may upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under subsection 133(b) of the Elementary and Secondary Education Act of 1965. PROVIDED, That paragraph (4) of such section shall not apply.)~~ As used in this chapter, the term "revenue account" shall be as defined in the accounting manual glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial transactions..." and "revenue" being "additions to assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period").

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-305 (~~(ANNUAL NEEDS ASSESSMENT—PROGRAM REQUIREMENT))~~) DEFINITION—SERVICE MODEL. (~~Each school district receiving Chapter 1 Regular moneys shall base its Chapter 1 Regular program on an annual assessment of educational needs which shall include, at a minimum, a review of fourth grade test data in basic skills, assessment of Chapter 1 Regular funded support services, and consideration of evaluation data related to whether improved student achievement is sustained over a period of more than one year. The needs assessment further shall:~~

(1) ~~Identify educationally deprived children in all eligible attendance areas, including educationally deprived children in participating private schools;~~

(2) ~~Permit the selection of those educationally deprived children in greatest need of special assistance; and~~

(3) ~~Assess and determine the educational needs of each child selected to participate so that there exists reasonable promise of substantial progress toward meeting the identified educational needs of children being served.)~~ As used in this chapter, the term "service model" shall mean the location, contact time, and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Regular instructional and/or support services. Permissible models are those described in the Chapter 1 Regular Basic Concepts Guide which accompanies the annual application forms.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-310 (~~(PARENT/TEACHER AND COMMUNITY INVOLVEMENT IN PROGRAM PLANNING—PROGRAM REQUIREMENT))~~) DEFINITION—SIMILAR SERVICES. (~~Each school district that seeks an allocation of funds under Chapter 1 Regular shall consult with parents and teachers of Chapter 1 Regular served children and other interested parties in preparing the proposed program design and planned expenditures submitted by the designated local administrator to the school district board of directors for adoption. Such consultation shall include an annual public meeting to which parents of all eligible students shall be invited to explain to parents the programs and activities provided with Chapter 1 Regular moneys, and shall be documented to demonstrate compliance with this section.)~~ As used in this chapter, the term "similar services" shall mean the provision of supplemental educational services with nonfederal moneys which are consistent with those services that would otherwise be provided by Chapter 1 Regular funds according to the requirements of Public Law 100-297, Section 1018(d)(b).

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-315 (~~(SCHOOL DISTRICT APPLICATION REQUIRED))~~) DEFINITION—SUPPLEMENT. (~~Each school district that seeks an allocation of federal funds under Chapter 1 Regular from the state shall submit an annual application on forms provided by the superintendent of public instruction.)~~ As used in this chapter, the term "supplement" shall be defined as instructional or support services

for educationally disadvantaged children funded with Chapter 1 Regular moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys. Such supplemental services shall be designed and implemented in accordance with service models described in the Chapter 1 Regular Basic Concepts Guide which accompanies the annual application and shall meet the supplement/supplant tests appropriate to each model. Further defined:

(1) Educational services provided are in addition to services which would be offered in the absence of federal funds. Supplemental services under Chapter 1 may not replace services required by law to be provided from another fund source, i.e., handicapped or limited English proficient.

(2) Each child must be provided with basic education instruction from their regular assigned basic education teacher. Chapter 1 instruction is in addition to the basic education instruction provided to non-Chapter 1 participants by the regular basic education teacher. Each student must receive a minimum of twenty minutes daily, or its equivalent, of the basic education instructional time from the regular teacher in the subject area being remediated. Further, the regular contact time may be averaged on a weekly, quarterly, or yearly basis depending on the type of model selected for Chapter 1 services.

(3) Children with the greatest need for such instruction and who are not qualified to receive it from another fund source must be served first.

(4) Instruction must be geared to the child's individually determined special needs and be "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting his/her special educational needs."

(5) Instruction provided must promote:

(a) Success in the regular classroom;

(b) Attainment of grade-level proficiency; and

(c) Increased achievement in basic and more advanced skills that all students are expected to master.

(6) Instruction may be given in the regular classroom or in a different location. In order to be supplemental, it must conform to the service model requirements outlined in federal guidance and in the Chapter 1 Regular Basic Concepts Guide.

(7) Instruction must be on or adapted to the child's performance level.

(8) Instructional materials may be from the same curriculum used in the regular classroom, but instruction may not be simply on an incidental basis helping a child with an on-level daily work assignment. Instruction must be adapted to accommodate the child's specific, identified needs.

(9) Instructional objectives may be basically the same as grade level objectives, but materials and/or instructional strategies must be adapted to the child's functional level. Objectives must be based on each student's individual determined needs.

(10) Progress toward accomplishing each student's objectives must be demonstrated and evaluated.

(11) In order to offer these supplemental services, a district must demonstrate in its basic education program that it:

(a) Does maintain during the current fiscal year ninety percent of the per pupil or aggregate nonfederal financial expenditures of the second preceding fiscal year (WAC 392-163-575 and 34 C.F.R. 200.41); and

(b) Does distribute and maintain state and local moneys in a comparable manner among all schools in the district (WAC 392-163-560 and 34 C.F.R. 200.43).

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-320 ((~~SUBSTANCE OF ANNUAL SCHOOL DISTRICT APPLICATION~~)) DEFINITION—SUPPORT SERVICES. ((The school district's annual application required by WAC 392-163-315 shall contain the following:

(1) Planned expenditures by program object and activity as required by WAC 392-163-325.

(2) Identification of eligible attendance areas selected to receive Chapter 1 Regular services: PROVIDED, That the exemption prescribed in WAC 392-163-299 shall apply.

(3) Program and project descriptions on forms provided by the superintendent of public instruction:)) As used in this chapter, the term "support services" shall mean activities and techniques which may enhance a student's academic growth through such services as counseling, health, social work, and family support services.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-325 ((~~PLANNED EXPENDITURES BY PROGRAM OBJECT AND ACTIVITY~~)) DEFINITION—UNFORESEEN CONDITIONS. ((Each school district's planned expenditures shall be by program object and activity, as displayed on forms provided by the superintendent of public instruction, for the program designed to assist educationally deprived children as defined in WAC 392-163-180 and shall include the district's proposed expenditures for public and private school children and children in local institutions for neglected and delinquent children:)) As used in this chapter, the term "unforeseen conditions" shall be as defined in WAC 392-129-045(1); furthermore, it may include a precipitous and unforeseen decline in the financial resources of the school district—not including tax initiatives or referenda—and also shall include other unforeseeable changes in student enrollment or personnel assignments that occur after December 1 of the school year.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-400 ((~~COMPARABILITY OF SERVICES—COMPLETED FORMS ON FILE~~)) ANNUAL NEEDS ASSESSMENT—PROGRAM REQUIREMENT. ((Each fall, school districts shall receive forms from the superintendent of public instruction with accompanying directions for demonstrating comparability. These completed forms shall be kept on file in the school district and shall be made available for review:)) Each school district receiving Chapter 1 moneys shall base its Chapter 1 Regular program on an annual assessment of educational needs which identifies all educationally deprived children in all eligible school attendance areas (including served private schools). The assessment shall determine general instructional areas and grade levels on which the program will focus and will result in the selection of the greatest of need children. The needs assessment further shall determine the special academic needs of participating students with sufficient specificity to ensure concentration on those needs as well as the resources necessary to meet those special academic needs. A summary analysis of the needs assessment must include data which indicates the number of students below grade level in all grades in reading, math, and communication in all eligible Chapter 1 buildings. The needs assessment must establish the need for readiness or support services when such services are provided. The needs assessment must be funded by local moneys.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-405 ((~~MAINTENANCE OF EFFORT~~)) ALLOCATION OF RESOURCES TO PROGRAM AREAS AND SCHOOLS. ((A school district receiving Chapter 1 Regular moneys shall maintain state and local fiscal effort at a minimum of ninety percent level as calculated in WAC 392-163-410. This calculation may be made on an aggregate or per pupil expenditure basis. These calculations shall be made by the superintendent of public instruction from data submitted to the superintendent of public instruction by school districts. School districts failing to meet the maintenance of effort requirements shall be notified in writing no later than June 1 of each school year:)) Each district shall allocate Chapter 1 resources among project areas and schools based on the local needs assessment as well as:

(1) The number and needs of children selected for participation;

(2) The degree of educational deprivation of these children; and

(3) The services to be provided.

In designing and planning services, districts and individual buildings shall consider a variety of options when selecting staff, instructional techniques, materials, and service models in order to best accommodate individual student needs.

For the sole purpose of allocating Chapter 1 resources among project areas and schools, a local district may continue to count for two additional years, children in those areas and schools who received Chapter 1 services in the preceding school year, but are no longer in greatest need of special assistance from the Chapter 1 program.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-410 ((~~MAINTENANCE OF EFFORT—COMPUTATIONS~~)) SELECTION OF ATTENDANCE AREAS FOR DISTRICTS WITH UNDER ONE THOUSAND STUDENTS—PROGRAM EXEMPTION. ((The following calculations shall be

used by the superintendent of public instruction to ensure the maintenance of effort for school districts receiving Chapter 1 Regular moneys. The data source for these calculations is the F-196. The same calculations shall be made for both the preceding and second preceding fiscal years:

(1) The total general fund expenditures shall be adjusted by the subtraction of the following program expenditures: The direct expenditures of Program 46—State Institutions, Program 47—Vocational-Technical Institutes, Program 48—Adult Education, Program 85—Community Services, Activities 82 and 83 in Program 97—Warrant and other Interest, Object 9—Capital Outlay, and payments made to other school districts for nonhigh and handicapped pupils.

(2) From the resulting total in subsection (1) of this section, the total revenue in revenue account series 4000 and 7000 (except Accounts 4040, Federal Forest Funds and 4060, P.L. 874—Impact Aid) shall be deducted:

(3) To the resulting total in subsection (2) of this section, the Object 9 expenditures for the following programs shall be added:

- (a) 46—State institutions;
- (b) 47—Vocational-technical institutes;
- (c) 48—Adult education;
- (d) 85—Community services; and
- (e) 51-79—Federal programs.

(4) The calculations in subsections (1), (2), and (3) of this section shall be applied to both school years. The results of subsections (1) through (3) shall then be compared and a district shall be considered to be in compliance if the total for the preceding year is at least ninety percent of the total for the second preceding year.) Any school district with a total enrollment of fewer than one thousand students, or no more than one school attendance area in each grade span, shall be exempt from the requirements of WAC 392-163-415 provided that requirements under 34 C.F.R. Section 200.31 are complied with. Such districts shall not be required to select attendance areas and all schools within the district shall be eligible to receive Chapter 1 Regular services. For purposes of documenting enrollment, the school district must select a given date to determine the enrollment from among the attendance reports submitted to the superintendent of public instruction for the current year. Enrollment figures, and the selected date shall be recorded on forms provided by the superintendent of public instruction in the Chapter 1 Regular application for the succeeding year.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-415 ((~~MAINTENANCE OF EFFORT—FAILURE TO MAINTAIN EFFORT~~)) SELECTION OF ATTENDANCE AREAS—PROGRAM REQUIREMENT. ((If the superintendent of public instruction determines that a school district has not maintained effort pursuant to the computation defined in WAC 392-163-410 the superintendent of public instruction shall take one of the following actions:

(1) Waive, for one fiscal year only, the maintenance of effort requirement if the superintendent of public instruction determines that a waiver would be equitable due to exceptional or uncontrollable circumstances. These circumstances include:

- (a) A natural disaster;
- (b) A precipitous and unforeseen decline in the financial resources of the school district; or
- (c) Other exceptional or uncontrollable circumstances. PROVIDED: That tax initiatives or referenda may not be considered to be exceptional or uncontrollable circumstances.

If the superintendent of public instruction grants a waiver, the superintendent of public instruction shall not reduce the amount of Chapter 1 Regular moneys the school district is otherwise entitled to receive.

In determining maintenance of effort for the fiscal year immediately following the fiscal year for which the waiver was granted, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year:

(2) If a waiver cannot be granted, the superintendent of public instruction shall reduce the school district's allocation of moneys under Chapter 1 Regular in the exact proportion to which the school district fails to meet ninety percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the school district) for the second preceding fiscal year:

In determining maintenance of effort for the fiscal year immediately following the fiscal year in which the school district failed to maintain effort, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year.) Each school district will identify eligibility attendance areas using the best available measure for identifying children from low-income families. A district may use data on children from families receiving aid for dependent children (AFDC), data on families where children are eligible under the National School Lunch Program, or other appropriate data. If a district uses a composite of several data sources, they must be weighted. After determining the source(s) of low-income data, each school district receiving Chapter 1 Regular moneys, except as otherwise exempted under WAC 392-163-410, shall select attendance areas to receive Chapter 1 Regular services according to bases listed in 34 C.F.R. Section 200.30.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-420 ((~~NOTIFICATION OF PARENTS~~)) SERVICES FOR HOMELESS CHILDREN. ((Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Regular program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication unless it is clearly not feasible to do so.)) In order to ensure that each homeless child be provided services comparable to services offered other students in the school, educationally deprived homeless children attending Chapter 1 schools are eligible for participation provided they meet the same educational criteria as other children in the school. Furthermore, districts may serve educationally deprived homeless children without regard to the residency requirements in WAC 392-163-415.

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-425 ((~~CONSTRUCTION AND PORTABLE LEASE/PURCHASE~~)) PARENT INVOLVEMENT—PROGRAM REQUIREMENT. ((Chapter 1 Regular moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 1 Regular eligible children if:

(1) The district has exhausted every other available option for providing space in which to serve eligible children; and

(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Regular services to eligible children.

Such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist.)) In accordance with federal regulations, a local school district may receive funds under this provision only if it implements programs, activities, and procedures for the involvement of parents of participating public and private school children. This involvement must include, but is not limited to, parent input into the planning, design, and implementation of the Chapter 1 program. The consultation must be organized, systematic, ongoing, informed, and timely in relation to decisions about the program, activities, and procedures for the involvement of parents; and must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving meaningful parental involvement, as outlined in 34 C.F.R. Sec. 200.34.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-440 ((~~CHAPTER 1 REGULAR AUDIT~~)) PROGRAM IMPROVEMENT. ((Audit of local school district Chapter 1 Regular programs shall be conducted in compliance with 34 CFR 74.62.)) In order to foster and encourage systematic, purposeful improvement for each project school and individual students, including served private schools, a local district shall:

(1) Establish measurable desired outcomes for each program component unique to its student population which includes the level of performance, the goal, the outcome indicator(s), measurement cycle, and indicators of substantial progress. The outcome must be based on objective data which measures Chapter 1 participants' success in the

regular classroom as evidenced by their day-to-day performance, and must be based on criteria that all students are expected to master. Districts may develop desired outcomes for the total program either by building or across the district.

(2) Conduct an annual review of the effectiveness of its Chapter 1 project in improving student performance as measured by aggregate performance and the established desired outcomes; and make the results of the review available to teachers, parents of participating children, administrators, and other appropriate parties. Results will also be indicated in the district's annual end-of-year report.

(3) Develop a program improvement plan for each building that:

(a) Does not show substantial progress toward meeting the desired outcomes described in the local district's application; or
 (b) Shows no improvement or a decline in aggregate performance of participating children for a twelve-month period. "No improvement" shall be indicated by a zero or below NCE gain using either the mean or the median score across the district. The local district is only required to determine the aggregate performance of a school in the instructional area that is the primary focus of the Chapter 1 local district program in that school.

Districts may "self-nominate" buildings that have met their established objectives, and may have access to resources provided for the purposes of improving programs if sufficient resources are available.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-445 ((~~SANCTIONS~~)) PROGRAM IMPROVEMENT PLAN. ((~~Any school district found not in compliance with applicable federal and state statute and regulations shall be subject to the actions prescribed in WAC 392-163-455, 34 CFR 200.57 and 200.58, and/or due process procedures outlined in 34 CFR 200.90-103.~~)) For each building that shows no improvement according to WAC 392-163-440, a program improvement plan must be developed and implemented.

(1) Program improvement plans must be developed by individual school building staff, including, at a minimum: Regular education staff, Chapter 1 staff, building principal, Chapter 1 director, and parents of participating children.

(2) Plans must be shared with the local school board of directors and the superintendent of public instruction.

(3) Districts may apply for program improvement assistance funds to the superintendent of public instruction, on forms provided by the superintendent of public instruction, for the purposes of developing and implementing their plan. The funds may be used as outlined in the Washington state program improvement plan.

(4) Buildings must implement their plan, or parts of their plan, as soon as it is feasible, but no later than a year after the building has been identified.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-450 ((~~COMPLIANCE AGREEMENT~~)) PROGRAM IMPROVEMENT JOINT PLAN. ((~~Notwithstanding any of the actions prescribed by WAC 392-163-445, any school district found out of compliance with this chapter may as a substitute for withholding or repayment actions referenced in WAC 392-163-445 and/or 392-163-455 be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Regular program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Regular moneys. If a district fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-163-445 and 34 CFR 200.57(b) shall be instituted by the superintendent of public instruction.~~)) If, after a required program improvement plan has been implemented for one full school year, a school is still identified as needing improvement according to WAC 392-163-440, the local school district shall, in partnership with the superintendent of public instruction, develop and implement a joint plan for program improvement in the identified school. The procedures and timelines listed in 34 C.F.R. 200.38(b)(6) and the Washington State Program Improvement Plan shall be followed.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-455 ((~~WITHHOLDING OF CHAPTER 1 REGULAR PAYMENTS~~)) STUDENT IMPROVEMENT. ((~~+~~))

the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Regular moneys to the offending district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the school district of the reasons for the proposed withholding; and

(b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted;

(2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:

(a) The seriousness of the noncompliance;

(b) The amount of Chapter 1 Regular moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Chapter 1 Regular moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 200.57.) Each district must identify all students who have been served for a school year and that have not made progress towards meeting the objectives and outcomes stated in the district application. Districts must consider modifications in the Chapter 1 project to better serve those students. Furthermore, a thorough assessment must be conducted of the educational needs of children who remain in the district Chapter 1 project after two consecutive years of participation and have not shown progress towards meeting the objectives and outcomes stated in the district application. If appropriate, districts must use the results of that assessment to modify the Chapter 1 project to meet the children's needs.

AMENDATORY SECTION (Amending Order 84-49, filed 10/2/84)

WAC 392-163-460 ((~~APPROVAL OF CHAPTER 1 REGULAR PROGRAM APPLICATION BY THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION~~)) SERVING STUDENTS IN GREATEST NEED--PROGRAM REQUIREMENT. ((~~+~~)) Final approval of a Chapter 1 Regular program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-163-320 and 392-163-335 and 34 CFR 200.13 (a)(b) and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for applications received and approved prior to July 1, or the subsequent date on which the application is received and approved by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with PL 93-380 any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States secretary of education.) The school district shall serve those educationally deprived children who have the greatest need for special assistance: PROVIDED, That children who were identified in the previous year as being in greatest need for special assistance and who continue to be educationally deprived but are no longer in greatest need of special assistance may be served with Chapter 1 Regular funds for a maximum of two additional years: PROVIDED FURTHER, That the school district shall not be required to serve children in greatest need with Chapter 1 Regular moneys if such children are receiving similar services from nonfederal sources as would otherwise be provided by Chapter 1 Regular moneys.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-465 ((~~STATE ADVISORY COUNCIL~~)) STUDENT NEEDS. ((~~+~~)) Purpose. The purpose of the state advisory council (SAC) shall be to advise the superintendent of public instruction in state administration of the Chapter 1 Program.

(2) Membership:

~~(a) The superintendent of public instruction shall select parent members from nominations submitted by a school district superintendent or his/her designee. Nominees shall be parents of students served in the Chapter 1 Regular program and shall be chosen by the school district in consultation with parents and teachers of Chapter 1 Regular served children;~~

~~(b) The majority of the SAC shall consist of such parents as selected under subsection (a) above; and~~

~~(c) The balance of the SAC shall consist of Chapter 1 Regular administrators, teachers and aides, and representatives of other educational groups;~~

(3) Procedures:

~~(a) Bylaws shall be developed by the SAC and be subject to approval by the superintendent of public instruction;~~

~~(b) Election of officers shall be conducted by the membership;~~

~~(c) All meetings of the SAC shall be called by the superintendent of public instruction; and~~

~~(d) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to state employees. Chapter 1 and regular education staff shall determine individual student's educational needs based on objective measures, including such measures as curriculum assessments, informal assessments, criterion-referenced tests, standardized tests, student learning objectives, interest inventories, portfolio assessments, anecdotal records, staff observations, to provide enough information to design a program of sufficient size, scope, and quality to give reasonable promise of substantial progress. Needs must be determined with sufficient specificity to ensure concentration on those needs. Student progress must be assessed throughout the school year, and reported to parents.~~

NEW SECTION

WAC 392-163-470 NOTIFICATION OF PARENTS. Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Regular program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication to the extent practical.

NEW SECTION

WAC 392-163-475 SCHOOL DISTRICT APPLICATION REQUIRED. Each school district that seeks an allocation of federal funds under Chapter 1 Regular from the state shall submit an annual application on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-163-480 SUBSTANCE OF ANNUAL SCHOOL DISTRICT APPLICATION. The school district's annual application required by WAC 392-163-475 shall contain the following:

(1) Planned expenditures by program object and activity as required by WAC 392-163-490;

(2) Identification of eligible attendance areas selected to receive Chapter 1 Regular services: PROVIDED, That the exemption prescribed in WAC 392-163-410 shall apply;

(3) Program, procedures, and project descriptions on forms provided by the superintendent of public instruction; and

(4) The objectives and outcomes for students participating in the Chapter 1 project, in terms of basic and more advanced skills that all children are expected to master, which will be a basis for evaluating the project for program improvement.

NEW SECTION

WAC 392-163-485 ANNUAL ASSURANCES. Each school district that receives an allocation of federal funds under Chapter 1 Regular shall submit to the superintendent of public instruction annual assurances as indicated on the application forms.

NEW SECTION

WAC 392-163-490 PLANNED EXPENDITURES BY PROGRAM OBJECT AND ACTIVITY. Each school district's planned expenditures shall be by program object and activity, as displayed on forms provided by the superintendent of public instruction, for the program designed to assist educationally deprived children as defined

in WAC 392-163-200 and shall include the district's proposed expenditures for public and private school children and for children in local institutions for neglected or delinquent children.

NEW SECTION

WAC 392-163-495 BOARD APPROVAL. Each annual application submitted by a school district to the superintendent of public instruction shall be approved by the board of directors only after the board has reviewed the program design and expenditures, taking into consideration:

(1) Previous year's planned expenditures and total Chapter 1 Regular moneys available for the ensuing year (July 1 through August 31);

(2) Results of the local review according to WAC 392-163-545 and 392-163-440;

(3) Results of the annual needs assessment; and

(4) The adequacy of parent/teacher consultation in the planning, implementation, and evaluation of the program.

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-500 ((DISTRIBUTION OF CHAPTER 1 REGULAR MONEYS TO LOCAL SCHOOL DISTRICTS)) APPROVAL OF CHAPTER 1 REGULAR PROGRAM APPLICATION BY THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. ((+) For purposes of this section, the term:

(a) "Poverty level students" shall mean children aged five through seventeen counted in accordance with Section 111 (c)(1)(2)(A)(B) of Public Law 95-561 and 34 CFR 200.22 (a)(1)(i);

(b) "Best available data" shall mean poverty level data compiled using the 1980 decennial census definition of poverty status (Current Population Reports, Series P-60, No. 130, "Characteristics of the Population Below the Poverty Level: 1979").

(2) The method used by the superintendent of public instruction to distribute Chapter 1 Regular county allocations shall conform to Section 193(a) of Public Law 95-561 and 34 CFR 200.22.

(a) Using the best available data, poverty level students in each county shall be traced to individual school districts and the district shall receive a proportionate share of Chapter 1 Regular moneys from each county its boundaries overlap;

(b) No district shall be allocated less than eighty-five percent of the Chapter 1 Regular moneys it was allocated in the previous fiscal year; (1) Final approval of a Chapter 1 Regular program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-163-480 and 34 C.F.R. 200.20 and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the year which the application covers.

(2) Programs shall not be implemented without approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for applications received on or prior to July 1, or the subsequent date on which the application is received by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with 34 C.F.R. Part 81—General Education Provision Act—Enforcement any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States secretary of education.

(5) Consistent with 34 C.F.R. Part 81—General Education Provision Act—Enforcement any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States secretary of education.

NEW SECTION

WAC 392-163-505 BUDGET REVISION—TEN PERCENT ALLOWED. Using the "budgeted direct expenditures" cell from Form F1000B as a base, school districts may make annual expenditure adjustments of up to ten percent of that cell in any of the previously budgeted activity or object cells within the approved annual application without filing a request for a budget revision with the superintendent of public instruction.

NEW SECTION

WAC 392-163-510 BUDGET REVISIONS—UPDATING PLANNED EXPENDITURES. Except as provided in WAC 392-163-505, each school district shall expend Chapter 1 Regular moneys

in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary or no later than August 31 of the current year with the superintendent of public instruction in order to:

- (1) Increase the total expenditure of Chapter 1 Regular moneys; or
- (2) Change by more than ten percent of the budgeted direct expenditure cell the expenditures among activity or object cells; or
- (3) Expend money in any object or activity cell where no moneys were budgeted in the original application.

NEW SECTION

WAC 392-163-515 BUDGET REVISION—APPROVAL. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-163-500 for approval by the superintendent of public instruction of the annual application.

NEW SECTION

WAC 392-163-520 PROGRAM UPDATE. No later than thirty calendar days following a substantial program change, a school district shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean:

- (1) Removal of Chapter 1 Regular services from an attendance area listed as "served" on the application;
- (2) Addition of Chapter 1 Regular services to an attendance area not listed as "served" in the application;
- (3) Modification of the Chapter 1 Regular program in any served attendance area by adding a new program focus, by changing grade levels, or by changing program service delivery models; and/or
- (4) Increasing the number of students served in the Chapter 1 Regular program to such an extent that the district must exceed the ten percent budget variance to accommodate serving the additional eligible students.

Notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision, said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

NEW SECTION

WAC 392-163-525 SUPERVISORY EXPENDITURES. A school district that charges any portion of supervisory expenditures to the Chapter 1 Regular program shall document such costs, including the proportion of supervisory FTE so designated.

NEW SECTION

WAC 392-163-530 REALLOCATION OF CHAPTER 1 REGULAR MONEYS IN EXCESS OF FIFTEEN PERCENT CARRY-OVER. Carryover in excess of fifteen percent will be reallocated by the superintendent of public instruction to school districts according to the process outlined in 34 C.F.R. Section 200.26.

To implement reallocation of Chapter 1 Regular moneys the following requirements and procedures for school districts and the superintendent of public instruction are hereby established:

- (1) No school district's annual application shall be approved by the superintendent of public instruction unless such application includes budgeted expenditures equal to at least eighty-five percent of the district's Chapter 1 Regular allocation.
- (2) If the total amount budgeted is less than eighty-five percent of the current year's allocation, the superintendent of public instruction shall notify the district of the additional amount it must budget to achieve the minimum budgetary requirement.
- (3) Upon receipt of such notification, a school district shall submit a revised Chapter 1 budget to the superintendent of public instruction or shall submit, on forms provided by the superintendent of public instruction for that purpose, a request for waiver explaining why the district is planning to carry over more than fifteen percent of its Chapter 1 Regular allocation.

NEW SECTION

WAC 392-163-535 REALLOCATION OF CHAPTER 1 REGULAR MONEYS—WAIVER OF LIMIT. Notwithstanding the requirements of WAC 392-163-530 a school district may request a waiver to allow the carryover of more than the fifteen percent limitation for a succeeding year:

- (1) The request shall be made in writing to the superintendent of public instruction with the Chapter 1 Regular application for the ensuing year.
- (2) The request shall specify the total amount the district proposes to carry over, the purpose/activities for which the money will be expended in the succeeding year, and the rationale for the planned expenditure pattern.
- (3) The request shall be approved by the school district board of directors.
- (4) The district may submit a waiver request once during the Chapter 1 authorization period.

The superintendent of public instruction shall notify the school district within thirty days of the receipt of the request of the acceptance or rejection of the request for waiver of the carryover limit for the succeeding year.

Notwithstanding the granting of a waiver request, if the school district does not expend its excess carryover in the succeeding year for the activities and purposes outlined in its waiver request, such excess shall be withheld and made available for reallocation the succeeding year.

NEW SECTION

WAC 392-163-540 REALLOCATION OF CHAPTER 1 REGULAR MONEYS—APPLICATION FOR AVAILABLE EXCESS CARRYOVER. The superintendent of public instruction shall invite school districts meeting the conditions of 34 C.F.R. 200.26 to submit applications for reallocation money each year.

Reallocation funds shall be made available through application procedures as determined by the superintendent of public instruction.

NEW SECTION

WAC 392-163-545 PROGRAM EVALUATION. Each school district that receives an allocation of moneys under Chapter 1 Regular shall:

- (1) Use the Chapter 1 Evaluation and Reporting System (CHIERS) for annually reporting student impact data to the superintendent of public instruction on forms provided by the superintendent of public instruction;
- (2) Evaluate the project's effectiveness on the basis of aggregate performance and desired outcomes stated in the district application, including a review of Chapter 1 participating children's progress in the regular program;
- (3) Determine whether improved performance of Chapter 1 participating children is sustained over a period of more than twelve months, using district-selected measurements; and
- (4) Annually assess, through consultation with parents of participating students, the effectiveness of the Chapter 1 parental involvement program, and determine what action needs to be taken, if any, to increase parental participation.

NEW SECTION

WAC 392-163-550 END-OF-YEAR REPORT—ANNUAL REQUIREMENT. Each school district that receives an allocation of funds under Chapter 1 Regular shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20 and shall contain all information as specified by the accompanying instructions to meet reporting requirements in P.L. 100-297 Section 1019 (b)(3). Districts shall also submit result of its progress toward meeting the objectives and outcomes stated in the district's application for the current year as required for program improvement.

NEW SECTION

WAC 392-163-555 END-OF-YEAR REPORT—SUMMER SCHOOL ADDENDUM. Any school district which conducts a summer school supported with Chapter 1 Regular moneys, in addition to the annual end-of-year report, shall submit a separate summer

school report by September 15 on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-163-560 COMPARABILITY OF SERVICES—COMPUTATION BASIS. (1) In order to demonstrate comparability, a school district shall compare the nonfederal FTE student/instructional-staff ratio in each Chapter 1 Regular served school with an average of FTE student/instructional staff ratios in all nonserved schools: **PROVIDED**, That if all schools within the district are served with Chapter 1 Regular moneys, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of the FTE student/instructional staff ratio in Chapter 1 Regular served schools having the lowest percent or number of low-income students, this base being not more than half the total number of schools being served, using for the computation FTE student enrollment divided by nonfederally funded FTE certificated and classified staff in Activity 27: **PROVIDED FURTHER**, That at its discretion, a district also may include in its calculation other nonfederal instructional staff in Activities 22, 23, 24, and 25.

(2) A district shall be deemed to have demonstrated comparability if it meets the definition of equivalence established in WAC 392-163-210.

(3) In assembling the data for the computation the school district may:

(a) Disregard schools with a total student enrollment of fewer than one hundred FTE students;

(b) Divide schools into appropriate grade span groupings;

(c) Divide schools into two groups, larger and smaller, for each grade span grouping if policies or agreements established by the school district board of directors require different teacher/pupil ratios based on individual school population characteristics. If a district chooses to use this option, it shall use only instructional staff in Activity Code 27 in the comparability calculation;

(d) Exclude from its calculation FTE instructional staff who are supported with state and/or local moneys for similar services designed to meet the needs of educationally deprived children, if such programs are consistent with the requirements of section 1018(d)(b) of Public Law 100-297; and/or

(e) Exclude from its calculation the portion of nonfederally supported FTE instructional staff time used to provide services exclusively to handicapped and/or limited English proficient programs.

(4) Student enrollment and instructional staff data used in the comparability report shall have been collected within the same calendar month. The computation based on that data shall be completed prior to December 1 of each school year.

NEW SECTION

WAC 392-163-565 COMPARABILITY OF SERVICES MAINTAINED. Once a school district has demonstrated comparability, comparable services shall be maintained for the remainder of the school year except that unforeseen conditions which arise during the school year shall not be a factor in determining continuing compliance with the comparability of services requirement.

NEW SECTION

WAC 392-163-570 COMPARABILITY OF SERVICES—COMPLETED FORMS ON FILE. Each fall, school districts shall receive forms from the superintendent of public instruction with accompanying directions for demonstrating comparability. These completed forms shall be kept on file in the school district and shall be made available for review.

NEW SECTION

WAC 392-163-575 MAINTENANCE OF EFFORT. A school district receiving Chapter 1 Regular moneys shall maintain state and local fiscal effort at a minimum of ninety percent level as calculated in WAC 392-163-580. This calculation may be made on an aggregate or per pupil expenditure basis. These calculations shall be made by the superintendent of public instruction from data submitted to the superintendent of public instruction by school districts. School districts failing to meet the maintenance of effort requirements shall be notified in writing no later than June 1 of each school year.

NEW SECTION

WAC 392-163-580 MAINTENANCE OF EFFORT—COMPUTATIONS. The following calculations shall be used by the superintendent of public instruction to ensure the maintenance of effort for school districts receiving Chapter 1 Regular moneys. The data source for these calculations is the F-196. The same calculations shall be made for both the preceding and second preceding fiscal years:

(1) The total general fund expenditures shall be adjusted by the subtraction of the following program expenditures: The direct expenditures of Program 42—Vocational-Technical Institute Projects, Program 47—Vocational-Technical Institutes, Program 56—State Institutions, Program 83—Adult Education, Program 87—Community Services, Vocational-Technical Institutes, Program 89—Other Community Services, and Activities 82 and 83 in Program 92—Debt Service, Object 9—Capital Outlay, and payments made to other school districts for nonhigh and handicapped pupils.

(2) From the resulting total in subsection (1) of this section, the total revenue in revenue account series 5000 and 6000 (except Accounts 5500, Federal Forest Funds, and 5300 P.L. 874—Impact Aid) shall be deducted.

(3) To the resulting total in subsection (2) of this section, the Object 9 expenditures for the following programs shall be added:

(a) 42 Vocational-technical institutes projects;

(b) 47 Vocational-technical institutes;

(c) 56 State institutions;

(d) 83 Adult Education;

(e) 87 Community services, Vocational-technical institutes;

(f) 89 Other Community services; and

(g) 51, 53, 57, 61, 62, 64, 67, 68, 76, and 78 Federal Programs.

(4) The calculations in subsections (1), (2), and (3) of this section shall be applied to both school years. The results of subsections (1) through (3) of this section shall then be compared and a district shall be considered to be in compliance if the total for the preceding year is at least ninety percent of the total for the second preceding year.

NEW SECTION

WAC 392-163-585 MAINTENANCE OF EFFORT—FAILURE TO MAINTAIN EFFORT. If the superintendent of public instruction determines that a school district has not maintained effort pursuant to the computation defined in WAC 392-163-580, the superintendent of public instruction shall take one of the following actions:

(1) Waive, for one fiscal year only, the maintenance of effort requirement if the superintendent of public instruction determines that a waiver would be allowable due to exceptional or uncontrollable circumstances. These circumstances include:

(a) A natural disaster;

(b) A precipitous and unforeseen decline in the financial resources of the school district; or

(c) Other exceptional or uncontrollable circumstances: **PROVIDED**, That tax initiatives or referenda may not be considered to be exceptional or uncontrollable circumstances.

If the superintendent of public instruction grants a waiver, the superintendent of public instruction shall not reduce the amount of Chapter 1 Regular moneys the school district is otherwise entitled to receive.

In determining maintenance of effort for the fiscal year immediately following the fiscal year for which the waiver was granted, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year.

(2) If a waiver cannot be granted, the superintendent of public instruction shall reduce the school district's allocation of moneys under Chapter 1 Regular in the exact proportion to which the school district fails to meet ninety percent of either the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the second preceding fiscal year.

In determining maintenance of effort for the fiscal year immediately following the fiscal year in which the school district failed to maintain effort, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year.

NEW SECTION

WAC 392-163-590 ACQUISITION, CONTROL, AND DISPOSITION OF PROPERTY. Acquisition, control, and disposition of property purchased with Title I/Chapter 1 Regular moneys shall be consistent with Part 80 of EDGAR (Education Department General Administrative Regulations) Acquisition is allowed if the district determines that:

- (1) The equipment is reasonable and necessary to effectively operate its Chapter 1 program;
- (2) Existing equipment is not sufficient; and
- (3) The costs are reasonable.

NEW SECTION

WAC 392-163-595 CONSTRUCTION AND PORTABLE LEASE/PURCHASE. Chapter 1 Regular moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities, as defined by WAC 180-27-018, for the purpose of serving Chapter 1 Regular participating children if:

- (1) The district has exhausted every other available option for providing space in which to serve participating children; and
- (2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Regular services to participating children.

Such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist.

NEW SECTION

WAC 392-163-600 CAPITAL EXPENSES FOR SERVING PRIVATE SCHOOLS. A local school district may apply to the superintendent of public instruction for a payment to cover capital expenses that the local district, in providing equitable Chapter 1 services to eligible children in private schools:

- (1) Has paid from funds under Chapter 1 ECIA, since July 1, 1985;
- (2) Is currently paying from funds provided under this part; or
- (3) Would incur because of an expected increase in the number or percentage of private school children to be served.

Procedures for applying for, receiving, and using funds will be in accordance with Sec. 34 C.F.R. 200.57 and 200.58.

NEW SECTION

WAC 392-163-605 DISTRIBUTION OF CHAPTER 1 REGULAR MONEYS TO LOCAL SCHOOL DISTRICTS. (1) For purposes of this section, the term:

- (a) "Poverty level students" shall mean children aged five through seventeen counted in accordance with Section 1005(c) of Public Law 100-297 and 34 C.F.R. Section 200.23.

(b) "Best available data" shall mean poverty level data compiled using the most current decennial census definition of poverty status.

(2) The method used by the superintendent of public instruction to distribute Chapter 1 Regular county allocations shall conform to 34 C.F.R. Section 200.23 and 200.24.

(a) Using the best available data, poverty level students in each county shall be traced to individual school districts and the district shall receive a proportionate share of Chapter 1 Regular moneys from each county its boundaries overlap.

(b) No district shall be allocated less than eighty-five percent of the Chapter 1 Regular moneys it was allocated in the previous fiscal year.

NEW SECTION

WAC 392-163-610 PROGRAM COMPLIANCE REVIEW. The superintendent of public instruction shall conduct program compliance reviews of all school districts receiving Chapter 1 Regular moneys. Reviews of each school district shall occur at least once within a three-year plan as established by the superintendent of public instruction. The plan will ensure that no more than three years lapse between reviews for each school district: PROVIDED, That in the case of school districts not reviewed due to exceptional or uncontrollable circumstances, these districts will have first priority for review in the immediate following year. Upon receipt of the compliance review report from the superintendent of public instruction the school district

shall have three weeks to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial non-compliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-163-630 and 392-163-635.

NEW SECTION

WAC 392-163-615 CHAPTER 1 REGULAR AUDIT. Audit of local school district Chapter 1 Regular programs shall be conducted in compliance with 34 C.F.R. 74.62.

NEW SECTION

WAC 392-163-620 COMPLAINT PROCEDURE. In accordance with federal regulation 34 C.F.R. 200.73-75, an organization or individual may file a written signed complaint with the superintendent of public instruction.

(1) Basis of submission.

(a) Prior to submitting a complaint and/or appeal to the superintendent of public instruction for decision, the complainant or local school district must demonstrate that local complaint procedures have been followed. If it is determined by the superintendent of public instruction that such remedies have not been followed, the complaint will be referred back to the local level for resolution.

(b) Upon written decision of a complaint, the complainant has the right to appeal a decision of the local school district with respect to a complaint within thirty calendar days of the final decision of the school district.

(c) Complaints emanating from and through other entities than local school district shall come directly to the superintendent of public instruction for resolution. The procedure shall be the same as those for other appeals and complaints which begin at the local level.

(2) Method of submission.

(a) The complainant shall submit a written statement of complaint and/or appeal to the superintendent of public instruction—Attention: Chapter 1 Regular program supervisor. This statement shall specify:

- (i) The nature of the violation of the federal statute or state regulations that apply to programs under this procedure;
- (ii) A brief listing of the evidence supporting the complainant's contention(s);

(iii) Where appropriate, a definitive statement of points of disagreement with the locally rendered decision; and

(iv) The desired remedy or outcome of the complaint/appeal.

(b) The complainant shall make copies of the statement available to any applicable local district advisory council and the local school district.

(3) Timelines. The superintendent of public instruction shall review and/or resolve any complaint and/or appeal from a local school district or its constituency within a period of sixty calendar days following receipt of such complaint or appeal in the Chapter 1 Regular program supervisor's office of the superintendent of public instruction. If exceptional circumstances exist with respect to a particular complaint, the time limit may be extended by the superintendent of public instruction, but it shall be extended in each case to a specific number of days.

(4) Evidence.

(a) In the resolution and/or review of any complaint and/or appeal, the superintendent of public instruction shall guarantee to the complainant and/or his/her representative(s) and to the local school the right and opportunity to present evidence and to question parties to the dispute and to any of their witnesses. Presentation of evidence and questions of witnesses in the appropriate language shall be in accordance with generally accepted legal tenets regarding such processes in a hearing.

(b) If the superintendent of public instruction determines that on-site review and/or investigation is necessary, such review/investigation shall be conducted by appropriate superintendent of public instruction staff with attention to hearing the concerns of all interested parties.

(5) Final resolution. Within thirty calendar days following the receipt of the superintendent of public instruction's written decision on the complaint/appeal, the complainant and/or local school district may appeal that decision to the Secretary of the United States Department of Education for final resolution. Such appeal shall be in writing and shall specify the particular points of disagreement with the decision as rendered by the superintendent of public instruction.

NEW SECTION

WAC 392-163-625 **SANCTIONS**. School districts found to be out of compliance with applicable federal and state statute and regulations shall be subject to the actions prescribed in WAC 392-163-635, and/or procedures outlined in 34 C.F.R. Part 81—General Education Provision Act—Enforcement.

NEW SECTION

WAC 392-163-630 **COMPLIANCE AGREEMENT**. Notwithstanding any of the actions prescribed by WAC 392-163-625, any school district found out of compliance with this chapter may as a substitute for withholding or repayment actions referenced in WAC 392-163-625 and/or WAC 392-163-635 be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Regular program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Regular moneys. If a district fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-163-625 and 34 C.F.R. Part 81—General Education Provision Act—Enforcement shall be instituted by the superintendent of public instruction.

NEW SECTION

WAC 392-163-635 **WITHHOLDING OF CHAPTER 1 REGULAR PAYMENTS**. (1) If the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulations or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Regular moneys to the noncompliant district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

- (a) Reasonable notice to the school district of the reasons for the proposed withholding; and
 - (b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted.
- (2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:
- (a) The seriousness of the noncompliance;
 - (b) The amount of Chapter 1 Regular moneys involved;
 - (c) The effect of withholding on participating children; and
 - (d) The need to withhold payments to prevent further misuse of Chapter 1 Regular moneys.
- (3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district must have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 C.F.R. Part 81—General Education Provisions Act—Enforcement.

NEW SECTION

WAC 392-163-640 **COMMITTEE OF PRACTITIONERS**. (1) Purpose. The superintendent of public instruction shall establish a committee of practitioners for the purpose of:

- (a) Providing consultive assistance on the state plan in regard to requirements and policies relative to implementing Public Law 100-297 (Elementary and Secondary Education Act of 1965, as amended); and
 - (b) Acting in an advisory capacity in the areas of state regulations and policies, program improvement, and other related Chapter 1 concerns.
- (2) Membership. The committee shall be representative of each geographical region of the state; urban, suburban, and rural districts; teachers, parents of participating children, regular education instructional staff, private school staff, Chapter 1 instructional staff, district administrators, local school board member, and curriculum staff; and must be knowledgeable about the Chapter 1 program.
- (3) Procedures:
- (a) Membership terms shall be two years in length.
 - (b) All meetings of the committee of practitioners shall be called by the superintendent of public instruction.
 - (c) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to all state employees.

NEW SECTION

WAC 392-163-645 **STATE ADVISORY COUNCIL**. (1) Purpose. The purpose of the state advisory council (SAC) shall be to advise the superintendent of public instruction on parent involvement and related concerns of the Chapter 1 Regular Program.

(2) Membership:

(a) The superintendent of public instruction shall select parent members from nominations submitted by a school district superintendent or his/her designee. The selection of council members shall be representative of geographic location. Nominees shall be parents of students served in the Chapter 1 Regular program and shall be chosen by the school district in consultation with parents and teachers of Chapter 1 Regular served children;

(b) The majority of the SAC shall consist of such parents as selected under (a) of this subsection; and

(c) The balance of the SAC shall consist of Chapter 1 Regular administrators, teachers, educational assistants, and representatives of other educational groups.

(3) Procedures:

(a) Bylaws shall be developed by the SAC and be subject to approval by the superintendent of public instruction;

(b) Election of officers shall be conducted by the membership;

(c) All meetings of the SAC shall be called by the superintendent of public instruction; and

(d) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to state employees.

WSR 92-10-063**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD**

[Memorandum—May 1, 1992]

**MEETING NOTICE FOR
MAY 1992****TRANSPORTATION IMPROVEMENT BOARD
OLYMPIA, WASHINGTON 98504-0901**

Field Trip, 2:00 p.m.—4:30 p.m., Thursday, May 21, 1992, in Vancouver at the Mark 205 Motor Inn, 221 N.E. Chkalov Drive.

Work Session, 7:00 p.m., Thursday, May 21, 1992, in Vancouver at the Mark 205 Motor Inn.

Board Meeting, 9:00 a.m., Friday, May 22, 1992, in Vancouver at the Mark 205 Motor Inn.

The next scheduled meeting is June 26, 1992, in Pasco at the Pasco Red Lion.

WSR 92-10-064**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 92-27—Filed May 5, 1992, 4:42 p.m., effective May 6, 1992, 12:01 a.m.]

Date of Adoption: May 5, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-44-040.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to maintain consistency between state and federal regulations as whiting processing vessels have achieved their quota which was established by the Pacific Fishery Management Council.

Effective Date of Rule: 12:01 a.m., May 6, 1992.

May 5, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-44-04000B COASTAL BOTTOMFISH SEASONS. Notwithstanding the provisions of WAC 220-44-040, effective 12:01 a.m. Wednesday, May 6, 1992 until further notice:

- (1) It is unlawful to deliver Pacific whiting to an at-sea processing vessel in state or offshore waters.
- (2) It is unlawful for a catcher/processor to take, fish for, possess or process any Pacific whiting taken from state or offshore waters.

WSR 92-10-065
PROPOSED RULES
PERSONNEL BOARD
[Filed May 6, 1992, 8:24 a.m.]

Original Notice.

Title of Rule: WAC 356-47-045 Career executive program—Position removal—Incumbent removal; and 356-47-060 Career executive program—Employee selection.

Purpose: These rules establish procedures for appointments within the career executive program (CEP) and also how and why an incumbent or position may be removed from the program.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: The proposal for WAC 356-47-045 will delete the need for Department of Personnel to administer eligibility evaluations to all applicants applying for a CEP position. In WAC 356-47-060 the proposal would permit removal of employees for nonparticipation at any time during their tenure.

Reasons Supporting Proposal: These proposals will streamline the referrals process for the career executive program and also strengthen the program's accountability.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: In WAC 356-47-045 the rule now establishes a recruitment and appointment process for the career executive program. In this proposal the need for the Department of Personnel to screen all CEP applications for eligibility will be eliminated. If this proposal is adopted, the agency will screen and interview all potential CEP applicants. When the agency has selected an individual to appoint, the Department of Personnel will then administer an evaluation of managerial qualifications in order to confirm the appointment. The effect will be to streamline the current process; and in WAC 356-47-060 the rule currently establishes a process to remove positions and incumbents from the program. This proposal will eliminate the need to remove employees, for nonparticipation, within twelve months of inclusion. This will allow removal of employees for nonparticipation at any time during their tenure. This change has been suggested by several agency executives and has been endorsed by the career executive coordinators in hopes to strengthen the programs accountability.

Proposal Changes the Following Existing Rules: The proposal for WAC 356-47-045 will change the process in which applications for the program are screened. In the proposal for WAC 356-47-060 the twelve-month limit for removing a career executive employee from a career executive position will be removed.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on June 11, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 9, 1992.

Date of Intended Adoption: June 11, 1992.

April 29, 1992
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 308, filed 9/7/88, effective 11/1/88)

WAC 356-47-045 CAREER EXECUTIVE PROGRAM—EMPLOYEE SELECTION. (1) The following general provisions apply to placing persons in the career executive program:

- (a) Appointments shall be the responsibility of the agency director.
- (b) Appointments shall be made in accordance with agency affirmative action plans.
- (c) Appointments may be made without regard to established minimum qualifications.
- (d) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(2) A permanent employee of a classified position that is nominated for inclusion in the career executive program shall, with the employees' consent, automatically move with the position into the program when the position is approved by the personnel board. This provision does not apply to persons holding temporary, emergency, or intermittent appointments to such positions.

(3) Vacant classified career executive positions shall be filled as follows:

(a) Recruitment may be conducted to fill vacancies. The recruitment plan shall be developed by the appointing agency in consultation with the department of personnel; provided that:

- (i) Recruitment shall be conducted if the agency director intends to consider persons who are not permanent state employees.

(ii) ~~(The names of applicants who have successfully undergone an eligibility evaluation of managerial qualifications developed and administered by the department of personnel shall be transmitted to the appointing agency.)~~ The agency director may consider all ~~(eligible names transmitted)~~ qualified applicants. The department of personnel shall administer an evaluation of managerial qualifications in order to confirm all appointments; or

(b) The agency director may appoint a permanent employee to a vacant position without conducting recruitment: PROVIDED, The candidate has passed the evaluation administered by the department of personnel. Such appointments shall be made in accordance with procedures established by the department of personnel.

(c) Agencies shall notify the director of personnel, or designee, of appointments to career executive positions within fifteen calendar days after the appointment. Such notice shall identify the appointee, the position, and the effective date of appointment.

AMENDATORY SECTION (Amending Order 250, filed 5/30/86, effective 7/1/86)

WAC 356-47-060 CAREER EXECUTIVE PROGRAM—POSITION REMOVAL—INCUMBENT REMOVAL. (1) Agencies may remove positions from the career executive program upon written notice from the agency director to the director of personnel, or designee.

(2) The personnel board may remove a position from the career executive program if the nature or use of the position is found to be inconsistent with the purposes of the program.

(3) When a classified position is removed from the program, the incumbent shall remain in the position: PROVIDED, That the incumbent has permanent status.

(4) A career executive employee may voluntarily leave the program at any time.

(5) An employee's participation in the career executive program in the same job class and position shall not exceed four consecutive years unless an extension is approved by the director of personnel or designee.

(6) The agency director may limit the duration of an employee's involvement in the career executive program to periods of less than four years: PROVIDED, That the employee is informed of that limitation upon entry into the program.

(7) Employees showing little or no active involvement in career executive program-related activities shall be removed ~~(within twelve months of inclusion)~~. Inactivity shall be determined by the director of personnel, or designee, in consultation with the agency.

(8) Agencies shall notify the director of personnel, or designee, of career executive position vacancies within fifteen calendar days after the position is vacated.

WSR 92-10-066
PROPOSED RULES
PERSONNEL BOARD
[Filed May 6, 1992, 8:26 a.m.]

Original Notice.

Title of Rule: New sections WAC 356-22-035 College recruitment program—Purpose; and 356-22-036 College recruitment program—General provisions.

Purpose: These are two new sections proposed to establish and provide guidelines for a college recruitment program.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal is designed to enhance the state recruitment and selection programs by developing a process to recruit college candidates into entry professional positions in state government.

Reasons Supporting Proposal: The proposal will support the current value of college entry professional positions in state government and maintain a competitive posture in the college recruitment employment market.

Name of Agency Personnel Responsible for Drafting: John Robertson, 521 Capitol Way South, Olympia, 586-4667; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal is to establish two new sections. These proposed rules will create a new college recruitment program. This program will recognize and support the present and future value of entry professional positions in state government, enhance the state affirmative action and workforce diversity programs, and enhance state recruitment and selection programs to ensure the state maintains a competitive posture in the college recruitment employment market.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on June 11, 1992, at 10:00 a.m.

Submit Written Comments to: John Robertson, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 9, 1992.

Date of Intended Adoption: June 11, 1992.

April 30, 1992
Dee W. Henderson
Secretary

NEW SECTION

WAC 356-22-035 COLLEGE RECRUITMENT PROGRAM PURPOSE. The purpose of the college recruitment program is to: recognize and support the present and future value of bachelor's and master's entry professional positions in state government; enhance state affirmative action and workforce diversity programs; enhance state recruitment and selection programs; and ensure the state maintains a competitive posture in the college recruitment employment market.

NEW SECTION

WAC 356-22-036 COLLEGE RECRUITMENT PROGRAM—GENERAL PROVISIONS. (1) Positions included within the college recruitment program must meet the classification and minimum qualifications criteria established by the board specifically for the college recruitment program job classes.

(2) State employees meeting the requirements of specifically established college recruitment program classifications shall be eligible for testing and placement on the appropriate college recruitment program register under this program.

(3) All positions participating in this program shall be included under the combined register and referral program unless requested differently by a participating agency.

(4) Selective skill certifications for completion of specific internships, work study, or fellowship assignments or for specific bachelor's or master's degree fields are permitted as required by a participating position and authorized by the director of the department of personnel or designee.

(5) College recruitment program position advertisement may be targeted or limited by design and distribution to meet specific recruitment needs. Participating agencies may develop specific recruiting strategies and notices to support the filling of program positions.

(6) Eligible applicants may apply at any time and may be placed on the appropriate college recruitment program register without further testing if a previous passing score for the same college recruitment program classification and test was attained. Upon request from a participating agency, the director of the department of personnel or designee may authorize placement of a candidate on a college recruitment program register calling for degrees in different fields than the candidate's degree, provided that the candidate receives a passing test score.

(7) College recruitment program registers shall be maintained by the director of the department of personnel and may be purged as required to ensure register viability.

(8) Emphasis shall be given to support agency training requests in accordance with WAC 356-30-135 in support of training, career tracks, affirmative action programs, and retention goals of the college recruitment program.

(9) Salary ranges for the college recruitment program graduate job classifications shall be established by the board to ensure that salaries fairly represent positions embodied in the college recruitment program classifications.

(10) Specific college recruitment program merit system rules established herein shall take precedence in the administration of this program. All other merit system rules apply in the absence of specific rules established herein.

WSR 92-10-067

WITHDRAWAL OF PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

(By the Code Reviser's Office)

[Filed May 6, 1992, 9:07 a.m.]

WAC 480-80-047, proposed by the Utilities and Transportation Commission in WSR 91-21-111, appearing in issue 91-21 of the State Register, which was distributed on November 6, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 92-10-068

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF NATURAL RESOURCES

(By the Code Reviser's Office)

[Filed May 6, 1992, 9:08 a.m.]

WAC 332-18-010 and 332-18-130, proposed by the Department of Natural Resources in WSR 91-21-140, appearing in issue 91-21 of the State Register, which was distributed on November 6, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 92-10-069 PROPOSED RULES DEPARTMENT OF HEALTH (Medical Disciplinary Board)

[Filed May 6, 1992, 9:24 a.m.]

Original Notice.

Title of Rule: WAC 246-920-030 Cooperation with investigation.

Purpose: Amends WAC 246-920-030 requiring licensees and their attorneys to cooperate with an investigation.

Statutory Authority for Adoption: RCW 18.72.150.

Summary: In order to protect the public, it is imperative that licensees cooperate with the boards investigation.

Reasons Supporting Proposal: Adoption of the rule is necessary for the health, safety, and welfare of the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Troutman, Medical Disciplinary Board, 586-4566.

Name of Proponent: Medical Disciplinary Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amends WAC 246-920-030 requiring licensees and their attorneys to cooperate with an investigation. Purpose is to protect the safety and welfare of the public.

Proposal Changes the Following Existing Rules: Amends WAC 246-920-030.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ramada Inn-Governor House, 621 Capital Way South, Olympia, WA 98504, on June 19, 1992, at 5:00 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by June 15, 1992.

Date of Intended Adoption: June 19, 1992.

April 8, 1992

Traci Troutman
Program Manager

AMENDATORY SECTION (Amending Order 105B, filed 12/21/90, effective 1/21/91)

WAC 246-920-030 COOPERATION WITH INVESTIGATION. (1) A licensee ((physician)) must comply with a request, under RCW 70.02.050, for health care records((;)) or documents ((or explanation)) from an investigator who is acting on behalf of the disciplining authority pursuant to RCW 18.130.050(2) ((board)) by submitting the requested items within fourteen calendar days of receipt of the request by the licensee ((physician)) or the licensee's ((physician's)) attorney, whichever is first. If the licensee ((physician)) fails to comply with the request within fourteen calendar days, the investigator shall contact the licensee ((physician)) or the licensee's ((physician's)) attorney by ((telephone or)) letter as a reminder.

((2)) (a) Investigators may extend the time for response if the licensee ((physician)) requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted ((only)) by the board chairman or the board's designee ((presiding officer)).

~~((3))~~ (b) If the licensee (~~(physician)~~) fails to comply with the request within three business days after the receipt of the written reminder, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, those charges may be included in the statement of charges ~~((then a subpoena shall be served upon the physician to obtain the requested items))~~.

(2) A licensee must comply with a request for non-health care records or documents from an investigator who is acting on behalf of the board pursuant to RCW 18.130.050(2) by submitting the requested items within fourteen calendar days of receipt of the request by the licensee or the licensee's attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator shall contact the licensee or the licensee's attorney by letter as a reminder.

(a) Investigators may extend the time for response if the licensee requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted by the board chairman or the board's designee.

(b) If the licensee fails to comply with the request within three business days after the receipt of the reminder, then a subpoena shall be served upon the licensee to obtain the requested items.

(c) If the licensee fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(3) A licensee must comply with a request for information from an investigator who is acting on behalf of the board pursuant to RCW 18.130.050(2). This information may include, but is not limited to an explanation of the matter under investigation, curriculum vitae, continuing medical education credits, malpractice action summaries, or hospital affiliations. The licensee will submit the requested information within fourteen calendar days of receipt of the request by the licensee or the licensee's attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator shall contact the licensee or the licensee's attorney by letter as a reminder.

(a) Investigators may extend the time for response if the licensee requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted by the board chairman or the board's designee.

(b) If the licensee fails to comply with the written reminder within three business days after the receipt of the reminder, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

~~((4))~~ If the physician fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

~~((5))~~ (4) ~~((If the physician complies with the request after the issuance of the statement of charges, the board's assistant attorney general-prosecutor shall decide whether the charges based on RCW 18.130.180(8) will be prosecuted or settled. If the charges based on RCW 18.130.180(8) are to be settled, the))~~ In negotiating a settlement on a statement of charges based on RCW 18.130.180(8), the reviewing board member may take into consideration whether the licensee has complied with the request after the statement of charges has been issued. Any settlement proposal shall be presented to the board or a duly constituted panel of the board for a decision on ratification and until ratified, the settlement is not final.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-10-070
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Filed May 6, 1992, 9:28 a.m.]

Original Notice.

Title of Rule: Pharmaceutical wholesalers.

Purpose: To regulate the practice of wholesalers in compliance with Prescription Drug Marketing Act of 1987.

Statutory Authority for Adoption: RCW 18.64.005.

Summary: These amendments are proposed in order to bring our wholesaler rule into compliance with the Prescription Drug Marketing Act of 1987.

Reasons Supporting Proposal: Without bringing this rule into compliance, wholesalers could no longer distribute drugs in the state of Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is necessary because of federal law, 21 U.S.C. 353(d).

Explanation of Rule, its Purpose, and Anticipated Effects: To regulate pharmaceutical wholesalers in compliance with Prescription Drug Marketing Act of 1987.

Proposal Changes the Following Existing Rules: Changes existing rules to bring them into compliance with the Prescription Drug Marketing Act of 1987.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Yakima Holiday Inn, 9 North 9th Street, Maple Leaf Room, Yakima, WA, on June 11, 1992, at 11:00 a.m.

Submit Written Comments to: Donald Williams, Board of Pharmacy, 1300 S.E. Quince Street, P.O. Box 47863, Olympia, WA 98504, by June 10, 1992.

Date of Intended Adoption: June 11, 1992.

April 17, 1992
Donald H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-010 DEFINITIONS. (1) "Full line wholesaler" means any wholesaler authorized by the board to possess and sell legend drugs, controlled substances (additional registration required see WAC 246-879-080) and nonprescription drugs (over-the-counter - OTC see WAC 246-879-070) to a licensed pharmacy or other legally licensed or authorized person.

(2) "Over-the-counter only wholesaler" means any wholesaler authorized by the board to possess and sell nonprescription (OTC) drugs to any outlets licensed for resale.

(3) "Controlled substances wholesaler" means a licensed wholesaler authorized by the board to possess and sell controlled substances to a licensed pharmacy or other legally licensed or authorized person.

(4) "Export wholesaler" means any wholesaler authorized by the board to export legend drugs and nonprescription (OTC) drugs to foreign countries.

(5) "Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

(6) "Blood component" means that part of the blood separated by physical or mechanical means.

(7) "Drug sample" means a unit of prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

(8) "Manufacturer" means anyone who is engaged in manufacturing, preparing, propagating, compounding, processing, packaging, re-packaging, or labeling of a drug.

(9) "Prescription drug" means any drug required by state or federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

(6) Responsible persons. Wholesale drug distributors shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-030 INSPECTIONS. (1) Inspections shall be performed by representatives of the board of pharmacy to ensure compliance with chapter ((360-24)) 246-879 WAC. The following items shall be included in these inspections:

(a) ~~((The walls, ceilings, windows, and floors of the premises shall be clean and maintained in good repair and order.~~

~~(b) The licensee's premises shall be free from obnoxious odors.~~

~~(c) All persons working in premises are required to keep themselves and their apparel in a clean and sanitary condition.~~

~~(d) Other areas of inspection include, but are not limited to)) Housekeeping, sanitation, record keeping, accountability, security, types of outlets sold to and sources of drugs purchased.~~

(b) Wholesale drug distributors shall operate in compliance with applicable federal, state, and local laws and regulations.

(2) Wholesale drug distributors shall permit the board's authorized personnel and authorized federal, state, and local law enforcement officials to enter and inspect their premises and delivery vehicles, and to audit their records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law. Such officials shall be required to show appropriate identification prior to being permitted access to wholesale drug distributors' premises and delivery vehicles.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-040 RECORDS. ((Invoices)) Records shall be maintained for a period of ((five)) two years, and show the source of supply for all drugs and to whom they were sold or distributed. Lack of such records shall be grounds for suspension or revocation of wholesale license. These records shall be available during regular business hours for inspection by any authorized representative of the board of pharmacy. ((In those instances in which records are stored in a location other than the wholesaler's premises, the records must be available for inspection within 72 hours.)) (1) Recordkeeping. Wholesale drug distributors shall establish and maintain inventories and records of transactions regarding the receipt and distribution or other disposition of prescription drugs. These records shall include the following information:

(a) The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(b) The identity and quantity of the drugs received and distributed or disposed of; and

(c) The dates of receipt and distribution or other disposition of the drugs.

(2) Inventories and records shall be made available for inspection and photocopying by an authorized official of any governmental agency charged with enforcement of these rules for a period of two years following disposition of the drugs.

(3) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two working days of a request by an authorized official of any governmental agency charged with enforcement of these rules.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-050 SECURITY. (1) ((Every wholesaler shall take security precautions to ensure that access from outside the premises is reduced to a minimum and that internal security equipment (alarm systems) are used to detect entry after hours.)) All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(2) ((Legend)) All facilities used for wholesale drug distribution shall be secure from unauthorized entry.

(3) Drug storage areas shall be constructed in such a manner as to prevent illegal entry.

~~((3)) (4) Adequate lighting shall be provided at the outside perimeter of the premises to reduce the possibility of illegal entry.~~

~~((4)) (5) All applicants for a license as a controlled substances wholesaler must comply with the security requirements as found in 21 CFR 1301.02, 1301.71 through 1301.74 and 1301.90 through 1301.92.~~

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-060 UNAUTHORIZED SALES. No wholesaler distributor shall sell or distribute any prescription drugs or devices except to an individual, corporation, or entity who is authorized by law or regulation to possess such drugs or devices. No wholesaler shall sell any prescription drugs or devices to an ultimate consumer.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-070 APPLICATION FOR FULL LINE WHOLESALER LICENSE AND OVER-THE-COUNTER ONLY WHOLESALER LICENSE. ((No person shall act as a wholesaler unless he/she has obtained a license from the board.))

(1) All applications for licensure of a new or relocated wholesaler shall be accompanied by the required fee as set forth in chapter 246-907 WAC ((360-18-020)).

(2) ((Applications shall specify the location of the wholesaler premises. When the applicant is not the owner of the business, the application shall indicate the owner and the applicant affiliation with the owner.

(a) If the owner is a partnership or other multiple owner, the names of the partners or person holding the three largest interests shall be indicated on the application.

(b) If the owner is a corporation, the name filed shall be the same as filed with the secretary of state. The name of the corporation, and the names of the corporation officers shall be indicated on the application.

~~(3)) All license renewal applications shall be accompanied by the annual fee and contain the same information required in subsection ((2)) (5) of this ((rate)) section.~~

~~((4)) (3) A change of ownership or location requires a new license.~~

~~((5)) (4) The license is issued to a person or firm and is nontransferable. Additions or deletions of a partner/partners shall be considered as a change of ownership.~~

~~((6)) (5) The license fee cannot be prorated.~~

Every wholesale distributor, wherever located, who engages in wholesale distribution into, out of, or within this state must be licensed by the board in accordance with the laws and regulations of this state before engaging in wholesale distribution of prescription drugs.

(a) Minimum required information for licensure. The board requires the following from each wholesale drug distributor as part of the initial licensing procedure and as part of any renewal of such license.

(i) The name, full business address, and telephone number of the licensee;

(ii) All trade or business names used by the licensee;

(iii) Addresses, telephone numbers, and the names of contact persons for the facility used by the licensee for the storage, handling, and distribution of prescription drugs;

(iv) The type of ownership or operation (i.e., partnership, corporation, or sole proprietorship); and

(v) The name(s) of the owner and/or operator of the licensee, including:

(A) If a person, the name of the person;

(B) If a partnership, the name of each partner, and the name of the partnership;

(C) If a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation, and the name of the parent company, if any;

(D) If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(vi) When operations are conducted at more than one location by a single wholesale distributor, each such location shall be licensed by the board.

(vii) Changes in any information in this section shall be submitted to the board within thirty days after such change.

(b) Minimum qualifications. The board shall consider, at a minimum, the following factors in reviewing the qualifications of persons who engage in wholesale distribution of prescription drugs within the state:

(i) Any convictions of the applicant under any federal, state, or local laws relating to drug samples, wholesale, or retail drug distribution, or distribution of controlled substances;

(ii) Any felony convictions of the applicant under federal, state, or local laws;

(iii) The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(iv) Any false or fraudulent material furnished by the applicant in any application made in connection with drug manufacturing or distribution;

(v) Suspension or revocation by federal, state, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(vi) Compliance with licensing requirements under previously granted licenses, if any;

(vii) Compliance with requirements to maintain and/or make available to the board, federal, state, or local enforcement officials those records required to be maintained by wholesale drug distributors; and

(viii) Any other factors or qualifications the board considers relevant to and consistent with public health and safety.

(c) The board shall have the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest. Public interest considerations shall be based on factors and qualifications that are directly related to the protection of the public health and safety.

(d) Personnel. As a condition for receiving and retaining a wholesale drug distributor license, the licensee shall require each person employed in any prescription drug wholesale distribution activity to have education, training, and experience, or any combination thereof, sufficient for that person to perform the assigned functions in such a manner as to provide assurance that the drug product quality, safety and security will at all times be maintained as required by law.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-879-080 APPLICATION FOR CONTROLLED SUBSTANCE WHOLESALER LICENSE. ((No person shall act as a controlled substance wholesaler unless he/she has obtained a controlled substance wholesaler license from the board.)) Wholesale drug distributors that deal in controlled substances shall register with the board and with the Drug Enforcement Administration (DEA), and shall comply with applicable state, local, and DEA regulations.

(1) He/she must be licensed as a full line wholesaler.

(2) He/she must meet all security requirements as set forth in WAC ((360-21-050(4))) 246-879-050.

(3) He/she must meet additional requirements for registration and fees as set forth in chapter 246-907 WAC ((360-36-010)).

NEW SECTION

WAC 246-879-100 SALVAGING AND REPROCESSING COMPANIES. Wholesale drug distributors shall be subject to the provisions of any applicable federal, state, or local laws or rules that relate to prescription drug product salvaging or reprocessing, including this chapter.

NEW SECTION

WAC 246-879-110 VIOLATIONS AND PENALTIES. The board shall have the authority to suspend or revoke any licenses granted under this chapter upon conviction of violations of the federal, state, or local drug laws or rules. Before any license may be suspended or revoked, a wholesaler distributor shall have a right to prior notice and a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

WSR 92-10-071
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 6, 1992, 9:30 a.m.]

Original Notice.

Title of Rule: Amending WAC 246-928-020 Recognized educational programs—Respiratory care practitioners, to the current publication of approved programs published by the joint review committee for respiratory therapy education instead of the revised May 1987 publication; add WAC 246-928-085 Temporary permits—Issuance and duration, the new section lists the requirements for applying for a temporary permit and how long it is valid for; and amending WAC 246-928-990 Fees, to include a temporary permit fee.

Statutory Authority for Adoption: RCW 43.70.040, 43.70.250, and 18.89.050.

Statute Being Implemented: RCW 18.89.050 and 18.130.075.

Summary: Not all of the currently approved educational programs are listed in the May 1987 publication and therefore some applicants cannot apply to Washington because their school is not listed in the revised May 1987 publication. The temporary permits will allow those applicants who are licensed, certified or registered in another state to work for three months while their state license is being processed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicki Brown, 1300 S.E. Quince Street, Olympia, 586-8437.

Name of Proponent: Department of Health, Respiratory Care Advisory Committee, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment will allow those applicants from currently approved schools to apply to Washington for certification and the new section will allow those applicants who are licensed, registered or certified in another state and apply to Washington to be able to work for three months while their license is pending. The effects will be that the applicants can work sooner thus decreasing the shortage of practitioners and those students from approved schools that are listed in the current publication can apply to Washington and be certified.

Proposal Changes the Following Existing Rules: The change will delete the May 1987 version of the publication from the joint review committee for respirator therapy education and replace it with the current publication. There will be added a temporary permit fee to go along with the temporary permit application.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on June 9, 1992, at 12:45 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 Quince Street S.E., P.O. Box 47902, Olympia, WA 98504-7902, by June 8, 1992.

Date of Intended Adoption: June 16, 1992.

May 4, 1992
 Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-020 **RECOGNIZED EDUCATIONAL PROGRAMS—RESPIRATORY CARE PRACTITIONERS.** Approved courses of instruction for respiratory care practitioners are recognized as the respiratory therapy technician and respiratory therapy education programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education as recognized in the current publication Respiratory Therapy Educational Programs published by the Joint Review Committee for Respiratory Therapy Education (~~(revised May, 1987)~~).

NEW SECTION

WAC 246-928-085 **TEMPORARY PERMITS—ISSUANCE AND DURATION.** (1) An applicant who is currently licensed in another state and is applying for certification in Washington state may request a temporary practice permit by submitting to the department:

- (a) A completed application on forms provided by the department with the request for a temporary practice permit indicated;
 - (b) An application fee and a temporary practice permit fee as specified in WAC 246-928-990; and
 - (c) Written verification directly from all states in which the applicant is or was licensed, attesting that the applicant has or had a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment.
- (2) The department shall issue a one-time-only temporary practice permit unless the department determines a basis for denial of the license or issuance of a conditional license.
- (3) The temporary permit shall expire upon the issuance of a license by the department, initiation of an investigation of the applicant by the department, or three months, whichever occurs first.
- (4) An applicant who receives a temporary practice permit and does not complete the application process shall not be issued another temporary practice permit, even upon submission of a new application in the future.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-928-990 **FEES.** The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application	\$ 85.00
<u>Temporary practice permit</u>	<u>50.00</u>
Examination application	110.00
Examination retake	25.00
Duplicate license	15.00
Verification/certification	25.00
Renewal	100.00
Late renewal penalty	50.00

WSR 92-10-072
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Natural Heritage Advisory Council)
 [Memorandum—May 5, 1992]

The Natural Heritage Advisory Council will meet on May 29, 1992, 9:00 a.m. to 5:00 p.m.

The location for the meeting is: Central Washington University, Student Union Building, Room 204/5, Ellensburg, Washington.

Regular council business will include consideration of natural area preserve recommendations and discussions on preserve management activities.

For further information contact: Department of Natural Resources, Washington Natural Heritage Program, Division of Land and Water Conservation, P.O. Box 47047, Olympia, WA 98504-7047, (206) 753-2449.

WSR 92-10-073
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—May 5, 1992]

There has been a change in the location of the May 1992 Washington State Human Rights Commission regular commission meeting. The Washington State Human Rights Commission will hold it [its] May regular commission meeting in Seattle, instead of Ellensburg, on May 27 and 28, 1992. The meeting on May 27, will be held at the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on May 28, will be held at the Bank of California Building, Training Center, 24th Floor, 900 Fourth Avenue, Seattle, beginning at 9:30 a.m.

WSR 92-10-074
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 6, 1992, 10:16 a.m.]

Original Notice.

Title of Rule: WAC 388-86-00902 Mandatory prepaid health plans.

Purpose: Allows for WAC provisions to apply to any mandatory enrollment into a health care plan by which the department may provide medical care to eligible clients. Deletes transportation and translations as a reason for a client to be exempted from a plan. These services are covered under Medicaid. Repeals WAC 388-86-00901 which limited Kitsap Physician Services' mandatory enrollment.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Deletes Kitsap Physicians Service—Sound Care Plan and specified areas. Allows for WAC provisions to apply to any mandatory prepaid health plan that the department contracts to provide services to medical assistance administration clients.

Reasons Supporting Proposal: To allow for contracted mandatory prepaid health plans to be covered under this WAC, technical changes are needed to make the WAC section easier to read.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on June 9, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by June 9, 1992.

Date of Intended Adoption: June 9, 1992.

May 6, 1992

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-86-00902 MANDATORY PREPAID HEALTH CARE PLANS. (1) The department shall enroll designated program category clients residing in the service area of a mandatory enrollment prepaid health care plan, except as provided in subsections (5) and (6) of this section.

(2) For the purposes of this section, "mandatory prepaid health care plan" shall be referred to as "a plan." A plan means the department shall:

(a) Require a client in a specified service area who is eligible for a designated program category to join a health care plan; and

(b) Pay a premium to a health care plan for contracted health care provided to the client.

(3) The department may offer optional enrollment to additional program category eligible groups with the agreement of a plan.

(4) Timely provision of services means a client shall have the right to receive medically necessary health care without unreasonable delay.

(5) Before enrolling in a plan, a client may request an exemption from enrolling. The department may exempt the client, for whom medically necessary care is required, and a contracted plan is unable to provide the medically necessary care. In making the exemption determination, the department's consideration shall include, but not be limited to whether:

(a) Distance makes it unreasonably difficult for the client to obtain medical care; or

(b) The absence of services accessible to disabled persons makes it unreasonably difficult for the client to obtain medical care.

(6) Tribal Indians eligible under subsection (1) of this section may choose to enroll in a plan. Once enrolled in a plan, the Tribal Indian can only be disenrolled according to subsection (12) of this section.

(7) Emergencies and emergency transportation services are exempt from a plan's routine medical care authorization procedures. Emergency service means a situation in which a person requires immediate medical services to avoid placing a person's health in serious jeopardy or alleviate a condition manifesting itself by acute symptoms, including severe pain, discomfort, or active labor.

(a) The client shall not be responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the client shall not be financially responsible for any services rendered.

(c) If an emergency does not exist, and a plan will not authorize further services, the client shall be financially responsible for further services received only if the client is informed and agrees, in writing, to

the responsibility before receiving the services as described under WAC 388-87-010(7).

(8) A client aggrieved by a decision of a plan or the department has the right to a fair hearing as required under chapter 388-08 WAC:

(a) Except as provided in subdivision (b) and (c) of this subsection, a client shall exhaust a plan's grievance procedure before requesting a fair hearing. A plan's grievance procedure shall result in a written decision stating the basis for the decision. The client has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date a plan received the grievance. A plan may be a party to the fair hearing.

(b) In any case where a plan denies a client urgently needed medical care, a client need only provide a written grievance to a plan before or when requesting a fair hearing.

(c) A client requesting exemption from enrolling in a plan shall file a written request with the department. If not satisfied with the department's decision, the client may request a fair hearing. A plan may be a party to the fair hearing.

(9) Each client enrolled in a plan shall have a primary care provider (PCP):

(a) Clients shall have an opportunity to choose a PCP from current plan providers;

(b) A plan shall assign a client not choosing a participating provider to a PCP;

(c) Clients shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and
(ii) For subsequent changes during the twelve-month period the client shall first show good cause.

(d) When requesting a change of PCP the client shall notify a plan of the:

(i) Desired change including the name of the new PCP; and

(ii) Reason for the desired change.

(10) The client shall have the right to a second opinion by another participating physician or specialist of a plan:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If the client believes the PCP is not authorizing medically necessary care.

(11) When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist of a plan.

(12) The department may terminate enrollment of a client in a plan when a:

(a) Client loses eligibility for a plan; or

(b) Client requests disenrollment under the same considerations as subsection (5) of this section; or

(c) Plan requests disenrollment of the client, in writing, and a:

(i) Plan establishes the client's behavior is:

(A) Inconsistent with a plan's rules and regulations, such as intentional misconduct; or

(B) Such that it becomes medically nonfeasible to safely or prudently provide medical care; and

(ii) Plan's requested disenrollment is approved by the medical assistance administration. The medical assistance administration shall:

(A) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(B) Notify the client ten days in advance of the effective date of disenrollment for any approved disenrollment.

(13) A plan shall not request disenrollment of a client solely due to an adverse change in the client's health.

(14) The department shall require a plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes the medical assistance administration with a copy of all written grievances and a plan's response to such grievances.

(15) On at least an annual basis, the department shall arrange for and a plan shall permit an independent, external review of the quality of client services provided or arranged by a plan.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-00901 Kitsap physicians service sound care plan.

WSR 92-10-075
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 6, 1992, 10:18 a.m.]

Original Notice.

Title of Rule: WAC 388-86-047 Hospice services.

Purpose: Deletes the provision that a person must have a caretaker to be eligible for hospice. Other changes are for easier readability.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Deletes the requirement that a person have a caretaker to be eligible for hospice.

Reasons Supporting Proposal: To delete provisions requiring a caretaker to be eligible for hospice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on June 9, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by June 9, 1992.

Date of Intended Adoption: June 9, 1992.

May 6, 1992

Leslie F. James, Director
 Administrative Services

(iii) Services equivalent to the hospice care, except services of or arranged by the designated hospice.

(5) The ~~((department shall authorize))~~ client's hospice services ~~((including))~~ shall include:

(a) Nursing care by or under the supervision of a registered nurse;
 (b) Medical social services under the direction of a physician;
 (c) Physician services ~~((performed))~~ provided by a doctor of medicine or osteopathy;

(d) Counseling services;

(e) Short-term inpatient care:

(i) Provided in a participating hospice inpatient unit, participating hospital, ~~((skilled))~~ or nursing facility ~~((SNF))~~; or

(ii) ~~((In an intermediate care))~~ Provided in a nursing facility ~~((ICF))~~ is limited to respite care;

(iii) When the services conform to a written plan of care; and

(iv) When the unit, hospital, ~~((SNF, or ICF))~~ or nursing facility meets the hospice staff and patient area standards.

(f) Medical appliances and supplies, including drugs and biologicals ~~((used while the individual is under hospice care));~~

(g) Home health aide services, under the direction of a registered nurse; ~~((or))~~ and

(h) Physical therapy, occupational therapy, and speech-language pathology services.

~~((4))~~ (6) Hospice coverage shall be available to a person for at least two hundred ten days. The department may subdivide the hospice coverage time into two or more periods.

~~((5))~~ (7) The department shall pay the Medicaid hospice rate for daily care as:

(a) Routine home;

(b) Continuous home;

(c) Inpatient respite; or

(d) General inpatient.

~~((6))~~ The department shall provide hospice services to a recipient:

(a) Categorically needy under the Medicaid program;

(b) Certified as terminally ill. For this program, an individual is defined as terminally ill if the individual has a medical prognosis that the individual's life expectancy is six months or less;

(c) With a caretaker in the residence;

(d) Requesting, in writing, hospice care voluntarily in lieu of other medical services; and

(e) Accepted by the designated hospice agency.

(7) While receiving hospice care, an individual shall waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated by the terminally ill patient or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for which hospice care is received or for services equivalent to the hospice care, except the services of or arranged by the designated hospice;)

(8) A ~~((recipient))~~ client may request voluntarily, in writing, to ~~((revoke the election of the))~~ cancel hospice services.

AMENDATORY SECTION (Amending Order 2853, filed 8/29/89, effective 9/29/89)

WAC 388-86-047 HOSPICE SERVICES. (1) For the purposes of this section, hospice services means a medically-directed, interdisciplinary program of palliative services for a terminally ill ~~((recipients))~~ client and the ~~((recipient's families))~~ client's family.

(2) ~~((Hospice services shall be furnished by a hospice))~~ A Medicare Title XVIII certified hospice agency shall furnish hospice services.

(3) To be eligible for hospice services, a client shall:

(a) Be categorically needy under the Medicaid program;

(b) Be terminally ill, with a life expectancy of six months or less;

(c) Voluntarily request, in writing, to receive hospice services in place of other medical services for the terminal condition; and

(d) Be accepted by the designated hospice agency.

(4) While receiving hospice care, a client shall designate a hospice agency, and waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for:

(i) Which hospice care is received; or

(ii) Services equivalent to the hospice care received; or

WSR 92-10-076
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3382—Filed May 6, 1992, 10:19 a.m., effective July 1, 1992, 12:01 a.m.]

Date of Adoption: May 6, 1992.

Purpose: Allows for WAC provisions to apply to any mandatory enrollment into a health care plan by which the department may provide medical care to eligible clients. Deletes transportation and translations as a reason for a client to be exempted from a plan. These services are covered under Medicaid. Repeals WAC 388-86-00901 which limited Kitsap Physician Services' mandatory enrollment.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-00901 Kitsap Physicians Service—Sound Care Plan; and amending WAC 388-86-00902 Mandatory prepaid health plans.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To allow for contracted mandatory prepaid health plans to be covered under this WAC, technical changes are needed to make the WAC section easier to read.

Effective Date of Rule: July 1, 1992, 12:01 a.m.

May 6, 1992

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-86-00902 MANDATORY PREPAID HEALTH CARE PLANS. (1) The department shall enroll designated program category clients residing in the service area of a mandatory enrollment prepaid health care plan, except as provided in subsections (5) and (6) of this section.

(2) For the purposes of this section, "mandatory prepaid health care plan" shall be referred to as "a plan." A plan means the department shall:

(a) Require a client in a specified service area who is eligible for a designated program category to join a health care plan; and

(b) Pay a premium to a health care plan for contracted health care provided to the client.

(3) The department may offer optional enrollment to additional program category eligible groups with the agreement of a plan.

(4) Timely provision of services means a client shall have the right to receive medically necessary health care without unreasonable delay.

(5) Before enrolling in a plan, a client may request an exemption from enrolling. The department may exempt the client, for whom medically necessary care is required, and a contracted plan is unable to provide the medically necessary care. In making the exemption determination, the department's consideration shall include, but not be limited to whether:

(a) Distance makes it unreasonably difficult for the client to obtain medical care; or

(b) The absence of services accessible to disabled persons makes it unreasonably difficult for the client to obtain medical care.

(6) Tribal Indians eligible under subsection (1) of this section may choose to enroll in a plan. Once enrolled in a plan, the Tribal Indian can only be disenrolled according to subsection (12) of this section.

(7) Emergencies and emergency transportation services are exempt from a plan's routine medical care authorization procedures. Emergency service mean a situation in which a person requires immediate medical services to avoid placing a person's health in serious jeopardy or alleviate a condition manifesting itself by acute symptoms, including severe pain, discomfort, or active labor.

(a) The client shall not be responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the client shall not be financially responsible for any services rendered.

(c) If an emergency does not exist, and a plan will not authorize further services, the client shall be financially responsible for further services received only if the client is informed and agrees, in writing, to the responsibility before receiving the services as described under WAC 388-87-010(7).

(8) A client aggrieved by a decision of a plan or the department has the right to a fair hearing as required under chapter 388-08 WAC:

(a) Except as provided in subdivision (b) and (c) of this subsection, a client shall exhaust a plan's grievance procedure before requesting a fair hearing. A plan's grievance procedure shall result in a written decision stating the basis for the decision. The client has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date a plan received the grievance. A plan may be a party to the fair hearing.

(b) In any case where a plan denies a client urgently needed medical care, a client need only provide a written grievance to a plan before or when requesting a fair hearing.

(c) A client requesting exemption from enrolling in a plan shall file a written request with the department. If not satisfied with the department's decision, the client may request a fair hearing. A plan may be a party to the fair hearing.

(9) Each client enrolled in a plan shall have a primary care provider (PCP):

(a) Clients shall have an opportunity to choose a PCP from current plan providers;

(b) A plan shall assign a client not choosing a participating provider to a PCP;

(c) Clients shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and

(ii) For subsequent changes during the twelve-month period the client shall first show good cause.

(d) When requesting a change of PCP the client shall notify a plan of the:

(i) Desired change including the name of the new PCP; and

(ii) Reason for the desired change.

(10) The client shall have the right to a second opinion by another participating physician or specialist of a plan:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP, or

(b) If the client believes the PCP is not authorizing medically necessary care.

(11) When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist of a plan.

(12) The department may terminate enrollment of a client in a plan when a:

- (a) Client loses eligibility for a plan; or
- (b) Client requests disenrollment under the same considerations as subsection (5) of this section; or
- (c) Plan requests disenrollment of the client, in writing, and a:

(i) Plan establishes the client's behavior is:
 (A) Inconsistent with a plan's rules and regulations, such as intentional misconduct; or

(B) Such that it becomes medically nonfeasible to safely or prudently provide medical care; and

(ii) Plan's requested disenrollment is approved by the medical assistance administration. The medical assistance administration shall:

(A) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(B) Notify the client ten days in advance of the effective date of disenrollment for any approved disenrollment.

(13) A plan shall not request disenrollment of a client solely due to an adverse change in the client's health.

(14) The department shall require a plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes the medical assistance administration with a copy of all written grievances and a plan's response to such grievances.

(15) On at least an annual basis, the department shall arrange for and a plan shall permit an independent, external review of the quality of client services provided or arranged by a plan.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-0090 Kitsap physicians service sound care plan.

WSR 92-10-077
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3383—Filed May 6, 1992, 10:20 a.m., effective July 1, 1992, 12:01 a.m.]

Date of Adoption: May 4, 1992.

Purpose: Deletes the provision that a person must have a caretaker to be eligible for hospice. Other changes are for easier readability.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-86-047 Hospice services.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To delete provisions requiring a caretaker to be eligible for hospice.

Effective Date of Rule: July 1, 1992, 12:01 a.m.

May 6, 1992

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2853, filed 8/29/89, effective 9/29/89)

WAC 388-86-047 HOSPICE SERVICES. (1) For the purposes of this section, hospice services means a medically-directed, interdisciplinary program of palliative services for a terminally ill (~~(recipients)~~) client and the (~~(recipient's families)~~) client's family.

(2) (~~Hospice services shall be furnished by a hospice~~) A Medicare Title XVIII certified hospice agency shall furnish hospice services.

(3) To be eligible for hospice services, a client shall:

(a) Be categorically needy under the Medicaid program;

(b) Be terminally ill, with a life expectancy of six months or less;

(c) Voluntarily request, in writing, to receive hospice services in place of other medical services for the terminal condition; and

(d) Be accepted by the designated hospice agency.

(4) While receiving hospice care, a client shall designate a hospice agency, and waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for:

(i) Which hospice care is received; or

(ii) Services equivalent to the hospice care received; or

(iii) Services equivalent to the hospice care, except services of or arranged by the designated hospice.

(5) The (~~(department shall authorize)~~) client's hospice services(~~(, including)~~) shall include:

(a) Nursing care by or under the supervision of a registered nurse;

(b) Medical social services under the direction of a physician;

(c) Physician services (~~(performed)~~) provided by a doctor of medicine or osteopathy;

(d) Counseling services;

(e) Short-term inpatient care:

(i) Provided in a participating hospice inpatient unit, participating hospital, (~~(skilled)~~) or nursing facility (~~(SNF)~~); or

(ii) (~~(In an intermediate care)~~) Provided in a nursing facility (~~(HCF)~~ is) limited to respite care;

(iii) When the services conform to a written plan of care; and

(iv) When the unit, hospital, ((SNF, or ICF)) or nursing facility meets the hospice staff and patient area standards.

(f) Medical appliances and supplies, including drugs and biologicals ((used while the individual is under hospice care));

(g) Home health aide services, under the direction of a registered nurse, ((or)) and

(h) Physical therapy, occupational therapy, and speech-language pathology services.

~~((4))~~ (6) Hospice coverage shall be available to a person for at least two hundred ten days. The department may subdivide the hospice coverage time into two or more periods.

~~((5))~~ (7) The department shall pay the Medicaid hospice rate for daily care as:

(a) Routine home,

(b) Continuous home,

(c) Inpatient respite, or

(d) General inpatient.

~~((6))~~ The department shall provide hospice services to a recipient:

(a) Categorically needy under the Medicaid program,

(b) Certified as terminally ill. For this program, an individual is defined as terminally ill if the individual has a medical prognosis that the individual's life expectancy is six months or less;

(c) With a caretaker in the residence;

(d) Requesting, in writing, hospice care voluntarily in lieu of other medical services, and

(e) Accepted by the designated hospice agency.

~~(7)~~ While receiving hospice care, an individual shall waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated by the terminally ill patient or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for which hospice care is received or for services equivalent to the hospice care, except the services of or arranged by the designated hospice.))

(8) A ((recipient)) client may request voluntarily, in writing, to ((revoke the election of the)) cancel hospice services.

new section WAC 296-131-006 and amendments to WAC 296-131-120 and 296-131-130.

Statutory Authority for Adoption: RCW 49.30.030 and 43.22.310.

Summary: Clarifies the department's authority to enter, inspect, and investigate places of employment and employment records and to conduct interviews in any work site without delay; and allows minors to demonstrate emancipation with a marriage certificate or birth certificate naming them a parent, rather than requiring a court order.

Reasons Supporting Proposal: To clarify misunderstandings based on existing language, and to change provisions for proof of emancipation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, P.O. Box 44500, Olympia, 98504, 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: New section WAC 296-131-006 clarifies and delineates responsibilities (to inspect and assure minors' health and safety) already delegated by chapter 49.30 RCW to the department so as to aid and improve voluntary compliance. WAC 296-131-120 amends the language requiring emancipated minors to obtain a court order and allows instead a marriage certificate or birth certificate naming them as a parent as proof of emancipation; this change will allow emancipated minors to easily show proof to their employers. WAC 296-131-130 is amended to add documentation of emancipation to the record-keeping requirements.

Proposal Changes the Following Existing Rules: WAC 296-131-120 is amended to allow minors 16 and older to demonstrate emancipation by providing a marriage certificate or a birth certificate naming them a parent rather than requiring emancipation by court order; and WAC 296-131-130 is amended to add documentation of emancipation to the record-keeping requirement.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it will have a minor or negligible economic impact.

Hearing Location: In Olympia, on June 18, 1992, at 9:00 a.m., General Administration Building, 11th and Columbia; and in Yakima on June 16, 1992, at 1:00 p.m., Department of Social and Health Services Building, 1002 North 16th Avenue, Conference Room 5, 2nd Floor.

Submit Written Comments to: Mark M. McDermott, Assistant Director, Employment Standards, P.O. Box 44500, Olympia, WA 98504-4500, by June 19, 1992.

Date of Intended Adoption: July 20, 1992.

May 6, 1992
Joseph A. Dear
Director

WSR 92-10-078
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 6, 1992, 10:28 a.m.]

Original Notice.

Title of Rule: Agricultural labor: Emancipated minors and right-of entry and inspection.

Purpose: To change requirements for proof of emancipation, to add proof of emancipation to the record-keeping requirement, and to clarify the department's authority to enter, inspect, and interview employees on the job site.

Other Identifying Information: The above-referenced purpose shall be carried out by the addition of proposed

NEW SECTION

WAC 296-131-006 **AUTHORITY TO ENTER, INSPECT, AND INVESTIGATE PLACES OF EMPLOYMENT AND RECORDS, AND TO CONDUCT INTERVIEWS.** In order to carry out the purposes of this chapter, the director or the director's authorized representative is authorized:

(1) To enter without delay any work site or area or other environment where work is performed by an employee or where employment records are, or are required to be, maintained; and

(2) To inspect, transcribe, and copy all pertinent records, and to inspect and investigate any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer, owner, operator, agent, or employee.

AMENDATORY SECTION (Amending WSR 90-14-038, filed 6/29/90, effective 11/1/90)

WAC 296-131-120 **HOURS OF WORK FOR MINORS IN AGRICULTURE.** (1) Minors legally required to attend school may not be employed during school hours except by special permission from school officials as provided in RCW 28A.27.010 and 28A.27.090.

(2)(a) Minors under the age of sixteen may work up to three hours a day on school days, up to eight hours a day on nonschool days and up to twenty-one hours a week during weeks when school is in session. Minors under the age of sixteen may work up to eight hours a day and up to forty hours a week during weeks when school is not in session.

(b) Except as otherwise provided, on days when school is in session, minors under the age of sixteen may not be employed before 7:00 a.m. nor after 8:00 p.m. On days when school is not in session, minors under the age of sixteen may not be employed before 5:00 a.m. nor after 9:00 p.m. On days when school is in session, minors under the age of sixteen employed in animal agriculture or whose employment in crop production requires daily attention to irrigation, may be employed beginning at 6:00 a.m.

(3)(a) Minors who are sixteen and seventeen years of age may work up to twenty-eight hours a week, up to four hours a day on school days and up to eight hours a day on nonschool days during weeks when school is in session. Minors who are sixteen and seventeen years of age may work up to ten hours per day and up to fifty hours per week during weeks when school is not in session. Minors who are sixteen and seventeen years of age may work up to sixty hours per week in the mechanical harvest of peas, wheat, and hay during weeks when school is not in session.

(b) Minors who are sixteen and seventeen years of age may not be employed before 5:00 a.m. nor after 10:00 p.m. Minors who are sixteen and seventeen years of age may not work later than 9:00 p.m. on more than two consecutive nights preceding a school day.

(4) Except for minors employed in dairy or livestock production, in the harvest of hay, or whose employment in crop production requires daily attention to irrigation, no minor shall be employed more than six days in any one week.

(5) The provisions of this section shall not apply to minors sixteen years of age and older who ~~((are emancipated by court order))~~ can demonstrate emancipation by either (a) providing a marriage certificate as proof of marriage, or (b) providing a birth certificate that names the minor as a parent. Copies of such documents must be retained by the employer for one year, pursuant to the requirements of WAC 296-131-130.

AMENDATORY SECTION (Amending WSR 90-14-038, filed 6/29/90, effective 11/1/90)

WAC 296-131-130 **RECORDKEEPING.** In addition to the records required under WAC 296-131-017, an employer is responsible for obtaining and keeping on file for one year the following information concerning each minor employee:

(1) Proof of age by means of a copy of one of the following: Birth certificate; driver's license; baptismal record; Bible record; insurance policy at least one year old indicating the date of birth; ~~((or))~~ witnessed statement of the parent or guardian; or a completed federal employment eligibility verification (Form I-9);

(2) Parental authorization required by WAC 296-131-105;

(3) School authorization required by WAC 296-131-105;

(4) Documentation of emancipation as provided by WAC 296-131-120(5).

Every employer shall make the records described in this section available to the director or the director's authorized representative at any time for inspection and transcription or copying and to the employee, upon request for that employee's work record, at any reasonable time.

WSR 92-10-079**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed May 6, 1992, 11:45 a.m.]

Original Notice.

Title of Rule: Practitioners and business licensing criteria and minimum safety standards.

Purpose: To implement salon/shop, booth renter, mobile operator, and personal service operator section of the law; and minor miscellaneous changes.

Statutory Authority for Adoption: Chapter 18.16 RCW.

Statute Being Implemented: Chapter 18.16 RCW.

Summary: Provides fees, licensing procedures and minimum safety and sanitation procedures for individuals and businesses.

Reasons Supporting Proposal: Implementation of legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Riker, 2424 Bristol Court S.W., Olympia, WA, 586-4565.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Provides licensing methods and safety and sanitation procedures as mandated by 1991 legislation.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Professional Licensing Services, 2424 Bristol Court S.W., Olympia, WA 98502, on June 9, 1992, at 1:00 p.m.

Submit Written Comments to: Judy Riker, 2424 Bristol Court S.W., Olympia, WA, by June 8, 1992.

Date of Intended Adoption: June 9, 1992.

May 6, 1992

Marsha Tadano Long
Assistant Director

NEW SECTION

WAC 308-20-001 **AUTHORITY AND PURPOSE.** These rules are adopted under the authority of RCW 18.16.030(2) and 34.05.220.

NEW SECTION

WAC 308-20-005 **APPLICABLE STATUTES.** The regulations in this chapter shall be considered a supplement to and not a replacement of chapter 18.16 RCW.

NEW SECTION

WAC 308-20-045 **PERFORMANCE EXAMINATION.** Each school will design and administer a practical performance examination that will evaluate and demonstrate each student's physical application of the basic technical skills in the course of which they are enrolled.

Each school will submit a sample outline of their practical examination for inclusion in the school file.

AMENDATORY SECTION (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

WAC 308-20-210 COSMETOLOGY, BARBER, MANICURIST, ESTHETICIAN, SALON/SHOP, BOOTH RENTER, MOBILE OPERATOR AND PERSONAL SERVICE OPERATOR FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
Examination retake	30.00
Renewal, per year	20.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	30.00
Manicurist:	
Examination application	25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
Esthetician:	
Examination application	25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
Barber:	
Examination application	25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
School:	
License application	175.00
Renewal, per year	175.00
Late renewal penalty	175.00
Duplicate license	15.00
Curriculum review	15.00
(Barber:	
Examination application	25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Out-of-state application	25.00
Duplicate	15.00
Certification	25.00
Salon/shop:	
Application	50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	15.00

Title of Fee	Fee
Booth renter:	
Application	50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Mobile operator:	
Application	50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal service operator:	
Application	50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	15.00

NEW SECTION

WAC 308-20-310 MINIMUM SANITATION, SAFETY AND HEALTH STANDARDS FOR ALL INDIVIDUAL LICENSEES.

Each licensed cosmetologist, barber, manicurist, and/or esthetician shall be responsible for ensuring that sanitation, safety and health measures are applied for the maximum protection of the clients and co-workers by adhering to the following minimum standards.

(1) Adequate supply of hot and cold running water shall be available for work and sanitary purposes.

(2) Clean towels, robes, or gowns shall be provided for each client and shall be laundered after every use. Laundered towels, robes, or gowns shall be stored in cabinets with tight fitting doors, which shall be kept closed to protect linens from dust and dirt.

(3) A clean towel, not used for any purpose since laundering, shall be placed on the headrest of facial chairs before any patron reclines in that chair. A clean towel will be placed between the head and shampoo bowl when a patron is reclined in the chair for shampooing/rinsing. A paper strip or clean towel shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

(4) Shampoo bowls shall be cleaned with soap or other detergent and water after each shampoo.

(5) Clippers, scissors, combs, razors, rollers, and other direct contact implements shall be washed with soap and water and disinfected after each use. Once disinfected they shall be stored in clean sealed containers or under ultraviolet light to maintain dry air sanitation. Used implements shall be stored in a covered and marked container in an area separate from the disinfected implements. Hair must be removed before disinfecting.

(6) Work stands shall be kept free of hair, dust, and dirt and in a clean sanitary condition.

(7) All trays, floors, walls, chairs, headrests, tools, and other implements must have a cleanable surface and shall be free from dust, dirt, and other foreign materials.

(8) Each licensee will thoroughly cleanse his or her hands with soap and water immediately before and after serving each patron.

(9) No work shall be performed by or on any individual having a visible disease or parasites unless the patron shall produce a certificate from a licensed practicing physician stating that the patron is free from infectious, contagious, or communicable disease.

(10) Individual amounts of lotion must be poured into a clean container and applied with individual pieces of clean gauze or cotton. Creams and other semi-solid substances must be removed from the container with a spatula. All containers must be covered when not in use and maintained in a clean dust-free manner.

(11) All reuseable articles that come in direct contact with a client's skin shall be cleaned and disinfected after each use. Items such as cotton pads or strips, eye shields, or neck strips that cannot be effectively laundered shall be disposed of in a waste receptacle immediately after use.

(12) Waste receptacles shall be located at each work station. The receptacle shall be emptied, cleaned, and disinfected daily.

(13) All hair clipping will be swept after each client.

NEW SECTION

WAC 308-20-500 DEFINITIONS. "Clean" means neat and tidy, made free from dirt, contamination, or other impurities by washing, sweeping, clearing away, or any other appropriate method.

"Department" means the department of licensing.

"Director" means the director of the department of licensing.

"Disinfect" means to cleanse of all harmful bacteria.

"Disinfectant" means a chemical agent which inhibits, neutralizes, or destroys all bacteria. It must be a germicide, fungicide, virucide, and tuberculocide to comply with the disinfecting requirements of this chapter.

"Fire retardant container" means an air tight container made of metal or other approved material recognized by a national testing laboratory.

"Location license" means the license required to operate a cosmetology, barbering, esthetics, or manicuring business in a salon/shop, a rented booth, a mobile unit, or any other place selected by the client solely for the convenience of the client.

"Mobile unit" means the fully contained motorized structure in which a mobile operator or operators practice cosmetology, barbering, esthetics, or manicuring.

"Sterilization" means to make free of microbes or other contamination by use of live steam, dry heat or chemical compounds.

NEW SECTION

WAC 308-20-510 MINIMUM OPERATOR LICENSING STANDARDS. No person shall practice cosmetology, barbering, esthetics, or manicuring unless the person has qualified for and passed the approved state examination and has in their possession the appropriate Washington state operator license.

NEW SECTION

WAC 308-20-520 MINIMUM SALON/SHOP LICENSING STANDARDS. No person shall operate a cosmetology, barbering, esthetics, or manicuring salon/shop, booth rental, mobile unit, or personal services operator business in this state unless the business has qualified for and has in its possession a location license issued by the department of licensing, professional licensing, cosmetology section. If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

(1) A salon/shop shall not allow an operator to practice in leased space unless the operator possesses both a valid operator and booth renter license for that specific location.

(2) A business that has one or more branch locations shall obtain a separate salon/shop license for each location.

(3) A salon/shop establishment that does not meet the requirements of this chapter shall not offer or sublet booth rentals.

(4) A licensed operator who provides cosmetology, barbering, esthetics, or manicuring services to place bound clients in the client's home or in a long or short term health care facility is not required to obtain a location license.

(5) A long or short term health care facility that establishes a salon/shop and operates it on a for profit basis for clients other than place bound clients shall obtain a location license.

NEW SECTION

WAC 308-20-530 MINIMUM LICENSING REQUIREMENTS. To qualify for licensure the following minimum requirements must be met.

(1) Maintain a separate outside entrance.

(2) Salon/shops shall be directly supervised by cosmetologists or individuals licensed in the services offered. Any change in direct supervision of a licensed salon/shop must be submitted to the department of licensing, cosmetology unit within five days of the change.

(3) A booth renter, mobile operator, personal service operator are considered individual business licenses and the individual is considered the direct supervisor.

(4) No rooms used for residential purposes may be used as part of a salon/shop except for toilet facilities.

(5) Salon/shops and mobile operators shall provide proof of public liability insurance in the amount of not less than one hundred thousand dollars.

(6) Booth renter shall provide proof of public liability insurance in the amount of not less than one hundred thousand dollars. This insurance must be in addition to the salon/shop insurance and specifically name the booth renter.

(7) Personal service operators shall provide proof of public liability insurance in the amount of not less than one hundred thousand dollars. This insurance must provide coverage in any and all locations in which services may be performed.

(8) Each cosmetology, barbering, esthetics, or manicuring business shall obtain the necessary federal, state, and local business licenses, registrations, and permits before operating a business in this state.

NEW SECTION

WAC 308-20-540 APPLICATION PROCESS. Any person wishing to operate a cosmetology, barbering, esthetics, or manicuring business shall:

(1) Obtain the application packet approved by the department;

(2) Complete the application form and attachments in every respect including any actions directed by the application instructions;

(3) Return the completed form, attachments, and the stated licensing fee to the department for approval and granting of the license.

NEW SECTION

WAC 308-20-545 LICENSE ISSUANCE. (1) Initial salon/shop licenses will be issued to expire September 1. The license must be renewed by September 1 of each year to avoid a penalty fee.

(2) Initial booth renters, mobile operators, personal service operators licenses will be issued to expire on the applicants next birth date. The licenses must be renewed each year on or before the birth date to avoid a penalty fee.

NEW SECTION

WAC 308-20-550 POSTING OF REQUIRED LICENSES, REGISTRATIONS, PERMITS, AND NOTICE TO CONSUMERS.

(1) Licenses and the consumer notice required by chapter 18.16 RCW, shall be grouped and posted in direct public view in a central location in each salon/shop, rental booth and mobile unit.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's booth or work station. The residence address of the operator, if shown on the license, may be blocked from public view.

(3) Personal services operator licenses and the notice to consumers required by chapter 18.16 RCW, shall be carried on the operator's person and presented upon the client's request.

(4) A pocket identification card may not be used in lieu of an original license.

(5) No license which has expired or become invalid for any reason shall be displayed by any operator or business in connection with the practice of cosmetology, barbering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(6) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(7) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

NEW SECTION

WAC 308-20-560 BOOTH RENTER, MOBILE OPERATOR, AND PERSONAL SERVICES OPERATOR LOCATION LICENSE RENEWAL PROCESS. Each booth renter, mobile operator, and personal services operator license shall be renewed on a yearly basis to conform to the date of birth of the owner of the business. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Confirmation, from the insurance company, of continued coverage of public liability insurance for the requested license renewal period.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Must be in good standing with all local, state, and federal agencies. Failure to be current with all fees, taxes, and/or fines shall result in a delay of license renewal.

(5) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee. The penalty will be double one year's renewal fee plus the annual renewal fee.

(6) Failure to receive a notice of license renewal from the department shall not constitute cause for failure to renew.

NEW SECTION

WAC 308-20-570 SALON/SHOP LICENSE RENEWAL PROCESS. Each salon/shop license shall be renewed on a yearly basis prior to the first day of September of each year. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Confirmation, from the insurance company, of continued coverage of public liability insurance for the requested license renewal period.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Must be in good standing with all local, state, and federal agencies. Failure to be current with all fees, taxes, and/or fines shall result in a delay of license renewal.

(5) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee. The penalty fee will be double one year's renewal fee plus the annual renewal fee.

(6) Failure to receive a notice of license renewal from the department shall not constitute cause for failure to renew.

NEW SECTION

WAC 308-20-590 MINIMUM BUSINESS LOCATION SANITATION, SAFETY, AND HEALTH STANDARDS. Each cosmetology, barbering, esthetics, or manicuring business shall be responsible for ensuring that sanitation, safety, and health measures are applied for the maximum protection of the clients and employees by adhering to the following standards.

(1) An adequate supply of hot and cold running water shall be available for work and sanitary purposes. Businesses shall also supply drinking facilities for clients and employees acceptable to state and local health departments.

(2) Clean towels, robes, or gowns shall be provided for each client and shall be laundered after every use. Laundered towels, robes, or gowns shall be stored in cabinets with tight fitting doors, which shall be kept closed to protect linens from dust and dirt.

(3) Clients shall be protected from direct contact with capes, shampoo bowls, etc., by the use of clean towels and/or protective neck strips.

(4) All reusable articles that come in direct contact with a client's skin shall be cleaned and disinfected after each contact. Items such as cotton pads or strips, eye shields, or neck strips that cannot be effectively laundered shall be disposed of in a waste receptacle immediately after use.

(5) Soiled linens shall be kept in ventilated closed containers. Towels, robes, and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers that provide appropriate disinfecting of linens.

(6) All chemicals shall be labeled and shall be stored in compliance with state and local laws and manufacturer's instructions to ensure maximum identification and protection against fires, fumes, contamination, or corrosion of containers. Stored chemicals should be inspected regularly and corroded containers must be discarded immediately.

(7) A separate area with an adequate supply of hot and cold running water shall be designated as a dispensary for the dispensing of supplies, the cleaning of tools, equipment, and other materials, and the flushing of skin in the event of spilled chemicals.

(8) Hazardous chemicals and flammable liquid signs shall be posted in the dispensary, storage room, and any other location these materials may be located.

(9) Fire extinguishers shall be readily accessible to the dispensary, storage room, and other locations where flammable liquids may be kept. Fire extinguishers shall be inspected at least once a year or more often as required by the local fire department or the manufacturer.

(10) Fresh, clean, wet disinfectant solution shall be kept in a covered container for the disinfecting of combs, brushes, and other tools or implements. Package directions shall be followed for solution strength.

Disinfecting solutions shall be changed whenever necessary as determined by manufacturing direction or visible contamination.

(11) Shampoo bowls and drains shall be kept clean, disinfected, and free running. Shampoo bowls shall be cleaned with soap or other detergent and water after each shampoo.

(12) No services shall be provided if the operator or client has contracted any communicable disease.

(13) Waste disposal containers shall be emptied, cleaned, and disinfected daily.

(14) All trays, floors, walls, chairs, headrests, tools, and other implements must have a cleanable surface and shall be free from dust, dirt, and other foreign materials.

(15) Clippers, scissors, combs, razors, rollers, and other direct contact implements shall be washed with soap and water and disinfected after each use. Once disinfected they shall be stored in clean sealed containers or under ultraviolet light to maintain dry air sanitation. Used implements shall be stored in a covered and marked container in an area separate from the disinfected implements.

(16) Adequate toilet facilities shall be provided for the use of clients and employees. All toilet facilities shall be kept clean, sanitary, and in proper condition at all times. The toilet shall contain a hand washing sink, and an adequate supply of toilet paper and hand washing and drying supplies. The use of community towels or multiple use bar soap is prohibited.

Toilet facilities shall be located within the business premises, or in an area that is reasonably accessible if the business is located in a multiple business building or a residence.

(17) Operators shall thoroughly wash their hands with soap and water after each toilet use and before providing any service to clients.

(18) Operators shall wear fresh, clean, fluid proof protective gloves while performing any client or practice related activity if any bodily discharge is present or if any discharge is likely to occur because of services being performed.

(19) The salon/shop shall be designed and equipped with client and employee health and safety in mind.

(a) Ventilation shall be designed to provide free flow of air to each room in proportion to the size, use, and capacity of the room, to prevent the buildup of emissions and particulates, to keep odors and diffusions from chemicals and solutions at a safe level and to provide sufficient air circulation and oxygen. Ventilation may be by natural or mechanical means.

(b) Electrical wiring, cords, appliances, and equipment shall be installed and maintained at all times in such condition as to pass inspection by the local fire district. Electrical plug-ins and equipment shall not display any frays and must be properly repaired to prevent shock.

(c) Floors, walls, and fixtures and equipment should be clean, in good repair, and regularly maintained.

Exception: Personal services operators are exempt from the minimum standards concerning facilities requirements but shall comply with all other minimum standards such as washing, cleaning, disinfecting, and disposal. Booth renters shall not rent from a salon shop that is not in compliance with facilities requirements.

NEW SECTION

WAC 308-20-600 DISINFECTING AND STERILIZING OF TOOLS AND OTHER IMPLEMENTS. Adequate chemical disinfecting agents or sterilization equipment shall be available for use as needed at all times when the business is open to clients or operators.

(1) When sterilization equipment is used it shall be checked annually to assure that it is reaching the temperature required by the manufacturer's instructions.

(2) When disinfectant solution is used it shall be mixed and used according to the manufacturer's instructions.

(3) When used according to the manufacturer's instructions the following methods may be used to disinfect and sterilize tools and equipment.

(a) Immersion of the object in the disinfectant solution.

(b) Dry heat or autoclave sterilizer registered with the Federal Food and Drug Administration.

(4) All items which cannot be sterilized or disinfected and shall be discarded after each use.

NEW SECTION

WAC 308-20-610 CHEMICAL USE AND STORAGE. (1) When administering services to a client that involve the use of chemicals or chemical compounds, all practitioners shall follow safety procedures which prevent injury to the client's person or clothing.

(2) Any shop owner or practitioner using chemicals or chemical compounds in providing services to clients shall store the chemicals so as to prevent fire, explosion, or bodily harm.

(a) Flammable chemicals shall be stored away from potential sources of ignition.

(b) Chemicals which could interact in a hazardous manner such as oxidizers, catalysts, and solvents, shall be segregated in storage.

(c) All chemicals shall be stored in accordance with the manufacturer's directions.

NEW SECTION

WAC 308-20-630 WORKER RIGHT TO KNOW. Each owner or manager responsible for the operation of a cosmetology, barbering, esthetics, or manicuring business shall obtain information regarding the chemical hazard communication guidelines for Washington employers and establish the program required by the Worker and Community Right to Know Act administered by the industrial safety and health division of the department of labor and industries.

NEW SECTION

WAC 308-20-640 EDUCATIONAL, MEDICAL, FIRST AID, AND ACCIDENT PREVENTION PROGRAMS. Each owner or manager responsible for the operation of a cosmetology, barbering, esthetics, or manicuring business shall obtain information and establish first aid and accident prevention policies and procedures to promote the safety and health of clients and operators.

NEW SECTION

WAC 308-20-670 PETS ON THE PREMISES. Pets or other animals shall not be allowed on the premises of any business at any time, except for trained aid animals for sightless, hearing impaired, or otherwise disabled persons.

NEW SECTION

WAC 308-20-680 COMPLIANCE WITH STATE, FEDERAL, AND LOCAL BUILDING CODES. All cosmetology, barbering, esthetics, and manicuring business owners and managers shall ensure that each business location, whether stationary or mobile, is in compliance with the following federal and state building codes adopted by the state building code council, department of community development, and the state building code statutes adopted by the legislature and the county and city building codes adopted by the county or city in which the business premises is located.

NEW SECTION

WAC 308-20-690 INSPECTION OF PREMISES. Every owner, supervisor, manager, and/or operator of any cosmetology, barbering, esthetics, or manicuring business shall allow a department representative to inspect the business during business hours and shall provide any documents or statements requested. Failure to cooperate with a department representative may result in disciplinary action as stated in RCW 18.16.210.

NEW SECTION

WAC 308-20-700 PENALTY FOR FAILURE TO OBTAIN OPERATOR OR LOCATION LICENSES OR COMPLY WITH STATUTES OF REGULATORY AUTHORITIES. (1) Any person or business who fails to obtain the required operator or location licenses before engaging in the commercial practice or operation of a cosmetology, barbering, esthetics, or manicuring business is subject to the imposition of a fine of one thousand dollars.

(2) Any applicant or licensee who fails to comply with the provisions of this chapter and chapter 18.16 RCW or other federal state and local statutes, regulations, and ordinances as these requirements apply to cosmetology, barbering, esthetics, or manicuring practices, schools or businesses shall be subject to the penalties imposed by the director under the provisions of RCW 18.16.210.

WSR 92-10-080**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—May 5, 1992]

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting May 13, 1992. The meeting will convene at 9:00 a.m. in the Tacoma Convention Center, Sheraton Tacoma Hotel, 1313 Market Street.

Additional information may be obtained from: Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, (206) 753-5315.

WSR 92-10-081**PROPOSED RULES****DEPARTMENT OF FISHERIES**

[Filed May 6, 1992, 11:55 a.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend commercial fishing rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Changes statewide maximum length on sturgeon; change personal retention of sturgeon; set Willapa Bay fall salmon seasons.

Reasons Supporting Proposal: Protection of sturgeon resource and allow for harvest of available salmon.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Mailstop 3147, Olympia, 586-2429; Implementation: Gene DiDonato, Mailstop 3147, Olympia, 753-5012; and Enforcement: Dayna Matthews, Mailstop 3147, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 220-20-020, sets maximum commercial size for sturgeon at 60 inches. This provides for protection of brood stock sturgeon and conforms the commercial and recreational upper size limit; WAC 220-20-021, conforms personal retention of commercially caught sturgeon with maximum size limit; changes retention of bottomfish to conform to new WAC 220-40-027, sets new season for Willapa Harbor, as preseason forecast shows that there will be more chinook available. This will provide additional commercial fishing opportunity.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This proposal does not affect ten percent of the businesses in any one three-digit industrial classification nor twenty percent of all businesses.

Hearing Location: 7:00 p.m., Wednesday, June 10, 1992, South Bend Community Center, South Bend, Washington; and at 9:00 a.m., Thursday, June 11, 1992,

Cowlitz County Administration Building, Room 300,
207 4th Avenue No., Kelso, WA.

Submit Written Comments to: Fisheries Hearings Of-
ficer, 115 General Administration Building, Olympia,
WA 98504, by June 9, 1992.

Date of Intended Adoption: June 22, 1992.

May 6, 1992
Nancy L. Nelson
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 90-17, filed 3/8/90)

WAC 220-20-020 GENERAL PROVISIONS—LAWFUL
AND UNLAWFUL ACTS—FOOD FISH OTHER THAN SALM-
ON. (1) It is unlawful to fish for or possess for commercial purposes
any round, undressed sturgeon less than 48 inches or greater than (72)
60 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or
possess aboard a commercial fishing vessel for any purpose any species
of halibut (*Hippoglossus*) unless permitted by the current regulations
of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes
sturgeon taken from any of the waters of Puget Sound or tributaries,
and any sturgeon taken with any type of commercial gear incidental to
a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish other than salmon for com-
mercial purposes in the waters of Shilshole Bay inland and inside a line
projected in a southwesterly direction from Meadow Point to West
Point.

(5) It is unlawful to fish for or possess for commercial purposes any
starry flounder less than 14 inches in length taken by any commercial
gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It ~~((shall be))~~ is unlawful to harvest herring eggs naturally de-
posited on marine vegetation or other substrate, unless a person has a
permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon
taken for commercial purposes from the San Juan Islands Marine Pre-
serve, except that is is lawful to take herring.

Reviser's note: The typographical errors in the above section oc-
curred in the copy filed by the agency and appear in the Register pur-
suant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

WAC 220-20-021 SALE OF COMMERCIALY CAUGHT
STURGEON AND BOTTOMFISH. (1) It shall be unlawful for any
person while engaged in commercial fishing for sturgeon or bottom fish
to:

(a) Keep for personal use in excess of (three) two sturgeon not less
than 48 inches in length nor more than (72) 60 inches in length or
more than the equivalent of one limit of sport caught bottom fish (for
personal use). (Any lingcod to be retained for personal use taken east
of the mouth of the Sekiu River must be greater than 22 inches in
length.)

(b) Sell any sturgeon or bottom fish taken under such license to
anyone other than a licensed Washington wholesale dealer (~~within or~~
~~outside the state of Washington~~), except that a person who is licensed
as a wholesale dealer under the provisions of RCW 75.28.300 may sell
to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter, or attempt to sell or barter sturgeon eggs that have
been removed from the body cavity of any sturgeon taken under such
license prior to the time that the sturgeon is sold under subsection
(1)(b) of this section.

(2) It shall be unlawful for any wholesale dealer licensed under
RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs
from sturgeon taken by any person licensed to take sturgeon for com-
mercial purposes under chapter 75.28 RCW if the sturgeon eggs have
been removed from the body cavity of the sturgeon prior to the sale of
the sturgeon.

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

AMENDATORY SECTION (Amending Order 90-77, filed 8/24/90)

WAC 220-40-027 SALMON—WILLAPA BAY FALL FISH-
ERY. From August 16 through December 31 of each year, it is un-
lawful to fish for salmon in Willapa Bay for commercial purposes or to
possess salmon taken from those waters for commercial purposes, ex-
cept that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. August ~~(20)~~ 26 to 6:00 p.m. August ~~(22)~~ 27
6:00 p.m. September 2 to 6:00 p.m. September 3 and
6:00 p.m. September 9 to 6:00 p.m. September 10

in that portion of SMCRA 2G east of a line drawn true north-south
through Willapa Channel Entrance Buoy ~~(+0) 12, (and) that portion~~
of SMCRA 2H west of Willapa Channel Marker 35, and SMCRA 2J,
2K and 2M;

(b) 6:00 p.m. ~~(August 27)~~ September 14 to 6:00 p.m. ~~(August 28)~~
September 18 and

6:00 p.m. September 20 to 6:00 p.m. September 25
in that portion of SMCRA 2G east of a line drawn true north-south
through Willapa Channel Entrance Buoy ~~(+0) 12, (and that portion of~~
~~SMCRA 2H west of Willapa Channel Marker 35)~~ SMCRA 2H, that
portion of SMCRA 2J north of an east-west line through the north
entrance marker to the Nachotta basin (red flasher No. 2), and
SMCRA 2M;

(c) 6:00 p.m. September 14 to 6:00 p.m. September 15

6:00 p.m. September 17 to 6:00 p.m. September 18

6:00 p.m. September 21 to 6:00 p.m. September 22

6:00 p.m. September 24 to 6:00 p.m. September 25

6:00 p.m. September 28 to 6:00 p.m. September 29

6:00 p.m. October 1 to 6:00 p.m. October 2

6:00 p.m. October 5 to 6:00 p.m. October 6

6:00 p.m. October 8 to 6:00 p.m. October 9

6:00 p.m. October 12 to 6:00 p.m. October 13 and

6:00 p.m. October 15 to 6:00 p.m. October 16

in all of SMCRA 2J and SMCRA 2K.

(d) 6:00 p.m. September 27 to 6:00 p.m. September 28 and

6:00 p.m. September 29 to 6:00 p.m. September 30

in that portion of SMCRA 2J north of an east-west line through the

north entrance marker to the Nachotta basin (red flasher No. 2)

(e) 6:00 p.m. September ~~(+6)~~ 27 to 6:00 p.m. ~~(November 30)~~ Octo-

ber 17

in that portion of SMCRA 2G ~~(east of Willapa Channel Marker 24~~
~~and) east of a north-south line through Willapa Entrance Buoy 10,~~
SMCRA 2H, and 2M;

~~((d)) (f) 6:00 p.m. (September 16) October 17 to 6:00 p.m. (Octo-~~
~~ber 18) November 1 (in SMCRA 2M and) that portion of SMCRA~~
2G ~~(west) east of Willapa Channel Marker 24 and (east of a line~~
~~drawn true north-south through Willapa Channel Entrance Buoy 10~~
~~except on September 16 and September 22, only, west of Willapa~~
~~Channel Marker 24 and east of a line drawn true north-south through~~
~~Willapa Channel Entrance Buoy 12) SMCRA 2H;~~

~~((e)) (g) 6:00 p.m. (Monday to 6:00 p.m. Tuesday and 6:00 p.m.~~
~~Thursday to 6:00 p.m. Friday of each week September 17 to October 9~~
~~in SMCRA 2J and 2K;~~

~~(f) 6:00 p.m. November (5) 1 to 6:00 p.m. November 30 in~~
SMCRA 2G, 2H, 2J, 2K and 2M.

(2) The Tokeland Boat Basin, defined as those waters bounded on
the south by the shoreline of the boat basin, on the west by the seawall
abnd on the north and east by a line from Tokeland Channel Marker 3
(fl. grn. 4 sec.) to Tokeland Channel Marker 4 to the tip of the sea-
wall, are closed to commercial fishing during the openings provided for
in this section.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-40-015
except:

(a) Before September ~~(+6)~~ 20, ~~(there is no) the~~ maximum mesh size
is 8-1/2 inches; and

(b) After November 19, the minimum mesh size is 7-1/2 inches.

Reviser's note: The typographical error in the above section oc-
curred in the copy filed by the agency and appears in the Register
pursuant to the requirements of RCW 34.08.040.

WSR 92-10-082
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed May 6, 1992, 11:58 a.m.]

Original Notice.

Title of Rule: Chapter 236-14 WAC, Parking rental fees for state-owned office facility properties off the state capitol grounds and state-leased office facility properties in Thurston County.

Purpose: The purpose of these rules is to implement the legislative mandate of RCW 46.08.172 by establishing equitable and consistent parking rental fees for state-owned and state-leased office facility properties in Thurston County, excepting the state capitol grounds. The parking rental fees for state office facility properties in Thurston County in preferred development areas are the first to be established by these rules.

Statutory Authority for Adoption: RCW 46.08.172.

Statute Being Implemented: RCW 46.08.172.

Summary: The proposed rules establish parking rental fees for state office facility properties in preferred development areas in Thurston County and define categories of users and vehicles. In addition, the Department of General Administration is authorized to establish other permits, create parking areas and issue a fee schedule for each. Criteria for considering future rate increases are established as well. The Department of General Administration will implement these rules in phases to state office facility properties on a geographic basis after considering comparable market rates in such geographic areas(s). A severability section also is included.

Reasons Supporting Proposal: RCW 46.08.172 mandates the director of general administration to establish equitable and consistent parking rental fees for state-owned and state-leased properties, taking into account comparable market rates. The intent is to reduce state subsidization of parking and to generate revenue for parking services administration and transportation demand management services.

Name of Agency Personnel Responsible for Drafting: Vicki J. Toyohara, P.O. Box 41018, General Administration Building, Room G7, Olympia, WA, (206) 753-4243; **Implementation and Enforcement:** Duncan Crump, P.O. Box 41025, Plaza Level D, Olympia, WA, (206) 753-3269.

Name of Proponent: Department of General Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed rules implement the general legislative mandate of RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and state-leased properties. The focus of these rules is on state office facility properties in Thurston County located or to be located in preferred development areas as defined by the state capitol committee, except for the state capitol grounds. Parking rental fees for state office facility properties in preferred development areas will be implemented in phases commencing with the Labor and

Industries Building in Tumwater, Washington. These proposed rules create different fees for employees, agencies, and other types of parking uses, outline the department's authority to create parking permits, reserved areas, fee schedules, and establish the factors to be considered when determining future parking rate changes. A severability section also is added. The anticipated effects are a fair and equitable parking rental fee structure throughout Thurston County for state-owned and state-leased office facility properties, a reduction in state subsidization of parking, and an increased use of high-occupancy vehicles.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of General Administration, 1st Floor General Administration Auditorium, General Administration Building, 11th and Columbia, Olympia, Washington 98504, on June 9, 1992, at 9:00 a.m.

Submit Written Comments to: Duncan Crump, P.O. Box 41025, Olympia, WA 98504-1025, by June 9, 1992, noon.

Date of Intended Adoption: June 12, 1992.

May 6, 1992
 Alan Kurimura
 Assistant Director

PROPOSED NEW ADMINISTRATIVE RULES
 DEPARTMENT OF GENERAL ADMINISTRATION

CHAPTER 236-14
 PARKING RENTAL FEES FOR STATE-OWNED OFFICE
 FACILITY PROPERTIES
 OFF THE STATE CAPITOL GROUNDS AND
 STATE-LEASED OFFICE FACILITY PROPERTIES IN
 THURSTON COUNTY

NEW SECTION

WAC 236-14-010 **PURPOSE.** The purpose of these rules is to implement the legislative mandate according the RCW 46-08-172 for the department of general administration to establish equitable and consistent parking rental fees for state-owned and state-leased office facility properties in Thurston County. It is the department of general administration's intent to promulgate parking rental fees for such office facility properties on a geographic basis after considering such factors as comparable market rates for parking in such geographic area(s).

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

NEW SECTION

WAC 236-14-015 **DEFINITIONS.** As used in this chapter, the following terms shall mean:

(1) "State office facilities" means office buildings housing state employees, excluding university and college campuses.

(2) "Preferred development areas" means land in Thurston County designated for state office facilities as defined in the 1991 Capitol Master Plan adopted by the State Capitol Committee. This definition does not include the state capitol grounds as defined in WAC 236-12-290.

NEW SECTION

WAC 236-14-100 **PARKING RENTAL FEES FOR STATE OFFICE FACILITIES IN PREFERRED DEVELOPMENT AREAS IN THURSTON COUNTY.** (1) The parking fees for state office facilities in preferred development areas in Thurston County shall be as follows:

PARKING USES	PARKING FEES
(a) Agency assigned uses (visitor, agency staff, state cars, etc.)	\$30 per month
(b) Employee uses	
(i) general "zoned"	\$15 per month
(ii) lease/reserved areas and/or stalls	\$20 per month
(iii) disabled employees	\$15 per month
(c) Motorcycle, motor-driven cycle/moped uses	\$10 per month
(d) Nonstate personnel uses (concession vendors, lobbyists, daycare providers, press corps, etc.)	\$30 per month
(e) Disabled visitor use	no charge
(f) Metered parking for visitor use	\$.50 per hour
(g) Carpool/vanpool uses (permits in accordance with WAC 236-12-295.)	no charge

(h) In addition to the permit issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, the department may issue other permits including but not limited to agency prepaid monthly, service/delivery and temporary/daily permits; the department will establish a fee schedule for such permits other than permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, and will keep such fee schedule on file at Department of General Administration Building, Office of Parking Services, Plaza Garage, D Level, P.O. Box 41025, Olympia, Washington 98504-1025. In addition, such fee schedule will be available to any person upon request.

(i) The director has authority to create reserved parking spaces/areas and to determine the rates for such parking; the director will establish a fee schedule for reserved parking spaces/areas and will keep such fee schedule on file at Department of General Administration Building, Office of Parking Services, Plaza Garage, D Level, P.O. Box 41025, Olympia, Washington 98504-1025. In addition, such fee schedule will be available to any person upon request.

(2) The application of this chapter to state office facilities in preferred development areas in Thurston County will be implemented in phases by the department of general administration commencing with the Labor and Industries Building in Tumwater, Washington.

(3) In determining whether to adjust parking rental fees, the director will consider one or more of the following factors;

- (a) Parking costs including, but not limited to, operating costs, debt service, and facility improvements;
- (b) Available commuting alternatives;
- (c) Change in the demand for parking facilities;
- (d) Transportation demand management or commute trip reduction requirements;
- (e) Market rates of comparable privately owned or leased parking facilities; and
- (f) Other circumstances as determined by the director, whereby a change in parking rental fees is necessary.

NEW SECTION

WAC 236-14-900 SEVERABILITY. If any provision of this regulation or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-10-010	NEW-W	92-10-009	16-230	AMD-C	92-07-005	16-230-861	AMD-E	92-07-060
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16-156-010	AMD-P	92-07-052	16-230-813	NEW-S	92-07-059	16-230-863	NEW-S	92-07-059
16-156-020	AMD-P	92-07-052	16-230-813	NEW-E	92-07-060	16-230-863	NEW-E	92-07-060
16-156-030	AMD-P	92-07-052	16-230-813	NEW-W	92-08-026	16-230-863	NEW-W	92-08-026
16-156-035	AMD-P	92-07-052	16-230-813	NEW-E	92-08-027	16-230-863	NEW-E	92-08-027
16-156-050	AMD-P	92-07-052	16-230-825	AMD-P	92-03-134	16-230-864	NEW-P	92-03-134
16-162-010	NEW-P	92-07-052	16-230-825	AMD-S	92-07-059	16-230-864	NEW-S	92-07-059
16-162-025	NEW-P	92-07-052	16-230-825	AMD-E	92-07-060	16-230-864	NEW-E	92-07-060
16-162-030	NEW-P	92-07-052	16-230-825	AMD-W	92-08-026	16-230-864	NEW-W	92-08-026
16-162-031	NEW-P	92-07-052	16-230-825	AMD-E	92-08-027	16-230-864	NEW-E	92-08-027
16-162-032	NEW-P	92-07-052	16-230-835	AMD-P	92-03-134	16-230-864	REP-P	92-03-134
16-162-033	NEW-P	92-07-052	16-230-835	AMD-S	92-07-059	16-230-865	REP-S	92-07-059
16-162-050	NEW-P	92-07-052	16-230-835	AMD-E	92-07-060	16-230-865	REP-E	92-07-060
16-162-060	NEW-P	92-07-052	16-230-835	AMD-W	92-08-026	16-230-865	REP-W	92-08-026
16-162-070	NEW-P	92-07-052	16-230-835	AMD-E	92-08-027	16-230-865	REP-E	92-08-027
16-162-100	NEW-P	92-07-052	16-230-840	AMD-P	92-03-134	16-230-866	NEW-P	92-03-134
16-228-010	AMD-P	92-03-133	16-230-840	AMD-S	92-07-059	16-230-866	NEW-S	92-07-059
16-228-010	AMD	92-07-084	16-230-840	AMD-E	92-07-060	16-230-866	NEW-E	92-07-060
16-228-180	AMD-P	92-03-133	16-230-840	AMD-W	92-08-026	16-230-866	NEW-W	92-08-026
16-228-180	AMD	92-07-084	16-230-840	AMD-E	92-08-027	16-230-866	NEW-E	92-08-027
16-228-400	NEW-P	92-03-133	16-230-845	AMD-P	92-03-134	16-230-867	NEW-P	92-03-134
16-228-400	NEW	92-07-084	16-230-845	AMD-S	92-07-059	16-230-868	NEW-S	92-07-059
16-228-410	NEW-P	92-03-133	16-230-845	AMD-E	92-07-060	16-230-868	NEW-E	92-07-060
16-228-410	NEW	92-07-084	16-230-845	AMD-W	92-08-026	16-230-868	NEW-W	92-08-026
16-228-420	NEW-P	92-03-133	16-230-845	AMD-E	92-08-027	16-230-868	NEW-E	92-08-027
16-228-420	NEW	92-07-084	16-230-850	AMD-P	92-03-134	16-230-868	NEW-P	92-03-134
16-228-430	NEW-P	92-03-133	16-230-850	AMD-S	92-07-059	16-230-870	NEW-S	92-07-059
16-228-430	NEW	92-07-084	16-230-850	AMD-E	92-07-060	16-230-870	NEW-E	92-07-060
16-228-900	REP-P	92-06-083	16-230-850	AMD-W	92-08-026	16-230-870	NEW-W	92-08-026
16-228-900	REP-W	92-10-008	16-230-850	AMD-E	92-08-027	16-230-870	NEW-E	92-08-027
16-228-905	NEW-P	92-06-083	16-230-855	AMD-P	92-03-134	16-230-870	NEW-P	92-03-134
16-228-905	NEW-W	92-10-008	16-230-855	AMD-S	92-07-059	16-231	REP-C	92-07-005
16-228-910	NEW-P	92-06-083	16-230-855	AMD-E	92-07-060	16-231-001	REP-P	92-03-134
16-228-910	NEW-W	92-10-008	16-230-855	AMD-W	92-08-026	16-231-001	REP-S	92-07-059
16-228-915	NEW-P	92-06-083	16-230-855	AMD-E	92-08-027	16-231-001	REP-E	92-07-060
16-228-915	NEW-W	92-10-008	16-230-860	AMD-P	92-03-134	16-231-001	RESCIND	92-08-026
16-228-920	NEW-P	92-06-083	16-230-860	AMD-S	92-07-059	16-231-001	REP-E	92-08-027
16-228-920	NEW-W	92-10-008	16-230-860	AMD-E	92-07-060	16-231-005	REP-P	92-03-134
16-228-925	NEW-P	92-06-083	16-230-860	AMD-W	92-08-026	16-231-005	REP-S	92-07-059
16-228-925	NEW-W	92-10-008	16-230-860	AMD-E	92-08-027	16-231-005	REP-E	92-07-060

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16-231-005	REP-E	92-08-027	16-316-832	AMD-P	92-09-150	16-494-170	NEW-P	92-09-075
16-231-010	REP-P	92-03-134	16-316-833	AMD-P	92-09-150	16-495-004	AMD-P	92-09-150
16-231-010	REP-S	92-07-059	16-316-980	AMD-P	92-09-150	16-495-010	AMD-P	92-09-150
16-231-010	REP-E	92-07-060	16-316-995	AMD-P	92-09-150	16-495-050	AMD-P	92-09-150
16-231-010	RESCIND	92-08-026	16-316-997	AMD-P	92-09-150	16-495-110	AMD-P	92-09-150
16-231-010	REP-E	92-08-027	16-400-210	AMD-E	92-04-032	16-532-010	AMD-P	92-06-071
16-231-015	REP-P	92-03-134	16-400-210	AMD	92-06-022	16-532-010	AMD	92-09-068
16-231-015	REP-S	92-07-059	16-401-040	AMD-P	92-10-040	16-532-020	AMD-P	92-06-071
16-231-015	REP-E	92-07-060	16-436-100	AMD-P	92-08-106	16-532-020	AMD	92-09-068
16-231-015	RESCIND	92-08-026	16-436-110	AMD-P	92-08-106	16-532-030	AMD-P	92-06-071
16-231-015	REP-E	92-08-027	16-436-130	REP-P	92-08-106	16-532-030	AMD	92-09-068
16-231-020	REP-P	92-03-134	16-436-140	AMD-P	92-08-106	16-532-065	NEW-P	92-06-071
16-231-020	REP-S	92-07-059	16-436-150	AMD-P	92-08-106	16-532-065	NEW	92-09-068
16-231-020	REP-E	92-07-060	16-436-166	NEW-P	92-08-106	16-532-110	AMD-P	92-06-071
16-231-020	RESCIND	92-08-026	16-436-170	REP-P	92-08-106	16-532-110	AMD	92-09-068
16-231-020	REP-E	92-08-027	16-436-185	AMD-P	92-08-106	16-555-020	AMD-P	92-05-071
16-231-025	REP-P	92-03-134	16-436-186	NEW-P	92-08-106	16-555-040	AMD-P	92-05-071
16-231-025	REP-S	92-07-059	16-436-187	NEW-P	92-08-106	16-561-020	AMD-P	92-05-070
16-231-025	REP-E	92-07-060	16-436-190	AMD-P	92-08-106	16-570-030	AMD-P	92-08-055
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16-231-025	REP-E	92-08-027	16-436-210	AMD-P	92-08-106	16-604-015	NEW	92-06-013
16-231-030	REP-P	92-03-134	16-436-220	AMD-P	92-08-106	16-622-050	AMD-P	92-03-069
16-231-030	REP-S	92-07-059	16-436-225	NEW-P	92-08-106	16-622-050	AMD-E	92-03-070
16-231-030	REP-E	92-07-060	16-461	AMD	92-06-085	16-622-050	AMD	92-07-030
16-231-030	RESCIND	92-08-026	16-461-006	NEW	92-06-085	16-622-060	NEW-P	92-03-069
16-231-030	REP-E	92-08-027	16-461-010	AMD	92-06-085	16-622-060	NEW-E	92-03-070
16-231-110	AMD-E	92-08-028	16-469-010	REP-P	92-09-074	16-622-060	NEW	92-07-030
16-231-115	AMD-E	92-08-028	16-469-020	REP-P	92-09-074	16-752-500	NEW-P	92-03-105
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16-231-125	AMD-E	92-08-028	16-469-040	REP-P	92-09-074	16-752-505	NEW-P	92-03-105
16-231-210	AMD-E	92-08-028	16-469-050	REP-P	92-09-074	16-752-505	NEW	92-07-024
16-231-215	AMD-E	92-08-028	16-469-060	REP-P	92-09-074	16-752-507	NEW	92-07-024
16-231-220	AMD-E	92-08-028	16-470-500	REP	92-06-024	16-752-510	NEW-P	92-03-105
16-231-225	AMD-E	92-08-028	16-470-510	REP	92-06-024	16-752-510	NEW	92-07-024
16-231-315	AMD-E	92-08-028	16-470-520	REP	92-06-024	16-752-515	NEW-P	92-03-105
16-231-910	AMD-E	92-08-028	16-470-530	REP	92-06-024	16-752-515	NEW	92-07-024
16-231-912	AMD-E	92-08-028	16-470-600	REP	92-06-023	16-752-520	NEW-P	92-03-105
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16-232-020	AMD-E	92-08-028	16-470-615	REP	92-06-023	16-752-525	NEW	92-07-024
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16-304-110	AMD-P	92-09-150	16-470-625	REP	92-06-023	16-752-600	NEW	92-07-025
16-304-130	AMD-P	92-09-150	16-470-630	REP	92-06-023	16-752-605	NEW	92-07-025
16-316-235	AMD-P	92-09-150	16-470-635	REP	92-06-023	16-752-610	NEW-P	92-03-106
16-316-240	AMD-P	92-09-150	16-470-900	NEW-P	92-03-104	16-752-610	NEW	92-07-025
16-316-245	AMD-P	92-09-150	16-470-900	NEW	92-07-023	16-752-620	NEW-P	92-03-106
16-316-250	AMD-P	92-09-150	16-470-905	NEW-P	92-03-104	16-752-620	NEW	92-07-025
16-316-266	NEW-E	92-06-048	16-470-905	NEW	92-07-023	16-752-630	NEW-P	92-03-106
16-316-266	NEW-P	92-09-075	16-470-910	NEW-P	92-03-104	16-752-630	NEW	92-07-025
16-316-270	AMD-E	92-06-048	16-470-910	NEW	92-07-023	16-752-640	NEW-P	92-03-106
16-316-270	AMD-P	92-09-075	16-470-915	NEW-P	92-03-104	16-752-640	NEW	92-07-025
16-316-280	AMD-E	92-06-048	16-470-915	NEW	92-07-023	16-752-650	NEW-P	92-03-106
16-316-280	AMD-P	92-09-075	16-470-920	NEW-P	92-03-104	16-752-650	NEW	92-07-025
16-316-285	AMD-E	92-06-048	16-470-920	NEW	92-07-023	16-752-660	NEW-P	92-03-106
16-316-285	AMD-P	92-09-075	16-494-010	AMD-E	92-06-050	16-752-660	NEW	92-07-025
16-316-290	AMD-E	92-06-048	16-494-010	AMD-P	92-09-075	50-12-116	AMD	92-04-027
16-316-290	AMD-P	92-09-075	16-494-013	AMD-E	92-06-050	50-14-020	NEW	92-06-041
16-316-315	AMD-P	92-09-150	16-494-013	AMD-P	92-09-075	50-14-030	NEW	92-06-041
16-316-327	AMD-P	92-09-150	16-494-046	AMD-E	92-06-050	50-14-040	NEW	92-06-041
16-316-340	AMD-P	92-09-150	16-494-046	AMD-P	92-09-075	50-14-050	NEW	92-06-041
16-316-350	AMD-P	92-09-150	16-494-064	AMD-E	92-06-050	50-14-060	NEW	92-06-041
16-316-355	AMD-P	92-09-150	16-494-064	AMD-P	92-09-075	50-14-070	NEW	92-06-041
16-316-360	AMD-P	92-09-150	16-494-100	NEW-E	92-06-049	50-14-080	NEW	92-06-041
16-316-370	AMD-P	92-09-150	16-494-100	NEW-P	92-09-075	50-14-090	NEW	92-06-041
16-316-470	AMD-P	92-09-150	16-494-110	NEW-E	92-06-049	50-14-100	NEW	92-06-041
16-316-474	AMD-P	92-09-150	16-494-110	NEW-P	92-09-075	50-14-110	NEW	92-06-041
16-316-525	AMD-P	92-09-150	16-494-120	NEW-E	92-06-049	50-14-120	NEW	92-06-041
16-316-622	AMD-P	92-09-150	16-494-120	NEW-P	92-09-075	50-14-130	NEW	92-06-041
16-316-715	AMD-P	92-09-150	16-494-130	NEW-E	92-06-049	50-14-140	NEW	92-06-041
16-316-717	AMD-P	92-09-150	16-494-130	NEW-P	92-09-075	50-30-010	NEW	92-02-105
16-316-719	AMD-P	92-09-150	16-494-140	NEW-E	92-06-049	50-30-020	NEW	92-02-105
16-316-727	AMD-P	92-09-150	16-494-140	NEW-P	92-09-075	50-30-030	NEW	92-02-105
16-316-800	AMD-P	92-09-150	16-494-150	NEW-E	92-06-049	50-30-040	NEW	92-02-105
16-316-810	AMD-P	92-09-150	16-494-150	NEW-P	92-09-075	50-30-050	NEW	92-02-105
16-316-815	AMD-P	92-09-150	16-494-160	NEW-E	92-06-049	50-30-060	NEW	92-02-105
16-316-820	AMD-P	92-09-150	16-494-160	NEW-P	92-09-075	50-30-070	NEW	92-02-105

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132M-120-010	AMD-P	92-04-059	132Q-05-060	AMD-P	92-10-052	136-01-020	AMD-P	92-08-068
132M-120-010	AMD	92-09-094	132Q-05-070	AMD-P	92-10-052	136-01-030	AMD-P	92-08-068
132M-120-020	AMD-P	92-04-059	132Q-05-080	AMD-P	92-10-052	136-03-010	NEW-P	92-08-069
132M-120-020	AMD	92-09-094	132Q-05-090	AMD-P	92-10-052	136-03-020	NEW-P	92-08-069
132M-120-025	NEW-P	92-04-059	132Q-05-100	AMD-P	92-10-052	136-03-030	NEW-P	92-08-069
132M-120-025	NEW	92-09-094	132Q-05-120	AMD-P	92-10-052	136-03-040	NEW-P	92-08-069
132M-120-030	AMD-P	92-04-059	132Q-06-020	AMD-P	92-10-057	136-03-050	NEW-P	92-08-069
132M-120-030	AMD	92-09-094	132Q-06-025	AMD-P	92-10-057	136-03-060	NEW-P	92-08-069
132M-120-040	AMD-P	92-04-059	132Q-06-030	AMD-P	92-10-057	136-03-070	NEW-P	92-08-069
132M-120-040	AMD	92-09-094	132Q-06-040	AMD-P	92-10-057	136-03-080	NEW-P	92-08-069
132M-120-050	REP-P	92-04-059	132Q-12-010	AMD-P	92-10-056	136-03-090	NEW-P	92-08-069
132M-120-050	REP	92-09-094	132Q-16-003	REP-P	92-10-058	136-03-100	NEW-P	92-08-069
132M-120-065	NEW-P	92-04-059	132Q-16-006	REP-P	92-10-058	136-03-110	NEW-P	92-08-069
132M-120-065	NEW	92-09-094	132Q-16-009	REP-P	92-10-058	136-130-030	AMD-P	92-08-070
132M-120-070	REP-P	92-04-059	132Q-16-012	REP-P	92-10-058	136-130-050	AMD-P	92-08-070
132M-120-070	REP	92-09-094	132Q-16-015	REP-P	92-10-058	136-130-060	AMD-P	92-08-070
132M-120-080	REP-P	92-04-059	132Q-16-018	REP-P	92-10-058	136-130-070	AMD-P	92-08-070
132M-120-080	REP	92-09-094	132Q-16-021	REP-P	92-10-058	136-160-050	AMD-P	92-08-071
132M-120-095	NEW-P	92-04-059	132Q-16-024	REP-P	92-10-058	136-160-060	AMD-P	92-08-071
132M-120-095	NEW	92-09-094	132Q-16-027	REP-P	92-10-058	136-210-020	AMD-P	92-08-072
132M-120-100	NEW-P	92-04-059	132Q-16-030	REP-P	92-10-058	136-210-030	AMD-P	92-08-072
132M-120-100	NEW	92-09-094	132Q-16-033	REP-P	92-10-058	142-12-026	AMD-P	92-10-031
132M-120-110	NEW-P	92-04-059	132Q-16-036	REP-P	92-10-058	142-40-010	NEW-P	92-10-032
132M-120-110	NEW	92-09-094	132Q-16-039	REP-P	92-10-058	142-40-020	NEW-P	92-10-032
132M-120-120	NEW-P	92-04-059	132Q-16-042	REP-P	92-10-058	142-40-030	NEW-P	92-10-032
132M-120-120	NEW	92-09-094	132Q-16-045	REP-P	92-10-058	172-04-010	NEW-P	92-04-085
132M-120-130	NEW-P	92-04-059	132Q-16-048	REP-P	92-10-058	172-04-010	NEW	92-09-101
132M-120-130	NEW	92-09-094	132Q-16-051	REP-P	92-10-058	172-06-010	NEW-P	92-04-083
132M-120-200	NEW-P	92-04-059	132Q-16-054	REP-P	92-10-058	172-06-010	NEW	92-09-099
132M-120-200	NEW	92-09-094	132Q-16-057	REP-P	92-10-058	172-65	AMD-P	92-05-054
132M-120-210	NEW-P	92-04-059	132Q-16-060	REP-P	92-10-058	172-65	AMD	92-09-103
132M-120-210	NEW	92-09-094	132Q-16-063	REP-P	92-10-058	172-65-010	AMD-P	92-05-054
132M-120-220	NEW-P	92-04-059	132Q-20-020	AMD-P	92-10-051	172-65-010	AMD	92-09-103
132M-120-220	NEW	92-09-094	132Q-20-040	AMD-P	92-10-051	172-65-020	AMD-P	92-05-054
132M-120-300	NEW-P	92-04-059	132Q-20-060	AMD-P	92-10-051	172-65-020	AMD	92-09-103
132M-120-300	NEW	92-09-094	132Q-20-090	AMD-P	92-10-051	172-65-030	AMD-P	92-05-054
132M-120-310	NEW-P	92-04-059	132Q-20-110	AMD-P	92-10-051	172-65-030	AMD	92-09-103
132M-120-310	NEW	92-09-094	132Q-20-130	AMD-P	92-10-051	172-65-040	AMD-P	92-05-054
132M-120-320	NEW-P	92-04-059	132Q-20-160	AMD-P	92-10-051	172-65-040	AMD	92-09-103
132M-120-320	NEW	92-09-094	132Q-20-170	AMD-P	92-10-051	172-65-050	AMD-P	92-05-054
132M-136-020	AMD-P	92-04-063	132Q-20-200	AMD-P	92-10-051	172-65-050	AMD	92-09-103
132M-136-020	AMD	92-09-009	132Q-20-210	AMD-P	92-10-051	172-65-060	AMD-P	92-05-054
132M-136-060	AMD-P	92-04-063	132Q-20-220	AMD-P	92-10-051	172-65-060	AMD	92-09-103
132M-136-060	AMD	92-09-009	132Q-20-240	AMD-P	92-10-051	172-65-070	AMD-P	92-05-054
132M-136-100	NEW-P	92-04-063	132Q-20-250	AMD-P	92-10-051	172-65-070	AMD	92-09-103
132M-136-100	NEW	92-09-009	132Q-20-260	AMD-P	92-10-051	172-65-080	AMD-P	92-05-054
132M-140-010	REP-P	92-04-063	132Q-108-050	AMD-P	92-10-054	172-65-080	AMD	92-09-103
132M-140-010	REP	92-09-009	132Q-113-010	AMD-P	92-10-055	172-65-090	AMD-P	92-05-054
132M-160-010	AMD-P	92-04-062	132Y-100-008	AMD-P	92-04-067	172-65-090	AMD	92-09-103
132M-160-010	AMD	92-09-008	132Y-100-008	AMD	92-09-055	172-108-010	NEW-P	92-04-084
132M-300-001	NEW-P	92-04-064	132Y-100-010	REP-P	92-04-067	172-108-010	NEW	92-09-100
132M-300-001	NEW	92-09-092	132Y-100-010	REP	92-09-055	172-108-020	NEW-P	92-04-084
132M-300-010	NEW-P	92-04-064	132Y-100-028	AMD-P	92-04-067	172-108-020	NEW	92-09-100
132M-300-010	NEW	92-09-092	132Y-100-028	AMD	92-09-055	172-108-030	NEW-P	92-04-084
132M-400-010	NEW-P	92-04-060	132Y-100-036	REP-P	92-04-067	172-108-030	NEW	92-09-100
132M-400-010	NEW	92-09-006	132Y-100-036	REP	92-09-055	172-108-040	NEW-P	92-04-084
132M-400-020	NEW-P	92-04-060	132Y-100-040	REP-P	92-04-067	172-108-040	NEW	92-09-100
132M-400-020	NEW	92-09-006	132Y-100-040	REP	92-09-055	172-108-050	NEW-P	92-04-084
132M-400-030	NEW-P	92-04-060	132Y-100-044	AMD-P	92-04-067	172-108-050	NEW	92-09-100
132M-400-030	NEW	92-09-006	132Y-100-044	AMD	92-09-055	172-108-060	NEW-P	92-04-084
132M-400-040	NEW-P	92-04-060	132Y-100-048	REP-P	92-04-067	172-108-060	NEW	92-09-100
132M-400-040	NEW	92-09-006	132Y-100-048	REP	92-09-055	172-108-070	NEW-P	92-04-084
132Q-04-020	AMD-P	92-10-053	132Y-100-066	NEW-P	92-04-067	172-108-070	NEW	92-09-100
132Q-04-095	AMD-P	92-10-053	132Y-100-066	NEW	92-09-055	172-108-080	NEW-P	92-04-084
132Q-04-096	NEW-P	92-10-053	132Y-100-072	AMD-P	92-04-067	172-108-080	NEW	92-09-100
132Q-04-120	AMD-P	92-10-053	132Y-100-072	AMD	92-09-055	172-108-090	NEW-P	92-04-084
132Q-04-130	AMD-P	92-10-053	132Y-100-100	AMD-P	92-04-067	172-108-090	NEW	92-09-100
132Q-04-140	AMD-P	92-10-053	132Y-100-100	AMD	92-09-055	172-124	AMD-P	92-05-056
132Q-04-170	AMD-P	92-10-053	132Y-100-104	AMD-P	92-04-067	172-124	AMD	92-09-105
132Q-04-180	AMD-P	92-10-053	132Y-100-104	AMD	92-09-055	172-124-010	AMD-P	92-05-056
132Q-04-190	AMD-P	92-10-053	132Y-100-112	AMD-P	92-04-067	172-124-010	AMD	92-09-105
132Q-04-200	AMD-P	92-10-053	132Y-100-112	AMD	92-09-055	172-124-020	AMD-P	92-05-056
132Q-04-210	AMD-P	92-10-053	132Y-100-116	AMD-P	92-04-067	172-124-020	AMD	92-09-105
132Q-04-250	AMD-P	92-10-053	132Y-100-116	AMD	92-09-055	172-124-100	REP-P	92-05-056
132Q-04-260	AMD-P	92-10-053	132Y-100-120	AMD-P	92-04-067	172-124-100	REP	92-09-105
132Q-04-280	AMD-P	92-10-053	132Y-100-120	AMD	92-09-055	172-124-200	REP-P	92-05-056

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172-124-210	REP-P	92-05-056	173-180D-050	NEW-P	92-06-087	173-422-030	AMD-P	92-09-133
172-124-210	REP	92-09-105	173-180D-055	NEW-P	92-06-087	173-422-035	AMD-P	92-09-133
172-124-220	REP-P	92-05-056	173-180D-060	NEW-P	92-06-087	173-422-040	AMD-P	92-09-133
172-124-220	REP	92-09-105	173-180D-065	NEW-P	92-06-087	173-422-050	AMD-P	92-09-133
172-144-010	AMD-P	92-05-053	173-180D-070	NEW-P	92-06-087	173-422-060	AMD-P	92-09-133
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172-144-040	AMD-P	92-05-053	173-183	NEW-C	92-09-034	173-422-095	NEW-P	92-09-133
172-144-040	AMD	92-09-102	173-183-010	NEW	92-10-005	173-422-100	AMD-P	92-09-133
172-144-045	NEW-P	92-05-053	173-183-020	NEW	92-10-005	173-422-110	REP-P	92-09-133
172-144-045	NEW	92-09-102	173-183-030	NEW	92-10-005	173-422-120	AMD-P	92-09-133
172-144-050	REP-P	92-05-053	173-183-100	NEW	92-10-005	173-422-130	AMD-P	92-09-133
172-144-050	REP	92-09-102	173-183-200	NEW	92-10-005	173-422-140	AMD-P	92-09-133
172-325-010	AMD-P	92-05-055	173-183-210	NEW	92-10-005	173-422-150	REP-P	92-09-133
172-325-010	AMD	92-09-104	173-183-220	NEW	92-10-005	173-422-160	AMD-P	92-09-133
173-19-130	AMD-P	92-07-091	173-183-230	NEW	92-10-005	173-422-170	AMD-P	92-09-133
173-19-1701	AMD	92-03-132	173-183-240	NEW	92-10-005	173-422-180	REP-P	92-09-133
173-19-230	AMD-P	92-04-080	173-183-250	NEW	92-10-005	173-433-100	AMD-P	92-09-035
173-19-230	AMD	92-09-135	173-183-260	NEW	92-10-005	173-433-110	AMD-P	92-09-035
173-19-2503	AMD-P	92-07-090	173-183-270	NEW	92-10-005	173-433-170	AMD-P	92-09-035
173-19-2511	AMD-P	92-07-087	173-183-300	NEW	92-10-005	173-433-170	AMD-E	92-10-022
173-19-2515	AMD-P	92-03-128	173-183-310	NEW	92-10-005	173-492-010	NEW-P	92-06-088
173-19-2515	AMD-C	92-09-131	173-183-320	NEW	92-10-005	173-492-020	NEW-P	92-06-088
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173-175-020	NEW-P	92-06-091	173-183-500	NEW	92-10-005	173-564-020	NEW-E	92-07-054
173-175-030	NEW-P	92-06-091	173-183-600	NEW	92-10-005	173-564-030	NEW-E	92-07-054
173-175-040	NEW-P	92-06-091	173-183-610	NEW	92-10-005	173-564-040	NEW-E	92-07-054
173-175-050	NEW-P	92-06-091	173-183-620	NEW	92-10-005	178-01-010	NEW-C	92-03-055
173-175-060	NEW-P	92-06-091	173-183-700	NEW	92-10-005	178-01-010	NEW-E	92-03-056
173-175-070	NEW-P	92-06-091	173-183-710	NEW	92-10-005	178-01-010	NEW	92-09-002
173-175-100	NEW-P	92-06-091	173-183-800	NEW	92-10-005	180-16-200	AMD	92-05-047
173-175-110	NEW-P	92-06-091	173-183-810	NEW	92-10-005	180-16-205	AMD	92-05-047
173-175-120	NEW-P	92-06-091	173-183-820	NEW	92-10-005	180-16-222	AMD	92-04-044
173-175-130	NEW-P	92-06-091	173-183-830	NEW	92-10-005	180-16-223	AMD	92-04-044
173-175-140	NEW-P	92-06-091	173-183-840	NEW	92-10-005	180-25-031	NEW	92-04-043
173-175-150	NEW-P	92-06-091	173-183-850	NEW	92-10-005	180-51-085	AMD-P	92-05-067
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173-175-170	NEW-P	92-06-091	173-183-865	NEW	92-10-005	180-75-016	NEW	92-04-044
173-175-180	NEW-P	92-06-091	173-183-870	NEW	92-10-005	180-75-055	AMD	92-04-044
173-175-190	NEW-P	92-06-091	173-183-880	NEW	92-10-005	180-75-065	AMD	92-04-044
173-175-200	NEW-P	92-06-091	173-183-890	NEW	92-10-005	180-75-080	REP	92-04-044
173-175-210	NEW-P	92-06-091	173-183-900	NEW	92-10-005	180-75-085	AMD	92-04-044
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173-175-260	NEW-P	92-06-091	173-224-015	AMD	92-03-131	180-77-040	AMD	92-05-039
173-175-270	NEW-P	92-06-091	173-224-020	AMD	92-03-131	180-77-045	AMD	92-05-039
173-175-350	NEW-P	92-06-091	173-224-030	AMD	92-03-131	180-77-050	AMD	92-05-039
173-175-360	NEW-P	92-06-091	173-224-040	AMD	92-03-131	180-77-065	AMD	92-05-039
173-175-370	NEW-P	92-06-091	173-224-050	AMD	92-03-131	180-77-100	NEW	92-05-039
173-175-380	NEW-P	92-06-091	173-224-090	AMD	92-03-131	180-77-105	NEW	92-05-039
173-175-390	NEW-P	92-06-091	173-224-100	AMD	92-03-131	180-77-110	NEW	92-05-039
173-175-400	NEW-P	92-06-091	173-224-120	AMD	92-03-131	180-78-165	AMD	92-06-027
173-175-500	NEW-P	92-06-091	173-303-145	AMD-P	92-03-127	180-78-200	NEW-W	92-09-108
173-175-510	NEW-P	92-06-091	173-305-060	REP-P	92-05-083	180-79-047	AMD	92-04-044
173-175-520	NEW-P	92-06-091	173-305-060	REP	92-10-043	180-79-049	AMD	92-04-044
173-175-600	NEW-P	92-06-091	173-305-070	REP-P	92-05-083	180-79-075	AMD	92-04-044
173-175-610	NEW-P	92-06-091	173-305-070	REP	92-10-043	180-79-080	AMD	92-04-044
173-175-620	NEW-P	92-06-091	173-305-080	REP-P	92-05-083	180-79-086	AMD	92-04-044
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173-180D-020	NEW-P	92-06-087	173-305-090	REP	92-10-043	180-79-123	NEW	92-04-044
173-180D-030	NEW-P	92-06-087	173-422-010	AMD-P	92-09-133	180-79-129	REP	92-04-044

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180-79-136	AMD	92-04-044	220-47-500	AMD-P	92-09-137	220-57-470	AMD-W	92-04-011
180-79-230	AMD	92-04-044	220-48-005	AMD-P	92-06-092	220-57-490	AMD-P	92-03-151
180-79-241	AMD-P	92-08-077	220-48-005	AMD-C	92-08-079	220-57-490	AMD-W	92-04-011
180-79-310	REP	92-04-044	220-48-00500A	NEW-E	92-09-073	220-57-50500T	NEW-E	92-08-031
180-79-311	NEW	92-04-044	220-48-011	AMD-P	92-06-092	220-57-51500H	NEW-E	92-08-031
180-79-333	NEW	92-04-044	220-48-011	AMD-C	92-08-079	220-57A-180	AMD-P	92-03-151
180-79-379	NEW	92-04-044	220-48-042	AMD-P	92-06-092	220-88-010	NEW-P	92-09-129
180-85-045	AMD	92-04-044	220-48-042	AMD-C	92-08-079	220-88-020	NEW-P	92-09-129
180-85-077	NEW	92-04-044	220-48-052	AMD-P	92-06-092	220-88-030	NEW-P	92-09-129
180-85-115	AMD	92-04-044	220-48-052	AMD-C	92-08-079	220-88-040	NEW-P	92-09-129
180-86-150	AMD-P	92-08-077	220-49-02000D	NEW-E	92-08-022	220-88-050	NEW-P	92-09-129
180-86-155	AMD-P	92-08-077	220-52-05100J	NEW-E	92-10-002	222-12-046	NEW-P	92-07-093
182-12-111	AMD	92-03-040	220-52-05100K	NEW-E	92-10-020	222-12-090	AMD-P	92-07-093
182-12-115	AMD-P	92-04-001	220-52-07300H	NEW-E	92-06-054	222-16-010	AMD	92-03-028
182-12-115	AMD-C	92-07-046	220-56-10500A	NEW-E	92-08-031	222-16-010	AMD-E	92-06-004
182-12-115	AMD	92-08-003	220-56-116	AMD-P	92-03-151	222-16-010	AMD-P	92-07-093
192-12-017	REP-P	92-07-104	220-56-145	AMD-P	92-03-151	222-16-020	AMD-P	92-07-093
192-12-019	REP-P	92-07-104	220-56-156	AMD-P	92-03-151	222-16-030	AMD-P	92-07-093
192-12-072	AMD-P	92-07-104	220-56-15600E	NEW-E	92-09-083	222-16-035	NEW-P	92-07-093
192-12-300	AMD-P	92-03-145	220-56-160	AMD-P	92-03-151	222-16-046	NEW-E	92-09-064
192-12-305	AMD-P	92-03-145	220-56-19000S	NEW-E	92-10-017	222-16-050	AMD-E	92-06-004
192-12-310	AMD-P	92-03-145	220-56-195	AMD-P	92-03-151	222-16-050	AMD-P	92-07-093
192-12-320	AMD-P	92-03-145	220-56-205	AMD-P	92-03-151	222-16-070	NEW-E	92-06-004
192-12-370	NEW-P	92-03-145	220-56-235	AMD-P	92-03-151	222-16-070	NEW-P	92-07-093
192-12-400	NEW-P	92-07-104	220-56-23500G	NEW-E	92-09-083	222-16-080	NEW-P	92-07-093
192-12-405	NEW-P	92-07-104	220-56-240	AMD-P	92-03-151	222-22-010	NEW-P	92-07-093
192-32-120	NEW	92-05-051	220-56-24000G	NEW-E	92-09-083	222-22-020	NEW-P	92-07-093
192-32-125	NEW	92-05-051	220-56-24500K	NEW-E	92-10-039	222-22-030	NEW-P	92-07-093
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196-24-050	AMD	92-09-089	220-56-25000E	NEW-E	92-09-083	222-22-050	NEW-P	92-07-093
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204-24-040	AMD	92-05-016	220-56-28000A	NEW-E	92-07-015	222-22-070	NEW-P	92-07-093
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204-38-040	AMD-P	92-05-015	220-56-310	AMD-P	92-03-151	222-24-010	AMD-P	92-07-093
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220-24-02000L	NEW-E	92-09-130	220-56-32500U	NEW-E	92-10-020	222-24-050	AMD-P	92-07-093
220-32-05100J	REP-E	92-04-051	220-56-335	AMD-P	92-03-151	222-24-060	AMD-P	92-07-093
220-32-05100K	NEW-E	92-04-051	220-56-33500G	NEW-E	92-09-083	222-30-010	AMD-P	92-07-093
220-32-05100K	REP-E	92-07-007	220-56-350	AMD-P	92-03-151	222-30-020	AMD-P	92-07-093
220-32-05100L	NEW-E	92-07-007	220-56-35000P	NEW-E	92-09-083	222-30-025	NEW-P	92-07-093
220-32-05500A	NEW-E	92-09-047	220-56-360	AMD-P	92-03-151	222-30-040	AMD-P	92-07-093
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220-32-05500B	NEW-E	92-09-106	220-56-38000J	NEW-E	92-09-083	222-30-060	AMD-P	92-07-093
220-32-05700I	NEW-E	92-03-022	220-56-400	AMD-P	92-03-151	222-30-070	AMD-P	92-07-093
220-32-05700I	REP-E	92-05-004	220-56-40000B	NEW-E	92-09-083	222-30-090	AMD-P	92-07-093
220-32-05700J	NEW-E	92-04-051	220-57-160	AMD-P	92-03-151	222-30-100	AMD-P	92-07-093
220-32-05700J	REP-E	92-07-007	220-57-16000L	NEW-E	92-04-050	222-30-110	NEW-P	92-07-093
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220-33-01000E	NEW-E	92-05-004	220-57-175	AMD-P	92-03-151	222-38-010	AMD-P	92-07-093
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220-44-030	AMD	92-07-008	220-57-205	AMD-P	92-03-151	222-38-040	NEW-P	92-07-093
220-44-04000B	NEW-E	92-10-064	220-57-205	AMD-W	92-04-011	230-20-685	NEW-C	92-08-057
220-44-050	AMD-P	92-03-150	220-57-210	AMD-P	92-03-151	230-50-580	AMD-E	92-06-033
220-44-050	AMD	92-07-008	220-57-210	AMD-W	92-04-011	232-12-021	AMD-P	92-02-086
220-44-05000R	REP-E	92-03-030	220-57-255	AMD-P	92-03-151	232-12-021	AMD-C	92-05-018
220-44-05000S	NEW-E	92-03-030	220-57-265	AMD-W	92-04-011	232-12-074	AMD-P	92-02-086
220-44-05000S	REP-E	92-08-007	220-57-31500V	NEW-E	92-08-031	232-12-074	AMD-C	92-05-018
220-44-05000T	NEW-E	92-08-007	220-57-385	AMD-P	92-03-151	232-12-077	AMD-P	92-02-086
220-44-05000T	REP-E	92-09-084	220-57-38500T	NEW-E	92-07-035	232-12-077	AMD-C	92-05-018
220-44-05000U	NEW-E	92-09-084	220-57-405	AMD-P	92-03-151	232-12-147	AMD-P	92-06-072
220-47-301	AMD-P	92-09-137	220-57-425	AMD-P	92-03-151	232-12-147	AMD-E	92-08-066
220-47-302	AMD-P	92-09-137	220-57-430	AMD-P	92-03-151	232-12-160	NEW	92-09-076
220-47-304	AMD-P	92-09-137	220-57-430	AMD-W	92-04-011	232-12-170	NEW	92-09-076
220-47-307	AMD-P	92-09-137	220-57-435	AMD-P	92-03-151	232-12-171	NEW	92-09-076
220-47-311	AMD-P	92-09-137	220-57-450	AMD-P	92-03-151	232-12-175	NEW	92-09-076
220-47-319	AMD-P	92-09-137	220-57-455	AMD-P	92-03-151	232-12-180	NEW	92-09-076
220-47-401	AMD-P	92-09-137	220-57-460	AMD-P	92-03-151	232-12-267	AMD-P	92-02-086
220-47-411	AMD-P	92-09-137	220-57-46000Y	NEW-E	92-07-035	232-12-267	AMD-C	92-05-018

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232-12-277	AMD-C	92-05-018	236-12-360	NEW	92-04-036	246-215-060	NEW-P	92-03-142
232-28-022	AMD-P	92-02-085	236-12-361	NEW	92-04-036	246-215-060	NEW	92-08-112
232-28-022	AMD	92-06-017	236-12-362	NEW	92-04-036	246-215-069	REP-P	92-03-142
232-28-022	AMD-P	92-09-042	236-12-365	NEW	92-04-036	246-215-069	REP	92-08-112
232-28-226	AMD-P	92-06-075	236-12-370	NEW	92-04-036	246-215-070	NEW-P	92-03-142
232-28-227	AMD-P	92-06-076	236-12-371	NEW	92-04-036	246-215-070	NEW	92-08-112
232-28-228	AMD-P	92-02-087	236-12-372	NEW	92-04-036	246-215-079	REP-P	92-03-142
232-28-228	AMD	92-06-018	236-14-010	NEW-P	92-10-082	246-215-079	REP	92-08-112
232-28-228	AMD-P	92-06-077	236-14-015	NEW-P	92-10-082	246-215-080	NEW-P	92-03-142
232-28-229	REP-P	92-06-078	236-14-100	NEW-P	92-10-082	246-215-080	NEW	92-08-112
232-28-230	REP-P	92-06-079	236-14-900	NEW-P	92-10-082	246-215-089	REP-P	92-03-142
232-28-231	REP-P	92-06-080	236-22-010	NEW-P	92-09-155	246-215-089	REP	92-08-112
232-28-233	NEW-P	92-06-078	236-22-100	NEW-P	92-09-155	246-215-090	NEW-P	92-03-142
232-28-234	NEW-P	92-06-079	236-48-190	AMD-P	92-05-042	246-215-090	NEW	92-08-112
232-28-235	NEW-P	92-06-080	236-48-190	AMD	92-09-016	246-215-099	REP-P	92-03-142
232-28-61825	NEW-E	92-03-013	240-10-040	AMD-E	92-09-096	246-215-099	REP	92-08-112
232-28-61826	NEW-E	92-05-022	240-15-005	AMD-P	92-08-060	246-215-100	NEW-P	92-03-142
232-28-61827	NEW-E	92-05-021	240-15-010	AMD-P	92-08-060	246-215-100	NEW	92-08-112
232-28-61828	NEW-E	92-05-019	240-15-015	AMD-P	92-08-060	246-215-109	REP-P	92-03-142
232-28-61829	NEW-E	92-05-024	240-15-020	AMD-P	92-08-060	246-215-109	REP	92-08-112
232-28-61830	NEW-E	92-08-067	240-15-025	AMD-P	92-08-060	246-215-110	NEW-P	92-03-142
232-28-61831	NEW-E	92-08-064	240-15-030	AMD-P	92-08-060	246-215-110	NEW	92-08-112
232-28-61901	NEW-P	92-02-088	240-15-035	AMD-P	92-08-060	246-215-119	REP-P	92-03-142
232-28-61901	NEW	92-07-038	246-08-390	NEW	92-07-080	246-215-119	REP	92-08-112
232-28-61902	NEW-P	92-02-089	246-205	AMD-S	92-03-143	246-215-120	NEW-P	92-03-142
232-28-61902	NEW	92-07-039	246-205	AMD-S	92-04-071	246-215-120	NEW	92-08-112
232-28-61903	NEW-P	92-02-090	246-205	AMD	92-10-027	246-215-129	REP-P	92-03-142
232-28-61903	NEW-W	92-07-037	246-205-001	AMD-S	92-03-143	246-215-129	REP	92-08-112
232-28-61904	NEW-P	92-02-091	246-205-001	AMD-S	92-04-071	246-215-130	NEW-P	92-03-142
232-28-61904	NEW	92-07-040	246-205-001	AMD	92-10-027	246-215-130	NEW	92-08-112
232-28-61905	NEW-P	92-02-092	246-205-010	AMD-S	92-04-071	246-215-139	REP-P	92-03-142
232-28-61905	NEW	92-07-041	246-205-010	AMD	92-10-027	246-215-139	REP	92-08-112
232-28-61906	NEW-P	92-02-093	246-205-520	NEW-S	92-03-143	246-215-140	NEW-P	92-03-142
232-28-61906	NEW	92-07-042	246-205-520	NEW-S	92-04-071	246-215-140	NEW	92-08-112
232-28-61907	NEW-E	92-05-020	246-205-520	NEW	92-10-027	246-215-149	REP-P	92-03-142
232-28-61907	NEW-P	92-06-073	246-205-530	NEW-S	92-03-143	246-215-149	REP	92-08-112
232-28-61908	NEW-P	92-06-074	246-205-530	NEW-S	92-04-071	246-215-150	NEW-P	92-03-142
232-28-61909	NEW-P	92-09-136	246-205-530	NEW	92-10-027	246-215-150	NEW	92-08-112
232-28-714	REP-P	92-02-094	246-205-540	NEW-S	92-03-143	246-215-159	REP-P	92-03-142
232-28-714	REP	92-06-019	246-205-540	NEW-S	92-04-071	246-215-159	REP	92-08-112
236-12-001	AMD	92-04-036	246-205-540	NEW	92-10-027	246-215-160	NEW-P	92-03-142
236-12-010	REP	92-04-036	246-205-550	NEW-S	92-03-143	246-215-160	NEW	92-08-112
236-12-011	REP	92-04-036	246-205-550	NEW-S	92-04-071	246-215-169	REP-P	92-03-142
236-12-012	REP	92-04-036	246-205-550	NEW	92-10-027	246-215-169	REP	92-08-112
236-12-013	REP	92-04-036	246-205-560	NEW-S	92-03-143	246-215-170	NEW-P	92-03-142
236-12-014	REP	92-04-036	246-205-560	NEW-S	92-04-071	246-215-170	NEW	92-08-112
236-12-015	NEW	92-04-036	246-205-560	NEW	92-10-027	246-215-179	REP-P	92-03-142
236-12-040	REP	92-04-036	246-205-570	NEW-S	92-03-143	246-215-179	REP	92-08-112
236-12-050	REP	92-04-036	246-205-570	NEW-S	92-04-071	246-215-180	NEW-P	92-03-142
236-12-060	REP	92-04-036	246-205-570	NEW	92-10-027	246-215-180	NEW	92-08-112
236-12-061	REP	92-04-036	246-205-580	NEW-S	92-03-143	246-215-189	REP-P	92-03-142
236-12-120	REP	92-04-036	246-205-580	NEW-S	92-04-071	246-215-189	REP	92-08-112
236-12-130	REP	92-04-036	246-205-580	NEW	92-10-027	246-215-190	NEW-P	92-03-142
236-12-131	REP	92-04-036	246-215-001	AMD-P	92-03-142	246-215-190	NEW	92-08-112
236-12-132	REP	92-04-036	246-215-001	AMD	92-08-112	246-215-199	REP-P	92-03-142
236-12-133	REP	92-04-036	246-215-009	REP-P	92-03-142	246-215-199	REP	92-08-112
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236-12-170	NEW	92-09-076	246-215-010	NEW-P	92-03-142	246-215-200	NEW	92-08-112
236-12-171	NEW	92-09-076	246-215-010	NEW	92-08-112	246-215-209	REP-P	92-03-142
236-12-175	NEW	92-09-076	246-215-019	REP-P	92-03-142	246-215-209	REP	92-08-112
236-12-180	NEW	92-09-076	246-215-019	REP	92-08-112	246-215-210	NEW-P	92-03-142
236-12-185	NEW	92-04-036	246-215-020	NEW-P	92-03-142	246-215-210	NEW	92-08-112
236-12-186	NEW	92-04-036	246-215-020	NEW	92-08-112	246-215-219	REP-P	92-03-142
236-12-187	NEW	92-04-036	246-215-029	REP-P	92-03-142	246-215-219	REP	92-08-112
236-12-188	NEW	92-04-036	246-215-029	REP	92-08-112	246-215-220	NEW-P	92-03-142
236-12-189	NEW	92-04-036	246-215-030	NEW-P	92-03-142	246-215-220	NEW	92-08-112
236-12-190	NEW	92-04-036	246-215-030	NEW	92-08-112	246-215-229	REP-P	92-03-142
236-12-191	NEW	92-04-036	246-215-039	REP-P	92-03-142	246-215-229	REP	92-08-112
236-12-200	AMD	92-04-036	246-215-039	REP	92-08-112	246-215-230	NEW-P	92-03-142
236-12-220	AMD	92-04-036	246-215-040	NEW-P	92-03-142	246-215-230	NEW	92-08-112
236-12-225	REP	92-04-036	246-215-040	NEW	92-08-112	246-215-239	REP-P	92-03-142
236-12-290	AMD	92-04-037	246-215-049	REP-P	92-03-142	246-215-239	REP	92-08-112
236-12-300	AMD	92-04-037	246-215-049	REP	92-08-112	246-215-240	NEW-P	92-03-142
236-12-320	AMD	92-04-036	246-215-050	NEW-P	92-03-142	246-215-240	NEW	92-08-112
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246-215-260	NEW	92-08-112	246-806-990	AMD-P	92-03-140	246-851-450	NEW-P	92-02-095
246-215-270	NEW-P	92-03-142	246-806-990	AMD	92-07-017	246-851-450	NEW	92-06-030
246-215-270	NEW	92-08-112	246-807-300	AMD-E	92-09-080	246-851-460	NEW-P	92-02-095
246-215-280	NEW-P	92-03-142	246-807-480	NEW-P	92-06-065	246-851-460	NEW	92-06-030
246-215-280	NEW	92-08-112	246-807-480	NEW-E	92-06-066	246-851-470	NEW-P	92-02-095
246-215-290	NEW-P	92-03-142	246-815-031	AMD	92-03-006	246-851-470	NEW	92-06-030
246-215-290	NEW	92-08-112	246-815-115	NEW	92-03-126	246-851-480	NEW-P	92-02-095
246-215-300	NEW-P	92-03-142	246-816-050	AMD	92-05-012	246-851-480	NEW	92-06-030
246-215-300	NEW	92-08-112	246-816-160	NEW-P	92-02-098	246-851-490	NEW-P	92-02-095
246-215-500	REP-P	92-03-142	246-816-160	NEW-W	92-06-007	246-851-490	NEW	92-06-030
246-215-500	REP	92-08-112	246-816-201	AMD	92-05-012	246-851-990	AMD	92-06-029
246-215-900	REP-P	92-03-142	246-816-210	AMD	92-05-012	246-853-990	AMD-P	92-06-028
246-215-900	REP	92-08-112	246-816-230	AMD	92-05-012	246-857-020	AMD-P	92-07-098
246-217-030	AMD-P	92-09-144	246-816-250	AMD	92-05-012	246-857-180	AMD-P	92-07-098
246-221-090	AMD	92-06-008	246-816-260	AMD	92-05-012	246-857-320	AMD-P	92-07-098
246-225-160	NEW	92-05-011	246-816-301	AMD	92-05-012	246-857-330	AMD-P	92-07-098
246-232-050	AMD	92-06-008	246-816-310	AMD	92-05-012	246-857-340	AMD-P	92-07-098
246-235-075	NEW	92-06-008	246-816-360	AMD	92-05-012	246-858-020	AMD-P	92-07-098
246-239-010	AMD	92-06-008	246-816-370	AMD	92-05-012	246-858-030	AMD-P	92-07-098
246-239-025	NEW	92-06-008	246-816-390	AMD	92-05-012	246-858-040	AMD-P	92-07-098
246-240-010	NEW	92-06-008	246-816-410	AMD	92-05-012	246-858-060	AMD-P	92-07-098
246-240-050	NEW	92-06-008	246-816-510	AMD	92-05-012	246-858-070	AMD-P	92-07-098
246-243-050	AMD	92-06-008	246-816-610	NEW-W	92-05-085	246-861-010	NEW	92-03-029
246-243-190	AMD	92-06-008	246-816-620	NEW-W	92-05-085	246-861-020	AMD	92-03-029
246-290-010	AMD	92-04-070	246-816-630	NEW-W	92-05-085	246-861-030	AMD	92-03-029
246-290-300	AMD	92-04-070	246-816-640	NEW-W	92-05-085	246-861-040	AMD	92-03-029
246-290-310	AMD	92-04-070	246-816-650	NEW-W	92-05-085	246-861-050	AMD	92-03-029
246-290-320	AMD	92-04-070	246-816-660	NEW-W	92-05-085	246-861-060	AMD	92-03-029
246-290-330	AMD	92-04-070	246-816-670	NEW-W	92-05-085	246-861-070	REP	92-03-029
246-290-480	AMD	92-04-070	246-816-680	NEW-W	92-05-085	246-861-080	REP	92-03-029
246-290-990	PREP	92-10-025	246-816-701	NEW-W	92-06-063	246-861-090	AMD	92-03-029
246-310-020	AMD	92-05-057	246-816-701	NEW-P	92-06-064	246-861-095	NEW	92-03-029
246-310-132	AMD-P	92-09-086	246-816-701	NEW	92-09-069	246-861-100	REP	92-03-029
246-310-132	AMD-E	92-09-087	246-816-710	NEW-W	92-06-063	246-861-110	REP	92-03-029
246-310-135	NEW	92-05-057	246-816-710	NEW-P	92-06-064	246-861-120	AMD	92-03-029
246-310-136	NEW	92-05-057	246-816-710	NEW	92-09-069	246-863-060	AMD-P	92-07-098
246-316-990	AMD-P	92-07-097	246-816-720	NEW-W	92-06-063	246-863-070	AMD-P	92-07-098
246-318-990	AMD-P	92-07-097	246-816-720	NEW-P	92-06-064	246-863-080	AMD-P	92-03-124
246-322-990	AMD-P	92-07-097	246-816-720	NEW	92-09-069	246-863-080	AMD-P	92-07-098
246-322-991	AMD-P	92-07-097	246-816-730	NEW-W	92-06-063	246-863-080	AMD-W	92-08-061
246-323-990	AMD-P	92-10-014	246-816-730	NEW-P	92-06-064	246-863-090	AMD-P	92-07-098
246-325-990	AMD-P	92-10-014	246-816-730	NEW	92-09-069	246-863-110	AMD-P	92-07-098
246-326-990	AMD-P	92-07-097	246-816-740	NEW-W	92-06-063	246-865-030	AMD-P	92-07-098
246-327-990	AMD-P	92-10-013	246-816-740	NEW-P	92-06-064	246-865-060	AMD-P	92-07-098
246-331-990	AMD-P	92-10-013	246-816-740	NEW	92-09-069	246-865-070	AMD-P	92-07-098
246-336-990	AMD-P	92-10-013	246-828-005	NEW-W	92-09-109	246-867-010	AMD-P	92-07-098
246-358-001	AMD	92-04-082	246-830-401	AMD-P	92-03-139	246-867-060	AMD-P	92-07-098
246-358-010	AMD	92-04-082	246-830-410	AMD-P	92-03-139	246-869-020	AMD-P	92-07-098
246-358-025	AMD	92-04-082	246-830-420	AMD-P	92-03-139	246-869-050	AMD-P	92-07-098
246-358-035	AMD	92-04-082	246-830-430	AMD-P	92-03-139	246-869-070	AMD-P	92-07-098
246-358-045	AMD	92-04-082	246-830-440	AMD-P	92-03-139	246-869-095	NEW-P	92-03-095
246-358-055	AMD	92-04-082	246-830-450	AMD-P	92-03-139	246-869-100	AMD-P	92-07-098
246-358-075	AMD	92-04-082	246-836-210	NEW-P	92-02-097	246-869-120	AMD-P	92-07-098
246-358-095	AMD	92-04-082	246-836-210	NEW	92-06-020	246-869-190	AMD-P	92-07-098
246-358-105	AMD	92-04-082	246-847-010	AMD-P	92-09-153	246-869-210	AMD-P	92-07-098
246-358-115	AMD	92-04-082	246-847-055	NEW-P	92-09-153	246-869-220	AMD-P	92-07-098
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246-358-135	AMD	92-04-082	246-847-068	NEW-P	92-09-153	246-869-240	AMD	92-08-058
246-358-145	AMD	92-04-082	246-847-070	AMD-P	92-09-153	246-871-040	AMD-P	92-07-098
246-358-155	AMD	92-04-082	246-847-080	AMD-P	92-09-153	246-873-060	AMD-P	92-07-098
246-358-175	AMD	92-04-082	246-847-110	AMD-P	92-09-153	246-873-080	AMD-P	92-07-098
246-390-001	NEW-P	92-07-078	246-847-117	NEW-P	92-09-153	246-875-020	AMD-P	92-07-098
246-390-010	NEW-P	92-07-078	246-847-125	NEW-P	92-09-153	246-875-060	AMD-P	92-07-098
246-390-020	NEW-P	92-07-078	246-847-340	NEW-P	92-09-153	246-875-070	AMD-P	92-07-098
246-390-030	NEW-P	92-07-078	246-847-350	NEW-P	92-09-153	246-875-080	AMD-P	92-07-098
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246-510-400	NEW-P	92-07-077	246-851-050	REP	92-06-030	246-879-030	AMD-P	92-07-098
246-762-010	AMD-P	92-02-096	246-851-090	AMD-P	92-02-095	246-879-030	AMD-W	92-10-026
246-762-010	AMD	92-06-067	246-851-090	AMD	92-06-030	246-879-030	AMD-P	92-10-070
246-762-020	AMD-P	92-02-096	246-851-270	PREP	92-03-032	246-879-040	AMD-P	92-07-098
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246-879-070	AMD-P	92-10-070	246-918-008	NEW-P	92-08-063	246-930-340	AMD-P	92-07-079
246-879-080	AMD-P	92-07-098	246-918-020	REP-P	92-08-063	246-930-400	AMD-P	92-07-079
246-879-080	AMD-W	92-10-026	246-918-030	AMD-P	92-08-063	246-930-410	NEW-P	92-07-079
246-879-080	AMD-P	92-10-070	246-918-035	AMD-P	92-08-063	246-930-499	AMD-P	92-07-079
246-879-100	NEW-P	92-10-070	246-918-040	REP-P	92-08-063	246-930-990	AMD-P	92-07-079
246-879-110	NEW-P	92-10-070	246-918-060	REP-P	92-08-063	246-933-250	AMD	92-03-074
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246-883-020	AMD	92-09-070	246-918-100	REP-P	92-08-063	246-933-300	NEW	92-03-074
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246-883-030	AMD-W	92-09-001	246-918-140	AMD-P	92-08-063	246-933-990	AMD-P	92-03-125
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246-883-050	NEW-P	92-03-096	246-918-170	AMD-P	92-08-063	246-935-125	NEW-P	92-03-125
246-883-050	NEW	92-09-070	246-918-180	AMD-P	92-08-063	246-935-125	NEW	92-07-036
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246-886-030	AMD-P	92-07-098	246-918-200	REP-P	92-08-063	246-935-990	AMD	92-07-036
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246-887-140	AMD	92-04-029	246-918-290	REP-P	92-08-063	250-20-021	AMD-C	92-09-141
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246-887-210	NEW	92-09-071	246-918-350	REP-P	92-08-063	250-25-045	NEW	92-03-002
246-889-020	AMD-P	92-07-098	246-918-360	REP-P	92-08-063	250-25-050	NEW	92-03-002
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246-893-030	AMD-P	92-07-098	246-920-030	AMD-E	92-07-096	250-25-090	NEW	92-03-002
246-893-040	AMD-P	92-07-098	246-920-030	AMD-P	92-10-069	250-67-010	REP	92-03-002
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246-893-998	AMD-P	92-07-098	246-924-991	NEW-W	92-07-016	250-67-050	REP	92-03-002
246-895-020	AMD-P	92-07-098	246-924-992	NEW-E	92-03-107	250-67-060	REP	92-03-002
246-895-040	AMD-P	92-07-098	246-924-992	NEW-P	92-03-141	250-68-001	REP	92-03-002
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308-20-130	AMD	92-04-006	308-102-020	AMD-P	92-05-061	315-11-691	AMD	92-03-048
308-20-140	AMD	92-04-006	308-102-020	AMD	92-08-045	315-11-710	NEW	92-03-048
308-20-150	AMD	92-04-006	308-102-040	REP-P	92-05-061	315-11-711	NEW	92-03-048
308-20-155	AMD	92-04-006	308-102-040	REP	92-08-045	315-11-712	NEW	92-03-048
308-20-171	AMD	92-04-006	308-102-100	AMD-P	92-05-061	315-11-730	NEW	92-03-048
308-20-172	NEW	92-04-006	308-102-100	AMD	92-08-045	315-11-731	NEW	92-03-048
308-20-175	AMD	92-04-006	308-102-110	REP-P	92-05-061	315-11-732	NEW	92-03-048
308-20-180	AMD	92-04-006	308-102-110	REP	92-08-045	315-11-740	NEW	92-03-048
308-20-205	AMD	92-04-006	308-102-120	REP-P	92-05-061	315-11-741	NEW	92-03-048
308-20-208	NEW	92-04-006	308-102-120	REP	92-08-045	315-11-742	NEW	92-03-048
308-20-210	AMD	92-04-006	308-102-125	REP-P	92-05-061	315-11-750	NEW-P	92-03-146
308-20-210	AMD-P	92-10-079	308-102-125	REP	92-08-045	315-11-750	NEW-W	92-05-069
308-20-310	NEW-P	92-10-079	308-102-130	AMD-P	92-05-061	315-11-751	NEW-P	92-03-146
308-20-500	NEW-P	92-10-079	308-102-130	AMD	92-08-045	315-11-751	NEW-W	92-05-069
308-20-510	NEW-P	92-10-079	308-102-140	AMD-P	92-05-061	315-11-752	NEW-P	92-03-146
308-20-520	NEW-P	92-10-079	308-102-140	AMD	92-08-045	315-11-752	NEW-W	92-05-069
308-20-530	NEW-P	92-10-079	308-102-150	REP-P	92-05-061	315-11-753	NEW	92-08-002
308-20-540	NEW-P	92-10-079	308-102-150	REP	92-08-045	315-11-754	NEW	92-08-002
308-20-545	NEW-P	92-10-079	308-102-160	REP-P	92-05-061	315-11-755	NEW	92-08-002
308-20-550	NEW-P	92-10-079	308-102-160	REP	92-08-045	315-11-760	NEW-P	92-03-146
308-20-560	NEW-P	92-10-079	308-102-170	REP-P	92-05-061	315-11-760	NEW	92-08-002
308-20-570	NEW-P	92-10-079	308-102-170	REP	92-08-045	315-11-761	NEW-P	92-03-146
308-20-590	NEW-P	92-10-079	308-102-180	REP-P	92-05-061	315-11-761	NEW	92-08-002
308-20-600	NEW-P	92-10-079	308-102-180	REP	92-08-045	315-11-762	NEW-P	92-03-146
308-20-610	NEW-P	92-10-079	308-102-190	AMD-P	92-05-061	315-11-762	NEW	92-08-002
308-20-630	NEW-P	92-10-079	308-102-190	AMD	92-08-045	315-11-770	NEW-P	92-03-146
308-20-640	NEW-P	92-10-079	308-102-200	AMD-P	92-05-061	315-11-770	NEW-P	92-08-093
308-20-670	NEW-P	92-10-079	308-102-200	AMD	92-08-045	315-11-771	NEW-P	92-03-146
308-20-680	NEW-P	92-10-079	308-102-210	REP-P	92-05-061	315-11-771	NEW-P	92-08-093
308-20-690	NEW-P	92-10-079	308-102-210	REP	92-08-045	315-11-772	NEW-P	92-03-146
308-20-700	NEW-P	92-10-079	308-102-220	REP-P	92-05-061	315-11-772	NEW-P	92-08-093
308-56A-140	AMD	92-03-077	308-102-220	REP	92-08-045	315-11-780	NEW-P	92-08-093
308-56A-470	NEW	92-03-077	308-102-230	REP-P	92-05-061	315-11-781	NEW-P	92-08-093
308-89-020	AMD-P	92-09-145	308-102-230	REP	92-08-045	315-11-782	NEW-P	92-08-093
308-89-040	AMD-P	92-09-145	308-102-240	REP-P	92-05-061	315-11-790	NEW-P	92-08-093
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308-90-150	AMD	92-06-009	308-102-250	AMD	92-08-045	315-11-800	NEW-P	92-08-093
308-93-050	AMD	92-03-075	308-102-255	NEW-P	92-05-061	315-11-801	NEW-P	92-08-093
308-93-070	AMD	92-03-075	308-102-255	NEW	92-08-045	315-11-802	NEW-P	92-08-093
308-93-290	AMD	92-03-075	308-102-260	AMD-P	92-05-061	315-30-020	AMD-P	92-08-093
308-93-295	AMD	92-06-009	308-102-260	AMD	92-08-045	315-30-030	AMD-P	92-08-093
308-96A-005	AMD	92-02-100	308-102-265	AMD-P	92-05-061	315-30-040	AMD-P	92-08-093
308-96A-040	AMD	92-02-100	308-102-265	AMD	92-08-045	315-31-060	AMD-P	92-08-093
308-96A-046	AMD	92-02-100	308-102-270	REP-P	92-05-061	315-33A-010	AMD-P	92-08-093
308-96A-100	AMD	92-03-076	308-102-270	REP	92-08-045	315-33A-020	AMD-P	92-08-093
308-96A-136	AMD	92-02-100	308-102-280	REP-P	92-05-061	315-33B-010	NEW-P	92-03-146
308-96A-201	NEW	92-02-100	308-102-280	REP	92-08-045	315-33B-010	NEW	92-08-002
308-96A-205	AMD	92-02-100	308-102-290	AMD-P	92-05-061	315-33B-020	NEW-P	92-03-146
308-96A-206	NEW	92-02-100	308-102-290	AMD	92-08-045	315-33B-020	NEW	92-08-002
308-96A-207	NEW	92-02-100	308-102-295	REP-P	92-05-061	315-33B-030	NEW-P	92-03-146
308-96A-208	NEW	92-02-100	308-102-295	REP	92-08-045	315-33B-030	NEW	92-08-002
308-96A-210	AMD	92-02-100	308-104-160	AMD-P	92-05-061	315-33B-040	NEW-P	92-03-146
308-96A-220	AMD	92-02-100	308-104-160	AMD	92-08-045	315-33B-040	NEW	92-08-002
308-96A-260	AMD	92-02-100	308-104-340	NEW-P	92-05-061	315-33B-050	NEW-P	92-03-146
308-96A-275	AMD	92-02-100	308-104-340	NEW	92-08-045	315-33B-050	NEW	92-08-002
308-96A-300	AMD	92-02-100	308-300-220	AMD-P	92-07-095	315-33B-060	NEW-P	92-03-146
308-96A-306	AMD	92-03-076	308-300-220	AMD	92-10-010	315-33B-060	NEW	92-08-002
308-96A-310	AMD	92-03-076	308-300-230	AMD-P	92-07-095	315-33B-070	NEW-P	92-03-146
308-96A-315	AMD	92-03-076	308-300-230	AMD	92-10-010	315-33B-070	NEW	92-08-002
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308-96A-325	AMD	92-03-076	308-300-240	AMD	92-10-010	315-34-020	AMD-P	92-08-093
308-96A-330	AMD	92-03-076	308-300-250	AMD-P	92-07-095	315-34-040	AMD-P	92-03-146

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315-40-010	NEW	92-03-048	326-08-015	AMD-E	92-07-001	326-20-096	AMD-E	92-07-102
315-40-020	NEW	92-03-048	326-08-016	NEW-E	92-07-001	326-20-096	AMD-P	92-07-103
315-40-030	NEW	92-03-048	326-08-018	NEW-E	92-07-001	326-20-097	REP-E	92-07-001
315-40-040	NEW	92-03-048	326-08-020	AMD-E	92-07-001	326-20-097	RESCIND	92-07-102
315-40-050	NEW	92-03-048	326-08-035	NEW-E	92-07-001	326-20-097	REP-E	92-07-102
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315-40-070	NEW	92-03-048	326-08-050	AMD-E	92-07-001	326-20-098	AMD-E	92-07-001
315-40-080	NEW	92-03-048	326-08-051	NEW-E	92-07-001	326-20-098	RESCIND	92-07-102
315-41-50100	NEW	92-03-048	326-08-060	REP-E	92-07-001	326-20-098	AMD-E	92-07-102
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315-41-50120	NEW	92-03-048	326-08-080	AMD-E	92-07-001	326-20-110	AMD-E	92-07-001
315-41-50200	NEW	92-03-048	326-08-090	AMD-E	92-07-001	326-20-110	RESCIND	92-07-102
315-41-50210	NEW	92-03-048	326-08-095	AMD-E	92-07-001	326-20-110	AMD-E	92-07-102
315-41-50220	NEW	92-03-048	326-08-100	AMD-E	92-07-001	326-20-110	AMD-P	92-07-103
315-41-50300	NEW	92-03-048	326-08-105	NEW-E	92-07-001	326-20-115	AMD-E	92-07-001
315-41-50310	NEW	92-03-048	326-08-110	AMD-E	92-07-001	326-20-115	RESCIND	92-07-102
315-41-50320	NEW	92-03-048	326-08-120	AMD-E	92-07-001	326-20-115	AMD-E	92-07-102
315-41-50400	NEW-P	92-03-146	326-08-130	AMD-E	92-07-001	326-20-115	AMD-P	92-07-103
315-41-50400	NEW	92-08-094	326-08-140	NEW-E	92-07-001	326-20-120	AMD-E	92-07-001
315-41-50410	NEW-P	92-03-146	326-20-010	AMD-E	92-07-001	326-20-120	RESCIND	92-07-102
315-41-50410	NEW	92-08-094	326-20-010	RESCIND	92-07-102	326-20-120	AMD-E	92-07-102
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315-41-50500	NEW	92-08-094	326-20-020	RESCIND	92-07-102	326-20-130	AMD-E	92-07-102
315-41-50510	NEW-P	92-03-146	326-20-020	REP-E	92-07-102	326-20-130	AMD-P	92-07-103
315-41-50510	NEW	92-08-094	326-20-020	REP-P	92-07-103	326-20-140	AMD-E	92-07-001
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315-41-50520	NEW	92-08-094	326-20-030	RESCIND	92-07-102	326-20-140	AMD-E	92-07-102
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315-41-50610	NEW-P	92-03-146	326-20-040	AMD-E	92-07-001	326-20-150	RESCIND	92-07-102
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315-41-50620	NEW	92-08-094	326-20-040	AMD-P	92-07-103	326-20-160	AMD-E	92-07-001
318-04-030	AMD	92-03-061	326-20-050	AMD-E	92-07-001	326-20-160	RESCIND	92-07-102
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326-02-010	RESCIND	92-07-102	326-20-050	AMD-E	92-07-102	326-20-160	AMD-P	92-07-103
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326-02-020	RESCIND	92-07-102	326-20-060	AMD-E	92-07-102	326-20-170	AMD-P	92-07-103
326-02-020	AMD-E	92-07-102	326-20-060	AMD-P	92-07-103	326-20-171	AMD-E	92-07-001
326-02-020	AMD-P	92-07-103	326-20-070	AMD-E	92-07-001	326-20-171	RESCIND	92-07-102
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326-02-030	RESCIND	92-07-102	326-20-070	AMD-E	92-07-102	326-20-171	AMD-P	92-07-103
326-02-030	AMD-E	92-07-102	326-20-070	AMD-P	92-07-103	326-20-172	AMD-E	92-07-001
326-02-030	AMD-P	92-07-103	326-20-080	AMD-E	92-07-001	326-20-172	RESCIND	92-07-102
326-02-040	AMD-E	92-07-001	326-20-080	RESCIND	92-07-102	326-20-172	AMD-E	92-07-102
326-02-040	RESCIND	92-07-102	326-20-080	AMD-E	92-07-102	326-20-172	AMD-P	92-07-103
326-02-040	AMD-E	92-07-102	326-20-080	AMD-P	92-07-103	326-20-173	AMD-E	92-07-001
326-02-040	AMD-P	92-07-103	326-20-081	AMD-E	92-07-001	326-20-173	RESCIND	92-07-102
326-02-045	NEW-E	92-07-001	326-20-081	RESCIND	92-07-102	326-20-173	AMD-E	92-07-102
326-02-045	RESCIND	92-07-102	326-20-081	AMD-E	92-07-102	326-20-173	AMD-P	92-07-103
326-02-045	NEW-E	92-07-102	326-20-081	AMD-P	92-07-103	326-20-180	AMD-E	92-07-001
326-02-045	NEW-P	92-07-103	326-20-091	REP-E	92-07-001	326-20-180	RESCIND	92-07-102
326-02-050	AMD-E	92-07-001	326-20-091	RESCIND	92-07-102	326-20-180	AMD-E	92-07-102
326-02-050	RESCIND	92-07-102	326-20-091	REP-E	92-07-102	326-20-180	AMD-P	92-07-103
326-02-050	AMD-E	92-07-102	326-20-091	REP-P	92-07-103	326-20-185	AMD-E	92-07-001
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326-02-060	AMD-E	92-07-102	326-20-092	AMD-P	92-07-103	326-20-190	AMD-E	92-07-001
326-02-060	AMD-P	92-07-103	326-20-093	REP-E	92-07-001	326-20-190	RESCIND	92-07-102
326-02-070	AMD-E	92-07-001	326-20-093	RESCIND	92-07-102	326-20-190	AMD-E	92-07-102
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326-02-070	AMD-P	92-07-103	326-20-094	AMD-E	92-07-001	326-20-200	RESCIND	92-07-102
326-02-080	AMD-E	92-07-001	326-20-094	RESCIND	92-07-102	326-20-200	REP-E	92-07-102
326-02-080	RESCIND	92-07-102	326-20-094	AMD-E	92-07-102	326-20-200	REP-P	92-07-103
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326-02-090	RESCIND	92-07-102	326-20-095	AMD-E	92-07-102	326-20-220	AMD-P	92-07-103
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326-30-035	REP-P	92-09-151	365-80-020	REP-P	92-09-146	
326-30-036	REP-P	92-09-151	365-80-020	REP-E	92-09-147	
326-30-037	REP-P	92-09-151	365-80-030	REP-P	92-09-146	
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326-30-03903	REP-P	92-09-151	365-80-050	REP-E	92-09-147	
326-30-040	REP-P	92-09-151	365-80-060	REP-P	92-09-146	
326-30-041	NEW-P	92-09-151	365-80-060	REP-E	92-09-147	
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326-30-050	REP-P	92-09-151	365-80-070	REP-E	92-09-147	
326-30-051	NEW-P	92-09-151	365-80-080	REP-P	92-09-146	
326-30-060	REP-P	92-09-151	365-80-080	REP-E	92-09-147	
326-30-070	REP-P	92-09-151	365-80-090	REP-P	92-09-146	
326-30-080	REP-P	92-09-151	365-80-090	REP-E	92-09-147	
326-30-090	REP-P	92-09-151	365-80-100	NEW-P	92-09-146	
326-30-100	REP-P	92-09-151	365-80-100	NEW-E	92-09-147	
326-30-110	AMD-P	92-09-151	365-80-110	NEW-P	92-09-146	
326-40-010	AMD-P	92-09-151	365-80-110	NEW-E	92-09-147	
326-40-020	AMD-P	92-09-151	365-80-120	NEW-P	92-09-146	
326-40-030	NEW-P	92-09-151	365-80-120	NEW-E	92-09-147	
326-40-040	NEW-P	92-09-151	365-80-130	NEW-P	92-09-146	
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326-40-060	NEW-P	92-09-151	365-80-140	NEW-P	92-09-146	
326-40-070	NEW-P	92-09-151	365-80-140	NEW-E	92-09-147	
326-40-075	NEW-P	92-09-151	365-80-150	NEW-P	92-09-146	
326-40-080	NEW-P	92-09-151	365-80-150	NEW-E	92-09-147	
326-40-090	NEW-P	92-09-151	365-80-160	NEW-P	92-09-146	
326-40-100	AMD-P	92-09-151	365-80-160	NEW-E	92-09-147	
332-18-010	AMD-W	92-10-068	365-80-170	NEW-P	92-09-146	
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392-163-415	AMD-P	92-10-062	434-30-060	NEW	92-10-038
392-163-420	AMD-P	92-10-062	434-30-070	NEW	92-10-038
392-163-425	AMD-P	92-10-062	434-30-080	NEW	92-10-038
392-163-440	AMD-P	92-10-062	434-30-090	NEW	92-10-038
392-163-445	AMD-P	92-10-062	434-30-100	NEW	92-10-038
392-163-450	AMD-P	92-10-062	434-30-110	NEW	92-10-038
392-163-455	AMD-P	92-10-062	434-30-120	NEW	92-10-038
392-163-460	AMD-P	92-10-062	434-30-130	NEW	92-10-038
392-163-465	AMD-P	92-10-062	434-30-140	NEW	92-10-038
392-163-470	NEW-P	92-10-062	434-30-150	NEW	92-10-038
392-163-475	NEW-P	92-10-062	434-30-160	NEW	92-10-038
392-163-480	NEW-P	92-10-062	434-30-170	NEW	92-10-038
392-163-485	NEW-P	92-10-062	434-30-180	NEW	92-10-038
392-163-490	NEW-P	92-10-062	434-30-190	NEW	92-10-038
392-163-495	NEW-P	92-10-062	434-30-200	NEW	92-10-038
392-163-500	AMD-P	92-10-062	434-30-210	NEW	92-10-038
392-163-505	NEW-P	92-10-062	434-30-220	NEW	92-10-038
392-163-510	NEW-P	92-10-062	434-34-010	NEW-S	92-09-112
392-163-515	NEW-P	92-10-062	434-34-015	NEW-S	92-09-112
392-163-520	NEW-P	92-10-062	434-34-020	NEW-S	92-09-112
434-34-025	NEW-S				
434-34-030	NEW-S				
434-34-035	NEW-S				
434-34-040	NEW-S				
434-34-045	NEW-S				
434-34-050	NEW-S				
434-34-055	NEW-S				
434-34-060	NEW-S				
434-34-065	NEW-S				
434-34-070	NEW-S				
434-34-075	NEW-S				
434-34-080	NEW-S				
434-34-085	NEW-S				
434-34-090	NEW-S				
434-34-095	NEW-S				
434-34-100	NEW-S				
434-34-105	NEW-S				
434-34-110	NEW-S				
434-34-115	NEW-S				
434-53-010	NEW-S				
434-53-020	NEW-S				
434-53-030	NEW-S				
434-53-040	NEW-S				
434-53-050	NEW-S				
434-53-060	NEW-S				
434-53-070	NEW-S				
434-53-080	NEW-S				
434-53-090	NEW-S				
434-53-100	NEW-S				
434-53-110	NEW-S				
434-53-120	NEW-S				
434-53-130	NEW-S				
434-53-140	NEW-S				
434-53-150	NEW-S				
434-53-160	NEW-S				
434-53-170	NEW-S				
434-53-180	NEW-S				
434-53-190	NEW-S				
434-53-200	NEW-S				
434-53-210	NEW-S				
434-53-220	NEW-S				
434-53-230	NEW-S				
434-53-240	NEW-S				
434-53-250	NEW-S				
434-53-260	NEW-S				
434-53-270	NEW-S				
434-53-280	NEW-S				
434-53-290	NEW-S				
434-53-300	NEW-S				
434-53-310	NEW-S				
434-53-320	NEW-S				
434-61-010	NEW				92-10-038
434-61-020	NEW				92-10-038
434-61-030	NEW				92-10-038
434-61-040	NEW				92-10-038
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434-61-060	NEW				92-10-038
434-62-150	NEW-S				92-09-112
434-62-160	NEW-S				92-09-112
434-62-170	NEW-S				92-09-112
434-62-180	NEW-S				92-09-112
434-62-190	NEW-S				92-09-112
434-62-200	NEW-S				92-09-112
434-75-240	AMD-P				92-05-023
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434-75-250	AMD				92-08-032
434-166-010	NEW-E				92-02-103
434-166-010	NEW-P				92-02-104
434-166-010	NEW				92-10-023
434-166-020	NEW-E				92-02-103
434-166-020	NEW-P				92-02-104
434-166-020	NEW				92-10-023
434-166-030	NEW-E				92-02-103
434-166-030	NEW-P				92-02-104
434-166-030	NEW				92-10-023
434-166-040	NEW-E				92-02-103

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434-166-040	NEW	92-10-023	434-166-300	NEW-P	92-02-104	458-30-262	AMD	92-03-068
434-166-050	NEW-E	92-02-103	434-166-300	NEW	92-10-023	458-40-615	NEW-E	92-08-018
434-166-050	NEW-P	92-02-104	434-166-310	NEW-E	92-02-103	458-40-615	PREP	92-10-060
434-166-050	NEW	92-10-023	434-166-310	NEW-P	92-02-104	458-40-650	AMD-E	92-06-040
434-166-060	NEW-E	92-02-103	434-166-310	NEW	92-10-023	458-40-650	AMD-E	92-06-057
434-166-060	NEW-P	92-02-104	434-166-320	NEW-E	92-02-103	458-40-650	AMD-P	92-10-061
434-166-060	NEW	92-10-023	434-166-320	NEW-P	92-02-104	458-40-660	PREP	92-06-037
434-166-070	NEW-E	92-02-103	434-166-320	NEW	92-10-023	458-40-660	AMD-E	92-06-040
434-166-070	NEW-P	92-02-104	434-166-330	NEW-E	92-02-103	458-40-660	AMD-E	92-06-057
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434-166-080	NEW-E	92-02-103	434-166-330	NEW	92-10-023	458-40-670	PREP	92-06-037
434-166-080	NEW-P	92-02-104	434-166-340	NEW-E	92-02-103	458-40-670	AMD-E	92-06-040
434-166-080	NEW	92-10-023	434-166-340	NEW-P	92-02-104	458-40-670	AMD-E	92-06-057
434-166-090	NEW-E	92-02-103	434-166-340	NEW	92-10-023	458-40-670	AMD-P	92-10-061
434-166-090	NEW-P	92-02-104	434-166-350	NEW-E	92-02-103	458-40-684	AMD-P	92-10-061
434-166-090	NEW	92-10-023	434-166-350	NEW-P	92-02-104	463-06-020	AMD-P	92-02-099
434-166-100	NEW-E	92-02-103	434-166-350	NEW	92-10-023	463-06-020	AMD	92-09-013
434-166-100	NEW-P	92-02-104	434-166-360	NEW-E	92-02-103	463-06-030	AMD-P	92-02-099
434-166-100	NEW	92-10-023	434-166-360	NEW-P	92-02-104	463-06-030	AMD	92-09-013
434-166-110	NEW-E	92-02-103	434-630-010	NEW-P	92-09-017	463-06-040	AMD-P	92-02-099
434-166-110	NEW-P	92-02-104	434-630-020	NEW-P	92-09-017	463-06-040	AMD	92-09-013
434-166-110	NEW	92-10-023	434-630-030	NEW-P	92-09-017	463-06-050	AMD-P	92-02-099
434-166-120	NEW-E	92-02-103	434-630-040	NEW-P	92-09-017	463-06-050	AMD	92-09-013
434-166-120	NEW-P	92-02-104	434-630-050	NEW-P	92-09-017	463-06-070	AMD-P	92-02-099
434-166-120	NEW	92-10-023	434-630-060	NEW-P	92-09-017	463-06-070	AMD	92-09-013
434-166-130	NEW-E	92-02-103	434-635-010	NEW-P	92-09-018	463-06-150	AMD-P	92-02-099
434-166-130	NEW-P	92-02-104	434-635-020	NEW-P	92-09-018	463-06-150	AMD	92-09-013
434-166-130	NEW	92-10-023	434-635-030	NEW-P	92-09-018	463-26-030	REP-P	92-02-099
434-166-140	NEW-E	92-02-103	434-635-040	NEW-P	92-09-018	463-26-030	REP	92-09-013
434-166-140	NEW-P	92-02-104	434-635-050	NEW-P	92-09-018	463-39-005	NEW-P	92-02-099
434-166-140	NEW	92-10-023	434-635-060	NEW-P	92-09-018	463-39-005	NEW	92-09-013
434-166-150	NEW-E	92-02-103	434-640-010	NEW	92-05-060	463-39-010	AMD-P	92-02-099
434-166-150	NEW-P	92-02-104	434-640-020	NEW	92-05-060	463-39-010	AMD	92-09-013
434-166-150	NEW	92-10-023	434-640-030	NEW	92-05-060	463-39-030	AMD-P	92-02-099
434-166-160	NEW-E	92-02-103	434-677-010	NEW-P	92-04-026	463-39-030	AMD	92-09-013
434-166-160	NEW-P	92-02-104	434-677-010	NEW	92-08-020	463-39-040	REP-P	92-02-099
434-166-160	NEW	92-10-023	434-677-020	NEW-P	92-04-026	463-39-040	REP	92-09-013
434-166-170	NEW-E	92-02-103	434-677-020	NEW	92-08-020	463-39-050	REP-P	92-02-099
434-166-170	NEW-P	92-02-104	434-677-030	NEW-P	92-04-026	463-39-050	REP	92-09-013
434-166-170	NEW	92-10-023	434-677-030	NEW	92-08-020	463-39-060	REP-P	92-02-099
434-166-180	NEW-E	92-02-103	434-677-040	NEW-P	92-04-026	463-39-060	REP	92-09-013
434-166-180	NEW-P	92-02-104	434-677-040	NEW	92-08-020	463-39-080	REP-P	92-02-099
434-166-180	NEW	92-10-023	434-677-050	NEW-P	92-04-026	463-39-080	REP	92-09-013
434-166-190	NEW-E	92-02-103	434-677-050	NEW	92-08-020	463-39-110	REP-P	92-02-099
434-166-190	NEW-P	92-02-104	434-677-060	NEW-P	92-04-026	463-39-110	REP	92-09-013
434-166-190	NEW	92-10-023	434-677-060	NEW	92-08-020	463-39-115	AMD-P	92-02-099
434-166-200	NEW-E	92-02-103	434-677-070	NEW-P	92-04-026	463-39-115	AMD	92-09-013
434-166-200	NEW-P	92-02-104	434-677-070	NEW	92-08-020	463-39-120	AMD-P	92-02-099
434-166-200	NEW	92-10-023	434-677-080	NEW-P	92-04-026	463-39-120	AMD	92-09-013
434-166-210	NEW-E	92-02-103	434-677-080	NEW	92-08-020	463-39-150	REP-P	92-02-099
434-166-210	NEW-P	92-02-104	458-16-013	PREP	92-04-069	463-39-150	REP	92-09-013
434-166-210	NEW	92-10-023	458-16-013	AMD-P	92-04-079	463-39-150	REP	92-02-099
434-166-220	NEW-E	92-02-103	458-16-013	AMD-E	92-06-039	463-42-055	AMD-P	92-02-099
434-166-220	NEW-P	92-02-104	458-16-020	PREP	92-04-069	463-42-055	AMD	92-09-013
434-166-220	NEW	92-10-023	458-16-020	AMD-P	92-04-079	463-42-165	AMD-P	92-02-099
434-166-230	NEW-E	92-02-103	458-16-020	AMD-E	92-06-039	463-42-165	AMD	92-09-013
434-166-230	NEW-P	92-02-104	458-18-010	PREP	92-04-068	463-42-195	AMD-P	92-02-099
434-166-230	NEW	92-10-023	458-18-010	AMD-P	92-04-078	463-42-195	AMD	92-09-013
434-166-240	NEW-E	92-02-103	458-18-010	AMD-E	92-06-038	463-42-225	AMD-P	92-02-099
434-166-240	NEW-P	92-02-104	458-18-020	PREP	92-04-068	463-42-225	AMD	92-09-013
434-166-240	NEW	92-10-023	458-18-020	AMD-P	92-04-078	463-42-265	AMD-P	92-02-099
434-166-250	NEW-E	92-02-103	458-18-020	AMD-E	92-06-038	463-42-265	AMD	92-09-013
434-166-250	NEW-P	92-02-104	458-20-105	AMD-P	92-03-066	463-42-345	AMD-P	92-02-099
434-166-250	NEW	92-10-023	458-20-105	AMD	92-06-082	463-42-345	AMD	92-09-013
434-166-260	NEW-E	92-02-103	458-20-132	AMD	92-05-066	463-42-445	AMD-P	92-02-099
434-166-260	NEW-P	92-02-104	458-20-164	AMD-P	92-03-067	463-42-445	AMD	92-09-013
434-166-260	NEW	92-10-023	458-20-166	AMD	92-05-064	463-42-455	AMD-P	92-02-099
434-166-270	NEW-E	92-02-103	458-20-18601	NEW-P	92-03-065	463-42-455	AMD	92-09-013
434-166-270	NEW-P	92-02-104	458-20-18601	NEW	92-06-081	463-42-465	AMD-P	92-02-099
434-166-270	NEW	92-10-023	458-20-18801	AMD	92-05-065	463-42-465	AMD	92-09-013
434-166-280	NEW-E	92-02-103	458-20-199	AMD	92-03-026	463-42-595	AMD-P	92-02-099
434-166-280	NEW-P	92-02-104	458-20-228	AMD	92-03-025	463-42-595	AMD	92-09-013
434-166-280	NEW	92-10-023	458-20-229	AMD-P	92-05-017	463-42-625	AMD-P	92-02-099
434-166-290	NEW-E	92-02-103	458-20-260	NEW-E	92-04-015	463-42-625	AMD	92-09-013
434-166-290	NEW-P	92-02-104	458-20-260	PREP	92-05-052	463-42-685	NEW-P	92-02-099
434-166-290	NEW	92-10-023	458-20-260	NEW-P	92-07-092	463-42-685	NEW-P	92-06-070
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463-42-690	NEW-P	92-02-099	478-160-320	AMD-P	92-08-065	495A-108-010	NEW-P	92-07-101
463-42-690	NEW	92-09-013	479-01-020	AMD-P	92-08-095	495A-108-010	NEW-E	92-08-004
463-47-051	AMD-P	92-02-099	480-04-010	REP	92-07-006	495A-108-020	NEW-P	92-07-101
463-47-051	AMD	92-09-013	480-04-020	AMD	92-07-006	495A-108-020	NEW-E	92-08-004
463-47-090	AMD-P	92-02-099	480-04-030	AMD	92-07-006	495A-108-030	NEW-P	92-07-101
463-47-090	AMD	92-09-013	480-04-040	REP	92-07-006	495A-108-030	NEW-E	92-08-004
468-51-010	NEW-P	92-10-041	480-04-050	AMD	92-07-006	495A-108-040	NEW-P	92-07-101
468-51-020	NEW-P	92-10-041	480-04-060	AMD	92-07-006	495A-108-040	NEW-E	92-08-004
468-51-030	NEW-P	92-10-041	480-04-065	NEW	92-07-006	495A-108-050	NEW-P	92-07-101
468-51-040	NEW-P	92-10-041	480-04-070	AMD	92-07-006	495A-108-050	NEW-E	92-08-004
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468-51-060	NEW-P	92-10-041	480-04-090	AMD	92-07-006	495A-108-060	NEW-E	92-08-004
468-51-070	NEW-P	92-10-041	480-04-095	NEW	92-07-006	495A-108-070	NEW-P	92-07-101
468-51-080	NEW-P	92-10-041	480-04-110	AMD	92-07-006	495A-108-070	NEW-E	92-08-004
468-51-090	NEW-P	92-10-041	480-04-120	AMD	92-07-006	495A-108-080	NEW-P	92-07-101
468-51-100	NEW-P	92-10-041	480-04-130	AMD	92-07-006	495A-108-080	NEW-E	92-08-004
468-51-110	NEW-P	92-10-041	480-09-100	AMD	92-07-006	495A-120-010	NEW-P	92-07-101
468-51-120	NEW-P	92-10-041	480-09-210	AMD	92-07-006	495A-120-010	NEW-E	92-08-004
468-51-130	NEW-P	92-10-041	480-12-375	AMD-P	92-05-092	495A-120-020	NEW-P	92-07-101
468-51-140	NEW-P	92-10-041	480-12-375	AMD	92-09-014	495A-120-020	NEW-E	92-08-004
468-51-150	NEW-P	92-10-041	480-70-350	AMD	92-03-082	495A-120-030	NEW-P	92-07-101
468-66-010	AMD-P	92-06-010	480-80-047	AMD-W	92-10-067	495A-120-030	NEW-E	92-08-004
468-66-010	AMD	92-09-043	480-80-048	NEW	92-07-010	495A-120-040	NEW-P	92-07-101
468-66-090	AMD-P	92-06-010	480-80-049	NEW-P	92-05-089	495A-120-040	NEW-E	92-08-004
468-66-090	AMD	92-09-043	480-80-049	NEW	92-08-075	495A-120-045	NEW-P	92-07-101
468-66-140	AMD-P	92-06-010	480-92-011	NEW	92-03-050	495A-120-045	NEW-E	92-08-004
468-66-140	AMD	92-09-043	480-92-021	NEW	92-03-050	495A-120-050	NEW-P	92-07-101
478-138-010	AMD-P	92-09-154	480-92-031	NEW	92-03-050	495A-120-050	NEW-E	92-08-004
478-138-020	AMD-P	92-09-154	480-92-050	NEW	92-03-050	495A-120-060	NEW-P	92-07-101
478-138-030	AMD-P	92-09-154	480-92-060	NEW	92-03-050	495A-120-060	NEW-E	92-08-004
478-138-040	AMD-P	92-09-154	480-92-070	NEW	92-03-050	495A-120-070	NEW-P	92-07-101
478-138-050	REP-P	92-09-154	480-92-080	NEW	92-03-050	495A-120-070	NEW-E	92-08-004
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478-160-020	AMD-P	92-08-065	480-92-100	NEW	92-03-050	495A-120-080	NEW-E	92-08-004
478-160-025	AMD-P	92-08-065	480-92-110	NEW	92-03-050	495A-120-090	NEW-P	92-07-101
478-160-030	AMD-P	92-08-065	480-93-002	AMD-P	92-06-086	495A-120-090	NEW-E	92-08-004
478-160-035	AMD-P	92-08-065	480-93-005	AMD-P	92-06-086	495A-120-100	NEW-P	92-07-101
478-160-040	AMD-P	92-08-065	480-93-010	AMD-P	92-06-086	495A-120-100	NEW-E	92-08-004
478-160-045	AMD-P	92-08-065	480-93-015	NEW-P	92-06-086	495A-120-110	NEW-P	92-07-101
478-160-050	AMD-P	92-08-065	480-93-017	NEW-P	92-06-086	495A-120-110	NEW-E	92-08-004
478-160-055	AMD-P	92-08-065	480-93-018	NEW-P	92-06-086	495A-120-120	NEW-P	92-07-101
478-160-060	AMD-P	92-08-065	480-93-020	AMD-P	92-06-086	495A-120-120	NEW-E	92-08-004
478-160-065	AMD-P	92-08-065	480-93-030	AMD-P	92-06-086	495A-120-130	NEW-P	92-07-101
478-160-085	AMD-P	92-08-065	480-93-082	NEW-P	92-06-086	495A-120-130	NEW-E	92-08-004
478-160-090	REP-P	92-08-065	480-93-110	AMD-P	92-06-086	495A-120-135	NEW-P	92-07-101
478-160-105	AMD-P	92-08-065	480-93-111	NEW-P	92-06-086	495A-120-135	NEW-E	92-08-004
478-160-115	AMD-P	92-08-065	480-93-112	NEW-P	92-06-086	495A-120-140	NEW-P	92-07-101
478-160-120	AMD-P	92-08-065	480-93-115	NEW-P	92-06-086	495A-120-140	NEW-E	92-08-004
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478-160-150	AMD-P	92-08-065	480-93-140	AMD-P	92-06-086	495A-120-160	NEW-P	92-07-101
478-160-155	REP-P	92-08-065	480-93-155	NEW-P	92-06-086	495A-120-160	NEW-E	92-08-004
478-160-160	AMD-P	92-08-065	480-93-161	NEW-P	92-06-086	495A-120-170	NEW-P	92-07-101
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